



# SPECIAL

## Planning Commission Meeting

Novato Unified School District Board Room

1015 Seventh Street

January 14, 2008

### MINUTES

75 Rowland Way #200  
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Mayor  
 Pat Eklund  
 Mayor Pro Tem  
 Jim Leland  
 Councilmembers  
 Carole Dillon-Knutson  
 Madeline Kellner  
 Jeanne MacLeamy

City Manager  
 Daniel E. Keen

**Present:** Peter Tiernan, Chair  
 Elvera Berson  
 Michael Blanchard  
 Dan Dawson  
 Jim Gildea  
 Calvin Willhite

**Absent:** None

**Staff Present:** Alan Lazure, Principal Planner  
 Louise Patterson, Senior Planner  
 Veronica Nebb, City Attorney  
 Jessica Woods, Recording Secretary

### CALL TO ORDER/ROLL CALL

Chair Tiernan called the meeting to order at 7:30 p.m. All Commissioners were present.

### APPROVAL OF FINAL AGENDA

**M/s, Dawson/Blanchard (passed 6-0) to approve the Final Agenda.**

**PUBLIC COMMENT -None**

### CONSENT CALENDAR

1. Approval of Minutes of November 19, 2007

**M/s, Berson/Blanchard (passed 6-0) to approve Minutes of November 19, 2007 as amended.**

2. Approval of Minutes of December 3, 2007

**M/s, Berson/Blanchard (passed 6-0) to approve Minutes of November 19, 2007 as amended.**

## PUBLIC HEARINGS

*Alan Lazure, Principal Planner, announced that Item 4 in regard to 1024 Seventh Street has been continued to the February 4<sup>th</sup> Planning Commission meeting.*

## NEW ITEMS

### **3. CHERRY HILL HOMES TENTATIVE MAP TIME EXTENSION 10705S; TENTATIVE MAP TIME EXTENSION APN: 143-072-31; 727 CHERRY STREET**

**Consider a tentative map time extension of an additional two years for the Cherry Hill Homes subdivision.**

Louise Patterson, Senior Planner, summarized the staff report and recommended that the Commission approve the time extension for the Cherry Hill Tentative Map per the attached draft resolution with all conditions contained in Resolution 93-05 for a period of two years from the date of the original tentative map expiration (August 9, 2007).

Commissioner Gildea believed there was a requirement that the request for extension be submitted at least 10 days prior to the date of expiring. Senior Planner Patterson agreed, but stated that when an applicant is actually pursuing the Final Map an extension is not necessary, however, due to the slump in the financial industry it is uncertain when this applicant will be able to secure the required insurance documents and therefore the time extension is being requested. Staff indicated that the request for the time extension was submitted in a timely fashion and the applicant is not seeking a waiver.

Chair Tiernan opened the public hearing on this item, and seeing no one wishing to speak, the Chair closed the public hearing and brought the matter back to the Commission for action.

Chair Tiernan asked for a motion.

**M/s, Dawson/Willhite (passed 6-0) to approve the Cherry Hill Tentative Map Extension as submitted by staff.**

### **4. OAK RIDGE ESTATES 10606M; MASTER PLAN 10609P; PRECSIE DEVELOPMENT PLAN 10607L; VESTING TENTATIVE MAP 10617D; DESIGN REVIEW APN: 150-030-01 AND -04; END OF SHEVELIN DRIVE**

**Consider making a recommendation to the City Council on a proposed Master Plan, Precise Development Plan, Vesting Tentative Map and Design Review for the development of four new single-family residential lots on 34-acre parcel.**

Louise Patterson, Senior Planner, summarized the staff report and recommended that the Commission approve the attached resolutions recommending to the City Council approval of the Oak Ridge Estates project addendum to the Sunset Ridge FEIR, Master Plan, Precise Development Plan with Development Standards Exceptions, Vesting Tentative Map and Design Review.

Commissioner Gildea desired clarification from staff on the four houses being built on only 4.2 acres. Senior Planner Patterson responded that it would include not only the building envelopes, but also roadways to access driveways. Commissioner Gildea clarified with staff that the other 30-acres is not involved with this project. Senior Planner Patterson responded that it is approximately 30-acres which are part of the project application, but proposed to be maintained as private open space. The Fire District does require a vegetation zone. Commissioner Gildea asked staff if the 30-acres would be available for development at a later date. Senior Planner Patterson responded that the Master Plan would restrict that area to private open space. Commissioner Gildea clarified that the 30-acres is essentially being retired. Senior Planner Patterson responded in the affirmative. The General Plan stresses protection of hillside scenic resources, staff is not sure how affordable housing fits in with protecting scenic resources. Staff explained that Policy EN. 27 is the main reason for protecting hillsides and reducing density and not allowing development on slopes greater than 25%. Commissioner Gildea asked staff if those policies would preclude development. Veronica Nebb, Assistant City Attorney, responded in the affirmative, absent an amendment to the General Plan.

Commissioner Willhite asked staff to discuss the affordable housing fee. Senior Planner Patterson responded that this project would be subject to the affordable housing fee for the four units, which is about \$28,000 per unit.

Gordon Walker, applicant/coordinator, explained that they have sincerely endeavored to bring a project that would be compatible with the hillside and the neighborhood. He provided some history about the project to the Commission for their consideration as to how they arrived at the proposal before the Commission tonight. He explained that they propose to develop a 4-lot minor subdivision, not a major subdivision. He sent out notices to surrounding homeowners and held a public meeting and received several comments, concerns and suggestions, so they revised their plan. During this period of time, he negotiated with Marin County Open Space to sell the 34-acres for open space, but they could not do it financially. He offered the 34-acres to the City of Novato and offered a combination of the City of Novato and the homeowners and neither could make arrangements, so they are moving forward with the 4-lot minor subdivision. They are using approximately 2-acres for the building pads and the other 30 plus acres will be private open space owned individually by each owner, but it is open space to the public. They now connected their project to the Indian Valley Open Space and to Marin County's Open Space by way of trail. They reduced the impact of 16 residential properties to four. They provided fire access along the top of the ridge. They are within the slope ordinance of under 25%. With the 16-lot subdivision, there were 90 to 98 trees that would be removed, which was a concern, so they now worked it down where there are only 28 trees removed from 90. They are working with the Fire Department, primarily Forest Craig and Bill Tyler and they walked the site with the project

engineer to make sure there is appropriate fire access and 12 trees must be removed for that fire access. He has letters from Mr. Tyler reflecting what is desired for the Commission's consideration. He stated that this is private open space, not owned by the City or County. It is private open space, so he contacted the Marin Conservation Corp to review the map and they agreed to help maintain the private open space. They will negotiate a contract with Marin Conservation Corp and the HOA to maintain the open space. On tree removal, they are removing 30 trees and therefore must have a replacement program per City ordinance, so he contacted the Junior Rotary Club of Novato that is working on the San Jose School, so he negotiated with them if they cannot plant on the property all the replacement trees, then they will plant the same replacement trees on the San Jose School property. They are heartfelt and sincere and have tried their very best. Many man-hours have gone into this project. He clarified that the project is owned by Gentium Homes and he is the coordinator only. He then introduced his entire team present tonight.

Jeff Berberich with Kimley-Horn & Associates, project supervisor, stated that after the first neighborhood meeting several design items came up, so they pulled Lot 1 and Lot 2 closer together in order to cluster them, which reduced some impacts, reduced the footprint, reduced the grading and tree removal. The project is designed to comply with all Design Hillside Guidelines. They also prepared some design guidelines which further build on the hillside guidelines as far as steering some development in a way that reduces impacts and preserves as much as possible privacy to existing neighbors and adds landscaping. Also, there is a vegetation management area that represents about 100 feet uphill of each building envelope and there is a 50-foot creek setback that is not included in the maintenance by the HOA but will be part of the open space easement that will be recorded and that will preclude any type of development and allow HOA to come in and maintain that open space area. In regard to tree removal, the numbers have fluctuated due to refining the project and working with the Fire Department. At this point, they are removing 28 trees to construct the houses and roadways and another 12 trees will be removed to create the fire access to protect this project and surrounding neighbors. They will work to mitigate per the tree removal and if they cannot replant the trees onsite they will be looking at other sites to replant. The previous project proposed was taking out 166 trees in total, so they are about 75% less as far as tree removal. They made substantial changes to have less impact on this site. In regard to grading, with the reduction of units, they will balance the site at about 1,300 cubic yards, both cut and fill. The previous project proposed about 73,000 cubic yards of which about 56,000 was import with approximately 6,400 truck trips associated and none of those impacts are associated with this project proposal. They made substantial changes to the impacts and grading. They also developed a remedial grading plan to reduce impacts to the site as well as tree removal. They worked closely with staff on a remedial grading plan that City staff is comfortable with. The visual impacts have been reduced as far as views from the neighborhood since there are only 4 lots. The previous project also had a large amount of 8-foot walls necessary to create flat pad and now they worked on creating stacked walls throughout the project, so most of the walls are 4 feet or two, 4-foot walls stacked with planting areas between to soften the walls and reduced some of the visual impact. They introduced landscaping adjacent to Lot 2 to help screen views from one of the existing neighbors. They introduced another row of trees that will help screen Lots 3 and 4. Several changes were made to address concerns of the neighborhood. In regard to drainage, they