



# Planning Commission Meeting

Novato Unified School District Board Room

1015 Seventh Street

February 4, 2008

## MINUTES

75 Rowland Way #200  
Novato, CA 94945-5054  
415/899-8900  
FAX 415/899-8213  
www.ci.novato.ca.us

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  
Calvin Willhite, Vice Chair  
Elvera Berson  
Michael Blanchard  
Dan Dawson  
Jim Gildea

**Absent:** None

**Staff Present:** Dave Wallace, Community Development Director  
Veronica Nebb, Assistant City Attorney  
Paul Bickner, Planner II  
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, Willhite/Gildea (passed 6-0) to approve the Final Agenda.

PUBLIC COMMENT - None

CONSENT CALENDAR - None

### PUBLIC HEARINGS

### NEW ITEMS

1. **1024 SEVENTH STREET APPEAL  
10720D; DESIGN REVIEW  
APN: 141-251-16; 1024 SEVENTH STREET**

Consider an appeal of the Community Development Director's approval of a Design Review for 5,449 sf duplex, on a level 13,050 sf parcel in a Medium Density Multi Family Residential, 4,500 sf per unit (R10-4.5) Zone District.

Paul Bickner, Planner II, summarized the staff report and recommended that the Commission adopt the attached resolutions denying the appeal and upholding the decision of the Community Development Director.

Commissioner Gildea discussed page 2 of the staff report under "*Environmental Assessment*" and expressed concern for Section 15303(a), which exempts single-family residences in a residential zone, but pointed out to staff that this is a duplex. Planner Bickner responded that Section 15303 covers all similar such type size structures, so they are all exempt. Commissioner Gildea added that the section just indicated does have a Section (b) and asked staff if Section (a) is appropriate. Planner Bickner responded that the Section 15303 is the exemption code section for all such minor construction and (b) would be for duplexes. Commissioner Gildea then discussed page 19 of the staff report in regard to the first paragraph, which stated, "*that the applicant has submitted a request for Design Review for an 5,449 sf first and second floor addition to an existing 1,280 sf home on a level 13,050 sf parcel in a Medium Density Multi-Family Residential, 4,500 sf per unit (R-10-4.5) Zoned District*" and expressed concern for "*an addition.*" Planner Bickner explained that due to the revised construction methodology necessary the applicant revised the application and it is no longer an addition. It will be a new construction and none of the previous structure will be utilized.

Commissioner Willhite asked staff the maximum number of vehicles allowed because he expressed concern for on-street parking problems. Planner Bickner responded that the application is for a duplex only. State law precludes the City from considering this proposal as anything but a duplex. As a duplex, they do require that the applicant provide two spaces in the garage and two independent accessible parking places, which has been provided. Staff cannot impose additional parking based on the use.

Chair Tiernan opened the public hearing on this item.

Gail Meyers, appellant, appealed the project at 1024 Seventh Street for the Gilead House for battered women. She then read a letter dated December 11, 2007, which was submitted to staff and the Commission that outlined four issues as follows:

1. There is no single-family home in the Northwest Quad over 5,440 square feet. The Design Review Commission goes by size, mass and if it fits in with the neighborhood. Therefore, it is too large for the single story homes on either side. It is massive and does not fit in with the neighborhood.
2. There should be no destroying of any part of the building before the appeal is heard. The sides of the house and garage are asbestos shakes and no doubt there is asbestos in the house after all these years. So no demolition should take place until this is addressed.
3. The Northwest Quad Plan gives reasons not to demo a single-family homes that is livable.
4. In regard to Design Review approval rules, Jeff Cavener is a member of the DRC may therefore be given priority by the Community Development Director.

Ms. Meyers then read a letter dated November 26, 2007 into the record, which she submitted to staff and the Commission expressing concern for parking; demolition plans; children

safety; the design of the building; size of the building; proposed fencing; number of bedrooms; tree removal; the high-density buffer; changing the character of the neighborhood; and impacting the neighborhood. Ms. Meyers also wanted to know who paid for this application. She believed the Director should be using discretion and believed the developer should have come to the neighbors in order to receive input. General Plan Appendix A under "Novato Neighborhoods" states, "that the City adopted the Northwest Quad in 1977 and the objective was to maintain a mixed residential use with high population concentration to the downtown while preserving the existing small single-family homes." Residents have expressed concerns that under present regulations sound single-family homes have continued to be displaced by multi-family units and the General Plans calls for preparing a specific plan for the Northwest Quad. This plan should be sent back and not revised to be a duplex. Also, when it goes through the DRC process, colors and materials are discussed, so this must start all over again and be sent back to DRC.

Winding Way resident understands the factors that led staff to direct this matter to administrative review because it appeared to have no controversy behind it, but many residents in the area did not receive notification about this project. His concern is the size of the building. It is a cumulative concern that he has with this project that will impact the neighborhood. He recommended scheduling a public hearing for this project in order for the developer and the City to receive public input and then the Commission can make a sound decision.

Valencia Court resident expressed concern for notification as well because she believed several residents on Vallejo, Sixth and Seventh Streets did not receive notification. She then submitted letters to staff regarding notification. She also expressed concern for parking because she believes adequate parking is not provided. She expressed her belief that the configuration of the building does not provide adequate parking for a duplex. In her view this is a facility, not a duplex. There are two or three offices, a conference room and the staff quarters is not connected. She objected to the size of the building and asked the Commission to start over in order to receive public input because the neighborhood should be involved in the design review process because the current state of the project does not fit in with the existing character of the neighborhood.

Valencia Court resident understands that the use of a group home could not be restricted, but this started out as an addition to a duplex and pointed out that it does not look like a duplex. There is an office, conference room and 6 bedrooms in one part and 2 bedrooms on the other side. A duplex should be self-sufficient and the functions are intermixed. She stated her belief that it is more like a bed and breakfast or a conference center, not a duplex. Because it is a duplex only four spaces are required and adequate parking is not provided. He also wanted to know who the applicant is because the name is not provided. He believed this duplex could be considered two group homes. A hotel parking requirement is one parking space for each bed in a hotel, so the staff report is contradictory in his view.

Marion Ave resident was not aware of this project and thanked the surrounding residents for informing him of such development. He then asked the definition of a "duplex" because what is indicated in the staff report is not in his opinion a duplex. When reviewing the location, this is in front of a park and bus stop and he expressed concern for dangerous

situations. He expressed concern for ongoing maintenance of the facility. He expressed concern for safety in regard to this group home. Before this facility is allowed in this neighborhood and disrupts the general appearance, the question of legal aid, education, maintenance and how do they define this structure as a "duplex" to fit in with a single-family home neighborhood should be addressed. He also expressed concern for this project not going before the DRC, since this is being demolished, then a total review must occur at the DRC level. He believed an EIR should be required. In regard to the survey that was conducted, he believes several residents had no idea this was occurring. He further asked that the neighborhood be given more opportunity to provide comments.

Winding Way resident hates to see projects come forward in this fashion and it is sad when neighborhoods cannot embrace projects due to the notification process. Neighbors must be included in the process in order to provide their comments and concerns. A transparency of this process is necessary to avoid future problems, so then when a project comes before the Commission everyone is on the same page. She hoped this can be done with neighborhood meetings and recommended going through the proper process.

Ms. Meyers wanted to know why her letters were not answered, no one responded to her comments. She asked how it is possible to demolish a single-family residence and not have the developer meet with the neighbors. This is their neighborhood and they must live with this project, so the developer should have met with the neighborhood to receive input. The Second Story Ordinance has been in the making for a long time and asked why this did not qualify. This City talks and rewrites and never follows through in her view. Most 5,000 sq. ft. homes have about three garages, not two. She then asked if a license is needed to operate this facility near a park in regard to the health, safety and welfare of children. She asked the Commission to make the right decision and require the design review process to occur. She stated her opinion that this is a huge building that is not designed right, which is another reason for the DRC to review.

There being no further public testimony on this item, Chair Tieman closed the public hearing and brought the matter back to the Commission for discussion and action.

Commissioner Berson knows under State law group homes are a different kind of animal, and asked staff if that precludes the process of receiving input from the community through a public hearing. Assistant Attorney Nebb explained that there is confusion. What is applied for and before the Commission is the construction of a duplex. Certainly the Commission can address any items relative to design review for a duplex including design review findings and facts as applicable. In terms of whether or not a group home or any of the facilities listed in State law that can locate and be considered a single family residential use, those are just that, residential uses of that particular property and conditions cannot be attached based on use as a group home.

Commissioner Berson clarified that the architecture of the building can be questioned. Assistant Attorney Nebb explained that neighborhood compatibility can be addressed and any items set forth in the required design review findings can also be addresses. Items such as design layout, parking requirements for residential structures and duplexes may all be considered. But the Commission cannot require additional parking for this particular