



THE CITY OF
NOVATO
CALIFORNIA

75 Rowland Way, #200
Novato, CA 94945-3232
415/899-8900
FAX 415/899-8213
www.ci.novato.ca.us

Planning Commission Meeting

Location: Novato City Hall, 901 Sherman Avenue

June 7, 2010

MINUTES

Mayor
Jeanne MacLeamy
Mayor Pro Tem
Carole Dillon-Knutson
Councilmembers
Denise Athas
Pat Eklund
Madeline Kellner

City Manager
Michael S. Frank

Present: Dan Dawson, Chair
Peter Tiernan, Vice Chair
Elvera Berson
Michael Blanchard
Sal Citarella
Jay Strauss

Absent: Calvin Willhite

Staff Present: Elizabeth Dunn, Deputy Community Development Dir.
Hans Grunt, Principal Planner
Jessica Woods, Recording Secretary

CALL TO ORDER/ROLL CALL

Chair Dawson called the meeting to order at 7:46 p.m. All Commissioners were present, except Willhite.

APPROVAL OF FINAL AGENDA

M/s, Tiernan/Strauss/ (passed 6-0-1) to approve the Final Agenda. Willhite absent.

PUBLIC COMMENT

Carmel Drive resident discussed the June 8th election and a letter from the Sanitary District about raising rates.

CONSENT CALENDAR

1. Approval of Minutes of April 5, 2010

M/s, Tiernan/Strauss, (passed 6-0-1) to approve the Minutes of April 5, 2010 as amended. Willhite absent.

2. Approval of Minutes of May 3, 2010

M/s, Tiernan/Strauss, (passed 6-0-1) to approve the Minutes of May 3, 2010 as submitted. Willhite absent.

3. Approval of Minutes of May 17, 2010

M/s, Citarella/Strauss, (passed 5-0-2-1) to approve the Minutes of May 17, 2010 as submitted. Tiernan/Berson abstained. Willhite absent.

PUBLIC HEARINGS

CONTINUED ITEMS

4. HOUSING ELEMENT UPDATE

Conduct a workshop to receive public and Planning Commission input on the selection of housing opportunity sites, and corresponding land use amendments and receive Planning Commission direction on a list of housing opportunity sites, and corresponding land use amendments to incorporate into the 2009-2014 Housing Element update.

Elizabeth Dunn, Deputy Director, presented a brief powerpoint presentation to the Commission on the Housing Element Update that included the following:

- Purpose of Tonight's Meeting:
 - Conduct a public workshop regarding housing opportunity sites
 - Discuss land use designations that implement Novato's share of regional housing needs
 - Receive Planning Commission direction on list of housing opportunity sites
 - Discussion next steps
- What is a Housing Element?
 - Required by the State of California for every city and county to adopt a Housing Element
 - The Housing Element is part of the General Plan and is updated every five years. Current cycle is from 2009-2014
- What must a Housing Element do?
 - Evaluate previous housing element
 - Assess housing needs
 - Identify adequate housing sites
 - Examine constraints
 - Involve all economic segments on community and meet specific requirements
 - Contains goals, quantified objectives and policies
 - Establish a five-year plan
- How much housing is needed?
 - Regional need = 214,500 units
 - Nine county region
 - Marin County = 4,882

- 2.3% of the regional share
 - Novato = 1,241 units
 - 25% of the Marin County share
 - .57% of the regional share
- Regional Housing Needs Allocation
 - The allocation is the number of units that a city or county can accommodate
 - For Novato, this is a total of 1,241 units
 - 5654 units have already been accounted for, so the City must demonstrate that 676 units can be accommodated
 - Need comes from:
 - Births minus deaths
 - Migration
 - New households
 - Fair share comes from:
 - Market demand
 - Job growth
 - Available land
 - Suitable infrastructure
 - Access to transportation
- RHNA Table
- Household Incomes – Family of Four:
 - Extremely Low: \$33,950
 - Very Low: \$56,550
 - Low: \$90,500
 - Moderate: \$96,800
 - Above: \$116,150
- Income Levels and Units Needed:

○ Extremely Low:	\$33,950	137/units
○ Very Low:	\$56,550	23
○ Low:	\$90,500	153
○ Moderate:	\$96,800	221
○ Above:	\$116,150	142
- Criteria used for Site Inventory:
 - Locate housing opportunity sites outside of the Downtown Area
 - Establish a density of 30 units to the acre
 - Locate housing near or on an existing bus route
 - Adjacent to existing retail services and schools
 - At least one acre in size
- Proposed List of Additional Affordable Housing Sites:
 - Some larger sites have a portion of the site identified at a higher density
 - Some smaller sites may have all of the site designated at a higher density
 - A delicate balancing act:
 - Fewer sites with more housing or more sites with fewer housing
 - Staff will have to justify why a density level is below the threshold of 30 units to the acre
- Examples of Affordable Housing:

- Open Doors, Los Gatos – 19 units/acre
- Tower Apartments, Rohnert Park – 25 units/acre
- Ocean Park, Santa Monica – 41 units/acre
- Casa Del Masetro, Santa Clara, Teacher Housing
- Next Steps:
 - Bring the Sites Inventory to the City Council for endorsement
 - Prepare the goals and policies and environmental document
 - Present this information to the General Plan Steering Committee
 - Prepare the draft Housing Element
 - Present the draft Housing Element to the Planning Commission and City Council
 - Submit the draft Housing Element to HCD
 - Bring the final Housing Element with HCD comments to City Council
 - Submit final Housing Element for certification to HCD

Commissioner Tiernan asked staff to walk the Commission and public through the process in regard to sites designated other than residential. Deputy Director Dunn responded that whether it is a residential property with a lower General Plan designation or a property that does not have a residential designation, City staff would need to change both the General Plan and zoning designation on the site. That provides the density that the State is asking for in order to allow the site to potentially be developed at that higher density. This is the starting block of the housing language. The community needs to come to some understanding as to what those sites and density will be as well as the location in the City.

Commissioner Berson visited all the sites and the Sloat Garden Center is an ongoing, very prosperous business and asked staff if they intend to sell. She then asked staff how much power the government has to designate these sites. Deputy Director Dunn responded that the General Plan now has Sloat Garden Center as medium density designation, which is along the eastern side of Novato Boulevard. It is already a non-conforming use. In conversations with that property owner in May, a few years ago the property owner was interested in selling, so the option is available to keep the business in place. They have a lease agreement and the property owner can reconsider keeping that business. In terms of notification, property owners were informed that sites were under consideration. In terms of government power, the City would not be entertaining eminent domain. They are dealing with private properties, and must accomplish the requirement.

Commissioner Strauss asked staff if ABAG's allocation is in proportion to Novato's population or are there other factors. Deputy Director Dunn noted that it is a matter of market demand, job growth, suitable infrastructure and access to transportation. San Rafael must provide 1400 units and the unincorporated area of Marin County is less than 800, so there are other factors.

Commissioner Strauss clarified with staff that out of 676 units, 516 are allocated to households \$90,000 or greater income, which is 77% and extremely low and very low are a total of 160 units that is spread throughout the City. Deputy Director Dunn responded in the affirmative.

Chair Dawson stated that there is no mandate that the housing must be built. Deputy Director Dunn responded in the affirmative. Staff noted that the flyer circulating in regard to the Novato

Boulevard site at Wilson is wrong in many instances. Chair Dawson clarified with staff that there are no active proposals for any of the sites at this time. Deputy Director Dunn responded in the affirmative.

Commissioner Tiernan attended an HOA meeting in San Marin and received considerable input in regard to the San Andreas site in San Marin.

Chair Dawson opened the public hearing on this item.

South Albion Drive resident discussed affordable housing at the Fireman's Fund and asked if homes that have already been built at Whole Foods will be counted. He also asked the Commission, when do they stop selling their souls to the devil? He moved to Novato from San Francisco and appreciated progress, but 8 to 12 police officers have been laid off along with City employees, so resources are not available for the additional housing. He further objected to the housing at the Fireman's Fund due to traffic, noise, and congestion.

Ridge Road resident submitted a letter to the Commission that included the following:

There is a discussion in almost all the neighborhoods of Novato with anger and fear towards the city and city council over the ABAG higher density requirements. It creates more social and fiscal problems. We do not need to crowd people into higher density areas. That is a proven recipe for social problems. We need to look at small land areas instead of multiple acres for low-income subsidized housing in neighborhoods, which already have high density and the units, which are too small. If redevelopment funds are to subsidize low-income housing, it makes sense that policemen, teachers, and firefighter with children would want to be in single-family homes near parks and schools and would not want to be in high density, small subsidized rentals with more noise, traffic and fewer parking spaces and parks. Perhaps, there are 50 smaller sites, which the redevelopment agency could subsidize and build or remodel to accommodate ABAG's mandatory housing quota. Can the Planning Commission ask staff to look at this? Related to that, is it possible to find other smaller sites and ask the redevelopment agency to use its housing fund for full or partial funding for building second units on single-family land? It is necessary to rezone arbitrarily – 30 units to an acre? Do we need to have higher density in areas, which have social problems of overcrowding, crimes such as murders, burglaries and assaults, and issues of safety, noise, traffic, aesthetics, parks, water, sewers, schools and changes in the quality of life residents in Novato? There is dissension in almost all the neighborhoods of Novato with anger and fewer towards the city and council over the ABAG high-density requirements. It creates more social and fiscal problems for us. Is it possible to identify sites near North Redwood Boulevard such as near the train stations, Buck Center, and on South Redwood Boulevard at the blighted trailer court near Ables Tire and brake shop? Can the zoning be applicable to the ABAG mandates? For some of the sites of an acre, which are surrounded by residents and high density rentals and condos, can the criteria and points be changed to include the fiscal impact on the city, water, sewer, school and fire district budget in terms of need for more police, community centers, parks and schools in the next 10 year? Just being close to transportation and shopping does not mean that high-density will solve the problem of under skilled and unemployed workers and retired seniors. Nor does the lack of parking space mean that renters will not buy or use cars and park them on the streets as we see now on Center and Diablo and Hill streets."

Hickox Road resident expressed concern for noticing requirements since he was not notified about this meeting. He walked the area and provided information to several residents, so the process has not been executed properly. He then asked the Commission to consider the impact on the fire department, police department and schools.

Wilmac Avenue resident discussed sites near Warner Creek, which has a long history of flooding. He expressed concern for noise, crime, and congestion. He desired specifics on those alleged studies. He pointed out that there is a Stream Ordinance as well as a management plan to address the take creek that must be considered. He further noted that all properties are in a federal flood zone.

San Luis Way resident expressed concern for the noticing procedure since she did not receive notice. If Novato's School District sells the land, then address the rezoning issue, not before. Rezoning is unnecessary since it is already zoned for 10 to 20 parcels per acre. Also, they are zoned metropolitan by ABAG, so why should they have to squeeze 150 units on 5-acres. Rezoning is unfeasible. There is no infrastructure, fire, police, water or sewer. San Marin is very disappointed that they were not consulted on this matter.

Arbor Drive resident expressed concern for the infrastructure. The City is laying off police, teachers, and firefighters. They must think about commercial real estate, which brings in tax revenue for the City. He believed the low-income numbers outlined in the staff report are not accurate. He then asked the Commission what is "*no income*," since several individuals are not working. This matter is very concerning and would appreciate the Commission's time and patience on this matter.

Vineyard Court resident submitted a letter in regard to the notice being inadequate. Also, these issues affect the community. The figures have been extremely difficult to receive, so there is a communication problem as well. Instead of having a situation where the community is represented to staff and then to the State, staff is representing to the community. This City must have an informed citizenry and Commission. Staff must explain the consequences of not complying with ABAG. The City has a golden opportunity in terms of the Census data, which will provide much better demographic data, so they must wait until that data is received. His biggest concern is density, not housing.

Clemente Court resident asked if the Commission has the authority to rezone an unused school site. There is a California case in San Bernardino where the court ordered the agency to conduct an EIR and reminded the agency that all environmental data should be on hand before spending money on rezoning. The San Andreas site was not developed, and given the longstanding relationship between San Marin property owners, residents should consider requiring a conservation easement. He then asked if the City has looked at any pre-zoning of unincorporated areas to be annexed to the City to be used as available property to satisfy the Housing Element. He pointed out that Mt. Burdell drains down to the Jr. High School site and some of that stormwater drains under his backyard into Novato creek. The creek serves as a habitat for steelhead salmon and wanted to know what, if any impact, development of high-density in terms of the school site will have on the steelhead salmon in Novato Creek. He further recommended

that staff go back to Sacramento and tell them that Novato does not need what they are demanding.

Clemente Court resident cannot afford to live anywhere else. Novato School District is on the low end of the revenue limit. This should be for teacher housing, which will help raise test scores and teachers will not have to relocate. Teachers relocate to other districts because they can make more money being employed elsewhere. They are talking about additional housing and Novato's population as of 2005 is 20% of the County population and is expected to carry 33% of the burden. 2582 housing units have already been built and recommended a moratorium on housing until the Census data is completed.

Clemente Court resident pointed out that this is a Novato issue. This will have a negative impact on the quality of life in Novato. High-density housing will overrun local services, police and fire in a time of reduced services due to budgetary cuts. There are no local bus routes in the area and several will use vehicles and add to the congestion. He wanted to know the ramifications if Novato does not comply with the State mandate. He then asked the Commission to listen to the community and stand up for the community and say, "no" to Sacramento.

Pioneer Court resident noted that Sacramento has not balanced the budget, so why comply with their mandate. The Commission must do what is right for Novato and not Sacramento and high-density housing is a bad idea. He further urged the Commission to object the proposal.

Buena Vista resident stated that high density, low-income development is a recipe for disaster. As an alternative, he would love to see Novato make it easier to develop a second unit on properties. He pointed out that there are so many financial and legal roadblocks in that regard. He reiterated that he wanted to know the penalty for non-compliance, and whatever it is, he rather pay the fine than live with the results.

Monet Vista resident stated that higher density housing produces more traffic, more pollution, and more water usage. Several are upset and angry because there has not been a lot of accurate information provided. The projected growth and needs assessment does not conform to Novato's population growth. Any type of high-density housing will affect the quality of life in Novato. Many proposed sites along Novato Boulevard will be within the School District and upwards of 300 units would be within the Lu Sutton School. Several teachers have received lay off notices and the School District cannot accommodate the additional people and urged the Commission to wait for the census data.

Sandy Creek Way resident expressed concern for potential break-ins. There is a lot more that must be done by the already stressed police department. Hamilton is referred to as "*Marin City North*" and the police department is busy with that development. This is a small town with a small police department. He wanted to know how individuals will be notified about these homes and who will be able to purchase these homes. He did not receive subsidized housing when he purchased his home. They City must look at the existing quality of life. Look at Whole Foods and the traffic just around that one structure as well as the Square with the inadequate stop signs. The current infrastructure needs improvement. The City must clean up the town, so all can enjoy. 50% of his neighborhood did not know this was going on, so this is seems sneaky.

Communication is key and Novato should mandate that the owners of “The Square” clean up the façade for a more attractive appearance.

McClelland Court resident received four notices about this meeting and felt it is a terribly waste of City funds sending out four notices to one residence. There is no infrastructure to support the additional units with the police department, teachers and City employees being laid off. The School District’s budget is a disaster. Bringing in high maintenance individuals will enhance that picture. The parks are in high demand. He encouraged the Commission to review crime patterns and police logs and the majority of calls being made are in subsidized housing. They must wait for the 2010 Census data for accurate information. Also, he asked if Novato is carrying more than its fair share. The future of the town will look like Vallejo if all this housing is built. 809 Diablo is very scary environment. He did not want degradation of this lovely town being the Commission’s legacy. He further encouraged the Commission to be the voice of the community in Sacramento.

Carmel Drive resident stated that they are talking about land use and then rezoning. She received a letter from the Water District to conserve water, and if City Council approves a project, then they have to provide water. She agreed that there should be a moratorium on building housing until water is addressed. They are asked to conserve water so developers can build housing. She understands that affordable housing advocates will sue the City, but with all those in attendance, the Planning Commission or City Council should write ABAG and asked them how they will address the water issue.

Estrella Way resident discussed high-density and the San Andreas site, and understands and supports the concept of infill as viable planning as well as the need for well placed high-density development around transit modes and SMART stations. If he proposed such units, he would be told that it was out of character for the neighborhood and result in impacts that would be unacceptable. In terms of the rest of the community, where is there another 30-units to the acre in Novato. It would be helpful for others in town to understand how that would appear in their suburban neighborhoods that is lower density.

Sheila Lane resident noted that the staff report outlines all income levels, which is vastly lower than what was stated earlier this evening. Whether they like it or not, this will go through since they are dealing with the government. 30-units per acre is ridiculous. She understands that affordable housing is needed, but they must be responsible in providing some type of affordable housing, which is the main goal. She did not understand why all the units are being clustered between a two-block stretch on Novato Boulevard. This represents 47% of the total number of units. Why is it that low income has to be clustered, from zero income up to \$78,000? She suggested looking at different areas in the City, if they have to have it, then spread out the affordable housing.

Novato Housing Coalition representative stated that the real estate market in Novato does not provide housing options for those that take care of their loved ones. There are many wonderful examples of housing complexes in Marin that would provide housing. The issue is that these affordable housing complexes are so well designed and well managed that several do not know they exist. This is a difficult process, there is not a development proposed, so there is a natural

tendency to imagine the worst possible outcome. The truth is, as staff stated, any specific development proposal would have a very thorough design review, environmental review and go through a rigorous public review process and then everyone can review specifics. Section 8 is a rental subsidy allocated to Marin individuals and that goes into private real estate that will rent. It is up to the landlord to rent and there is no requirement that any landlord rent to a Section 8 individual. The key is screening of residents and applications. Every landlord should screen applicants, conduct criminal checks and credit checks and most affordable housing managers do such checks.

Novato resident/gymnastics coach noted that she would be considered low income, and there are hundreds in Novato who are just like her. She used to work at Cal-Star Gymnastics because she wanted to work with children, but earned very little, so all can benefit from affordable housing. She chose to leave the job 2.5 years ago and her employer at Cal-Star has not found anyone to replace her, which is a serious impact on Novato's youth. Novato wants more places like Cal-Star and that comes with a hidden cost. They are lower paying jobs and they must be able to house those people. She asked the Commission to stand up for the hundreds like her. It is not about the State, it is about understanding that several in Novato do not earn very much and desperately need affordable housing.

Living Word Chapel Pastor pointed out that 1929 Novato Boulevard is not a good place to consider adding housing because they plan to be around for many years serving the community. They share their facility with a Korean Church that is in their third year of a 30-year lease. Handicap adults also use their space and DMV uses their property on Saturdays for traffic school.

Cabro Court resident is a Special Ed teacher from Novato Unified School District, and it is doubtful that he could purchase a home today in this community. Several colleagues commute in because they simply could not afford to live in Novato. Many young adults and teachers are not able to live in Novato and the backbone of the community such as fire, police and teachers must be taken care of.

Leland Drive resident/PTA President indicated that a home gives one hope. Think about seniors, divorce parents, disabled, and those who have lost their jobs. She was a news editor and received \$28,000 per year and like her, several struggle to make it in Novato. She now works for the Greenbelt Alliance and the goal is to protect the hills and open space. They encourage infill within City limits. The goal is to use that land well such as Virginia Grove. Do not imagine putting houses on Mt. Burdell or filling in Rush Creek, but on bus lines, to have walkable and thriving communities. She envisions a walkable community, with shops and townhomes and duplexes. Keeping sprawl off hills and within City limits will provide a healthy environment.

Sandy Creek Way resident asked the Commission to be their leaders. She pointed out that near 7-Eleven is a terrible place with several drug dealers. The community rather see the lawsuit for non-compliance than build these units. As leaders, she asked the Commission not to allow this to move forward.

Sandy Creek Way resident stated it is the fault of the government that teachers do not make enough money. They must turn around and tell the government to add affordable housing on State property. They are all scared and angry; the Commission must represent the community and tell the State to "*Stick it.*" He suggested adding a proposal on the ballot to stop housing and place a moratorium on housing and rezoning. Government in Novato must stand behind the community and work with the community, not against.

Topaz Drive resident felt the proposal in Bahia has been labeled senior affordable housing and that is a necessity in Novato. Seniors need accommodations and special housing. Bahia is not currently on the list for proposed affordable housing sites. The proposals before the Commission do not meet the needs of housing. There is no public transportation in Bahia and limited shuttle services. Major concern for seniors is the steep hillsides that compose the majority of the property in Bahia. Steep hillsides create issues with drainage. Living below the slopes presents major challenges. Many had to install French drains and have pumps under their homes. It is not hard to imagine how runoff will increase with parking lots and homes above their houses. This land was donated and it does not make it an appropriate site for affordable housing. Other infill sites with access to resources would be more appropriate.

Grassroots Leadership Network representative spends more than 60% of her income on her home in Novato so her children have all the opportunities. She commended the Commission and staff for their diligent efforts for coming up with a site inventory that is realistic. She encouraged the Commission to adopt the list and continue forward. She expressed concern about the prospect of costly litigation or a drawn out process. Due to economic uncertainty, it does not make fiscal sense to expose the City to this type of risk. The reality is that cost of housing is high in Novato and rest of Marin. Hardworking individuals and families represent a valuable component of Novato. Several struggle at this time. In an ideal world there would be no need for affordable housing and all would have resources to be adequately housed, but that is not the case. Reality is not ideal. This is a question of zoning to accommodate affordable housing in the future. When development is proposed, they will look specifically on the impacts. She further agreed that more affordable housing in Novato is a great idea.

Raymond Court resident stated that many in Novato come from other areas because they needed to find affordable housing. He was lucky to buy a house in Novato. It is hard to own a house and at times several may have to sacrifice. The Commission must enforce State law, but the State has no idea what is happening in Novato. If Novato does not want to follow the rules placed by the State that has no concept of their economic situation, then they should not and wished the Commission luck.

Knoll Drive resident discussed the property at Hill Road and staff mentioned that the property owners were notified, and desired a response from the owners about possibly selling. Housing density over at Hill Middle School is already present with several large apartment complexes. It was mentioned at the May 3rd Planning Commission meeting where a Del Mar resident indicated that housing values near Sutter and Diablo were decreasing while crime was increasing and Commissioner Willhite asked the community to bring the crime statistics to substantiate that information. He pulled up the area at Sutter and Diablo, and in that half-mile area, it was reported in a 6.5-month period that 113 crimes occurred consisting of assault, theft and sexual

abuse. There is a lot of crime in Novato and some is due to affordable housing, which must be considered.

Clemente Court resident congratulated everyone for attending this meeting. Several expressed disappointment in the absence of notices and desired the next forum to be a larger forum. He asked the timeline for making a decision and the process that the Commission will utilize in making a decision. Also, what are the factors the Commission will consider in making site decisions. He desired transparency in the decision-making. He also wanted to know the consequence for non-compliance. He asked if San Marin could be annexed from Novato. He agreed that homes values are decreasing due to crime. He further desired to know about the environmental studies in terms of City services, water, and so forth.

Sustainable Novato President appreciated the passion and expressed concern for the health of the community. They must reduce the amount of those that drive in and out of Novato. Affordable housing would help reduce traffic congestion, reduce GHG emissions and provide a better atmosphere. Volunteers for a group called, "*Respect Elders*," where Whole Foods and Trader Joes provide food to this organization that is distributed throughout Marin. There are 2000 families and growing that receive this food. Most are elderly and barely hanging onto their homes. Affordable housing could help seniors. Mix-use housing should be considered as well. Affordable housing is needed and it is about taking care of the people in this town.

Moore Road resident stated that 7 out of 10 workers in Novato commute in since their salaries make living in Novato cost prohibitive. Long commutes take a toll on teachers. If teachers were able to live closer it would become a raise for many. She met with a developer who specializes in teacher housing and provided photographs depicting beautiful sites. It has been a wonderful win/win. Neighbors who did object are now supportive and believed this would be a win/win at the San Marin site that will become an asset. Her vision for San Marin is about 50 units of teacher housing. She recommending dropping to 20-units per acre and move forward with the rest of the zoning as outlined.

Wilson Avenue resident did not feel low cost housing fits into their neighborhood of single-family homes. Removing the shopping center would not be a good idea and urged the Commission to work with the owner to revitalize that site, since it is very important for those in the neighborhood.

Non-profit Housing Association representative appreciated this workshop and believed answers to all the publics questions should be provided on the website to give better clarity and remove the misconception. They are looking at accommodating teachers, firefighters, and police. If they can agree on housing sites, then discussions can occur on the appearance and management. The School Board will work with the best non-profit to build a safe and great place to live. The non-profit manages places that have created nationally award-winning homes for bank tellers and teachers. The School District and church zoned sites have an opportunity to partner to have great neighbors.

GP Steering Committee member appreciated all the enthusiasm and indicated that they must agree on what problem they will solve within Novato. He heard several comments that will be

discussed by the General Plan Steering Committee to address affordable housing issues. They must make decisions based on facts, not fear. Affordable housing is needed for City employees and it is clear that they do not want “Marin City” or “Hunters Point” built in Novato. They may need to rethink the density on certain sites and further noted that this is an ongoing process. Commissioner Tiernan recommended that the Steering Committee invite the community to their meetings, which meets the second and fourth Wednesdays and all meetings are posted on the City’s website.

Chair Dawson called a short recess at 9:50 p.m. and then reconvened at 9:57 p.m.

VP Sustainable Novato representative would love to see this kind of turnout at one of her forums. There is a lot of emotion and fear and that is the crux of not having communication. Staff must get the facts out to the public. English is not her first language, and her family would have been considered low income as well as her children. They need to take a step back and find out what the facts are and act accordingly. They do not like having Sacramento dictate, but there are ways to compromise. She asked everyone to take a deep breath and figure out the facts in order to work toward solutions.

SMIA Acting President opposed the rezoning of the San Andreas site. She asked that staff have a workshop and appreciated the workshop tonight. They notified residents and letters were written and the Commission will continue to receive letters. San Marin is a quiet neighborhood. There are 1700 homes and most are built four to seven homes per acre. Changing to accommodate 30-units per acre is out of character. Most are older homes built in the 1970s with beautiful backyards and the density proposed is completely opposite and will impact the neighborhood, the school, safety, police and fire, drainage issues and contamination from the old gas station. San Ramon has over 80 kindergarteners and the school can only accommodate two rooms, not four. She asked where would the children from such a dense housing community go to school. What about extra services that children may need. Many transferred out of Hamilton Schools and the City lost money. Traffic study must be conducted on the San Andrea site. Both are one-way streets. San Marin has no traffic lights. With the kind of density flowing out onto one-way roads, a traffic light will be needed and many object. It will be a huge impact. Public transportation is constantly being cut. Consider sites closer to the SMART Train such as the Travel Lodge site or the old Birkenstock building, possibly the Home Depot site. What about the community house next door that has been vacant for years. All of these sites are closer to downtown and closer to services. High-end grocery store and small mom and pop stores that shut down early is not a feasible location for high-density housing. They must think about the impact on police and fire. With high dense areas, police and fire are called out more often. Funding continues to decrease. Who will pay for the police? This site sat untouched for over 30 years, but has been invaded by nature. Deer, frogs, ducks and several others along with plants now thrive. This is not a feasible site since it has become a sensible wildlife habitat. Part of the ground was contaminated, so they must recheck for contamination. The City receives tax monies from the State, but how can the State of California impose such strict housing requirements on a City that has no money. San Marin residents are regular people and the City must listen to the State, but the City works for residents and the Commissioners are advocates for residents. The Commissioners should be advocates for residents that live in Novato now, not 5 to 10 years from now. She further asked the Commission not to rezone the San Andreas site.

Hill Road resident stated that the City is rezoning the property against the neighbors' wishes. They must consider how much of the Hill Road site is buildable. It is a very steep parcel with a creek that must be considered. The City will incur a cost of placing a road to Novato Boulevard since the shopping center owns the land. The apartments that already exist in the area are low-income housing. Police and fire respond to calls constantly in that area. He is against density, and did not want low-income housing. He feels sorry for teachers, fireman and police who have no place to live, but the City cannot designate the low-income housing for City employees and so forth because that would be discrimination.

Mill Road resident agreed that several questions must be answered. She hopes the website can answer questions from the community and provide real information. She also wanted to know who represented the City in terms of ABAG. Also, can an ABAG representative attend a meeting and explain why Novato must handle so much load. Section 8 can be low and very low and there is no way to restrict Section 8. Density is a concern and wanted to know why within a two-block area all these sites are proposed. She hoped to have another grocery store in the neighborhood. Several homes are being robbed and broken into and now she must make sure the garage is closed and that windows are up and doors are locked. She desired answers from the Commission. Also, if these sites are designated, she believed that is where the density is headed.

Topaz Drive resident urged the Commission to follow the guidelines presented by Deputy Director Dunn at the last meeting. The guidelines rejected development in the isolated community of Bahia. Development would increase urban sprawl. With ample sites for infill development, Novato can avoid creating more urban sprawl and minimize its contribution to the global warming crisis. Build in areas that have nearby access to community services, employment centers and shopping. There are slope problems on Bahia sites and slopes are not compatible with development. She then thanked Deputy Director Dunn for her diligence in developing such responsible guidelines.

Marin Continuum of Housing & Services representative discussed affordable housing at Hamilton, and many are hard working, single moms, and folks with disability. They have housing now, but may not have housing in the future. In regard to the discussion about density and concern about extremely large development, he encouraged both the public and Commission to look at examples of density of 20 to 30-acres. Drakes Way in Larkspur is a good example. Possibly develop a list of sites to show members of the public the density range that could fit in with single-family neighborhoods. There are studies in Northern California that speak to affordable housing that increases diversity. In terms of crime, they are very concerned about the relationship with the community and want to address any issues that may come up. He urged the Commission to review real facts and make decision based on those facts.

Sustainable Novato representative discussed the fear element and walked several neighborhoods of Novato while campaigning and she is proud to live in Novato and going door-to-door renewed her faith in Novato and humane condition in general. She felt afraid twice, once when dogs surrounded her and then when someone in a large single-family dwelling verbally abused her on issues. She had been to apartment housing and senior dwellings, Hamilton, downtown Novato and felt very safe and welcomed by most. Member of Sustainable Novato stand ready to meet

with neighbors, the Commission and staff to get the facts straight, come together and map out a solution for the community. There are several important studies that show that those that live and work in the same community increase sales tax by supporting local businesses. She supported affordable housing and workforce housing and encouraged the Commission to adopt the site list as presented tonight.

Eden Housing representative explained that they are long-term owners of housing and self-management. Most important relationship is with cities and neighbors located next door and around housing. It is critical to maintain relationships for a healthy community and to continue to expand and continue their mission, which is to provide affordable housing for working, retired, senior and disabled individuals as well as access to transportation, schools, parks, and retail amenities. They work in partnership with planners and community members in designing new developments. They engage with the community and are very sensitive to the community. She suggested that any kind of affordable housing will most likely be built with a non-profit partner that will be a sustainable organization that wants to be a committed member of the community. People worry about property values and traffic and they must acknowledge and address concerns. This is a continuous issue and recommended that those interested check out there website at: www.edenhousing.org. They are happy to be part of the dialogue in this process. In terms of screening, it is in their interest to screen and look at credit history, landlord tenancy, criminal activity, and eviction. There is tremendous demand and need and not enough available and they can afford to be picky.

San Marin resident discussed eminent domain and to the extent certain sites cannot be included in the plan, and with the rezone of 30-units per acre, would the other units spill over. There is a disconnect between the fear and resolutions. There is a very low level of confidence that those would be appropriately matched. This is very much a surprise to several. To the extent there is a solution to housing, then make that a criteria for these units.

Lobo Vista resident believed the San Andreas site is not a good site since it is a bedroom community. He has lived in low income housing for most of his life. Low-income housing is a very good way to brew crime. He has known many that have become deeply involved in selling and usage of drugs because it was so prevalent in these low-income environments. A lot of Latino families try to pack a lot of people in a small living space and when too many people are placed in a situation with no money, several turn toward a difficult way of living due to financial problems. Low-income housing is needed, but San Marin is not a good place. People must survive and do whatever possible, and high-density brews crime. He has seen this town go from a quiet little community to drugs, gangs and a crime filled environment.

Monte Vista Avenue resident purchased a home in January behind "The Square" and to find out about this one week ago, he spent several nights reading the material. The City cannot guarantee once this is zoned 30-units per acre that the units will be for the teachers or seniors. Mixed-use is a possibility, but 30-units per acre is out of character. With staff reductions, the City does not have resources or time to focus on all the different projects. He wants to remain in Novato, but if this is where the community is headed, he is not sure if he wants to raise his children in Novato. The City has no control of whether an ideal non-profit receives the parcel.

Valley Oak Court resident opposed the idea and comes from a low-income family. Building more homes would impede on the quality of life. Several will be characters not living honestly and bring problems into the community. She recently moved out of the Canal area in San Rafael due to the fact that there are several low-income housing facilities. Novato is a quiet safe community. As years have gone on, it is becoming an increasingly dangerous area. Packing all these people into clustered areas will add to negative energy throughout the community. There are no community resources to accommodate additional people. The intention is good, but it is a bit ambitious. It will disrupt the natural flow of the community. Quality of life will decline if they continue on this path.

Sierra Vista resident lives behind the shopping center and is a hard working individual that does not make much money, but he sacrificed in order to purchase his home in Novato and urged the Commission not to turn Novato into Richmond.

Center Road resident still did not understand the criteria used to develop the list. He also wanted to know who benefits from the large properties. He questioned whether the City has taken the time to understand who will benefit from the large development. He expressed concern for certain areas his children visit in town. He desired more choices and several question the numbers. Low density is desired for some of these projects, but . the City must investigate and do their homework in order to carefully review the proposed areas.

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

Chair Dawson would appreciate a FAQ on the website as desired by the public, but asked staff to answer the following questions:

What is the key rational for eliminating the smaller sites from consideration?

Deputy Director Dunn explained that smaller sites are generally more difficult to development. They must have more sites at the same level of density, which can be very difficult.

What is the methodology used for notifying the public about meetings?

Deputy Director Dunn sent notices to properties in question and City code requires 600 feet from the boundaries of the property, so notices are sent to property owners and tenants. Noticing occurred for the May 3rd meeting as well. This meeting was noticed in the IJ as well as posted on the website. Staff further noted that State law requirement for noticing is 300 feet.

What is the consequence for non-compliance?

Deputy Director Dunn stated one issue is funding and it may preclude the City from applying for State or Federal funding. Right now the City receives State gas tax and there is no requirement for a city to have a certified Housing Element in order to receive those funds. There is a concern that a bill might be presented to require the City to have a certified Housing Element. As many stated, a more critical item is that the City could be sued. Advocacy groups are monitoring progress and may consider suing the City.

Rezoning of the school site?

Deputy Director Dunn understood that the site would not have to be maintained as a school site, so when and if the School Board chooses to sell, monies would get reprogrammed for the School District. Staff must further research rezoning.

What about annexing unincorporated land?

Deputy Director Dunn stated it is possible, but the City has an urban growth boundary, so that must be re-designated. It was a voter initiative, so that must go to the people. Staff agreed to research the requirements.

What is the basis for the income levels?

Deputy Director Dunn responded that income levels come from the federal government and the State does revisions, so all is coming from the State Department of Housing and Community Development (HCD).

Where else in the City are there 30-units per acre or more?

Deputy Director Dunn noted that they have development examples of comparable sizes at Wyndover and Hill Road as well as the Warner Creek project in the category of 25 to 26 units per acre.

What is the rationale for calling a site underutilized?

Deputy Director Dunn stated generally, staff is looking at sites that might have 50% or more undeveloped.

What is the owner's position on the Hill Road site?

Deputy Director Dunn contacted the owner previously, who was present tonight, but staff has not heard one way or the other.

What is the timeline for this process?

Deputy Director Dunn suspects they will have one, if not more, additional workshops with the Commission. Staff will recommend a site inventory and a recommendation on what those sites will be, which will go to the City Council. Those sites will help prepare the language for the goals and policies of the Housing Element update. Staff further added that it is critical to have sites early on in the process.

What is the legal requirement for the timing of the Housing Element?

Deputy Director Dunn indicated that the City is past due by approximately one year.

What are the factors for selecting sites in general?

Deputy Director Dunn reviewed the previous list prepared by the Commission back in June of 2009, and saw some commonalities in terms of proximity to transportation, schools, services, and shopping. Staff did not have the confidence that the smaller sites could be developed.

Is it possible to annex from the City?

Deputy Director Dunn stated that the real issue of an area is to be commercially and financially viable. The area must have a commercial base to support residential properties. Staff questioned

whether there is adequate commercial viability in San Marin. If de-annexed to Marin County, then Marin County's allocation would increase, so the housing numbers would shift.

What would happen if the site is rezoned in terms of assessment?

Deputy Director Dunn suspected there might be an increase, but it is not until there is an actual sale when property taxes change.

ABAG representation?

Deputy Director Dunn agreed to investigate.

In terms of eminent domain, if a site is designated and that site falls apart, what happens to that designation?

Deputy Director Dunn responded that staff must find another site with comparable number of units.

Why is North Redwood not part of Housing Element update?

Deputy Director Dunn said the City is going through the process of understanding land use changes for the Redwood Corridor. Recommendations from the Steering Committee will be brought to the Commission at the June 21st Planning Commission meeting. Retail commercial is meant to encourage commercial and housing could occur. HCD will not look at that designation as providing housing. That process in terms of getting a recommendation from City Council on North Redwood would come later this year.

What is the distinction between second units and duplex housing?

Deputy Director Dunn noted that a second unit is a cottage and a duplex is two units of equal size.

Permit amnesty, if illegal units were legalized would those count?

Deputy Director Dunn responded in the affirmative. There has been a change in State law to allow as a right, but that would be a permit issue for the City of Novato.

Commissioner Berson noted that several were concerned about the San Marin site and only 5-acres are to be developed and asked staff what will happen to the remaining acres not being developed. Will they be used for amenities or quality of life to enhance those living in the area and could the density be reduced. Deputy Director Dunn suggested 5-acres for high-density and the balance would remain at medium density. A portion of that site will have a higher density designation.

Commissioner Berson discussed the Novato Square Center where 3-acres are proposed to be developed, and asked staff if a portion of that site will be used for development will the rest of the site be used for commerce. Also, does the City have any enforcement over that site. Deputy Director Dunn responded that the site is different than others because the General Plan and zoning allows for housing in the neighborhood/commercial district, so it could have housing as a right. Some stores would have to be relocated or demolished. The site as it is could not accommodate housing, so most likely some portion would have to be reconfigured.

Deputy Director Dunn noted that staff anticipates an environmental review, but desired a site inventory to conduct an environmental review, and then thorough environmental documentation will occur, but after sites are outlined.

Commissioner Strauss heard a lot about the impact on infrastructure, and asked staff if those factors were given consideration in site selection. Deputy Director Dunn responded that it would be part of the EIR process.

Commissioner Tiernan stated assuming a recommendation is made and the EIR comes back and indicates that sites are constrained, then would the Commission go back through the process. Deputy Director Dunn indicated that would be part of an EIR. They must go through an alternative discussion. Staff would know early on what sites could accommodate and the constraints. If additional sites are needed, that could be a recommendation to the Commission to potentially add sites to the list. Commissioner Tiernan pointed out that this is preliminary in the process and there will be a lot more pieces to this puzzle. Also, "The Square" is designated neighborhood/commercial and for North Redwood mixed-use makes sense. Deputy Director Dunn stated that as part of the North Redwood update, the Steering Committee identified an area to focus on commercial and residential. It could ultimately be developed in that fashion and the City could take credit for residential. Commissioner Tiernan desired a mixed-use zoning of 60/40 with residential 60 and commercial 40. Chair Dawson noted that one concern is getting to specific on the mix, which may make the possibility for development that much more challenging. Requiring residential as part of mixed-used was discussed. Urban village would be appropriate, but in the commercial mixed-use district it is problematic. It would require, if residential is desired in that commercial area, that residential be built concurrently with the commercial aspect.

Commissioner Tiernan stated that in some properties, the housing stock is aging and asked staff if they could do a zoning overlay when renovated to go three stories to capture density. If property owners wanted to renovate, possibly have a zoning to capture affordable housing. Deputy Director Dunn agreed to look at an overlay zone. They must be very clear on the purpose, but staff could provide such examples. Commissioner Tiernan added that the City will be approaching build out, so they must get over this bridge.

Chair Dawson asked staff if the City talked to HCD about including a certain percentage of second units. Deputy Director Dunn has not, but staff will inquire. That is often very difficult in terms of previous discussions in regard to maintenance. The State is looking for a level of certainty. Commissioner Strauss asked if there are regulations and policies that address this matter. Deputy Director Dunn noted that mix-use comes from HCD and State staff is looking for certainty. In terms of second units, it has not been a technique since it is so isolated. Hans Grunt, Principal Planner, noted that in terms of permitted accessory structures, that door has been open but due to impact fees and other factors, the City is not seeing a significant demand for the creation of accessory dwelling units.

Commissioner Citarella understands Fireman's Fund is not considered, but if it proceeds and affordable housing is included, would the City benefit from those units. Deputy Director Dunn responded in the affirmative.

Commissioner Berson asked staff, in the case of San Andreas site, is it possible to reduce the 30-units per acre and mandate teacher housing. Deputy Director Dunn responded that the Planning Commission and City Council many choose to do that and staff will have to find another site to accommodate. The acreage could drop as well. Also, staff must review teacher housing. Staff must understand how it works to create such guidelines and criteria to focus on teacher housing. Principal Planner Grunt noted that if legally feasible, staff would provide direction in the Housing Element to examine, and if appropriate, assign as teacher housing.

Commissioner Tiernan believed they will have another workshop, and asked staff to provide a conceptual around the perimeter that would match lot lines and in the middle have units that are more dense with green space to understand what is possible. They must have a concept of what it feels like to help with the fear factor. Deputy Director Dunn agreed to provide a mockup with their consultant. Principal Planner Grunt suggested reviewing similar examples as well.

Deputy Director Dunn believed the next available meeting is in August or a special meeting could be scheduled. Staff will check the Commission's availability. Commissioner Strauss is not in favor of a special meeting. This process must be interactive. He added that communication is very important. Questions from the community must be answered and vetted and found the August meeting to be appropriate.

Commissioner Blanchard believed 676 units is ridiculous. Novato has done a great job providing affordable housing. If ABAG is mandating 676 units and 30-units per acre, which everyone believes it is too many and too dense, then the community has no control and that will not wash well with any community, especially Novato. They should build affordable housing, but under these constraints is ridiculous. They should be as generous as possible with the resources they have. School funding cannot be rectified. The idea that this is pushed onto the City with no ability to control can only upset the community.

Chair Dawson had no objection to a special meeting, but agreed they must figure out how to move forward and figure out appropriate strategies.

GENERAL BUSINESS - None

UPCOMING AGENDAS AND QORUMS - No discussion.

ADJOURNMENT

By order of the Chair, the meeting adjourned at 11:28 p.m.

Respectfully submitted,
Jessica Woods
Recording Secretary