

COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

August 6, 2013

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SUBJECT: Black Point Improvement Club et al. Appeal of the Planning Commission's Approval of the Balestreri Use Permit 13-1 and Design Review 13-20
275 Olive Avenue, Novato
Assessor's Parcel 153-190-24

Dear Supervisors,

RECOMMENDATION:

On June 10, 2013, the Planning Commission approved (4-3) the Balestreri Use Permit and Design Review application to construct a solar energy facility at the existing Green Point Nursery. On behalf of the Planning Commission, staff recommends the Board deny the appeal filed by Black Point Improvement Club, Marin Audubon Society, and the Olive Ridge Home Owners' Association and sustain the Planning Commission's action by adopting the attached resolution to approve the project.

SUMMARY:

The Planning Commission approved the construction and operation of a 663.6 kilowatt (kW) photovoltaic solar farm at the corner of Olive and Atherton Avenues, after finding that the proposal is an allowable use and compatible with all relevant policies and standards. The non-reflective solar panels would attain a maximum height of six feet above grade sloping down to 1.5 feet above grade, and have a footprint of 0.97 acres on the 19.98-acre lot. The panels would be located outside the 100-foot buffer to the adjacent, delineated wetland. The existing nursery structures, operation, and parking would remain. The proposed system would be connected to an existing PG&E substation with the generated energy delivered to the California Independent System Operator grid. The applicant provided studies that determined the construction of a new solar farm on developed property would not result in significant environmental impacts, including a wetland delineation, biological assessment, and archeological report. In their approval of the project, the Planning Commission determined there would be no visual impact.

The Black Point Improvement Club, Marin Audubon Society, and the Olive Ridge Home Owners' Association filed an appeal of the Planning Commission's approval, asserting the following: 1) the project is not Categorical Exempt from the California Environmental Quality Act (CEQA); 2) all Use Permit findings cannot be made, 3) the project is inconsistent with the Baylands Corridor; and 4) a countywide ordinance is

needed to guide the regulation of solar facilities. Responses to the bases of appeal are included in the attached recommended resolution to approve the Balestreri Use Permit and Design Review. In conclusion, staff did not find a sufficient basis in the appeal to overturn the Planning Commission's decision.

REVIEWED BY: (These boxes must be checked)

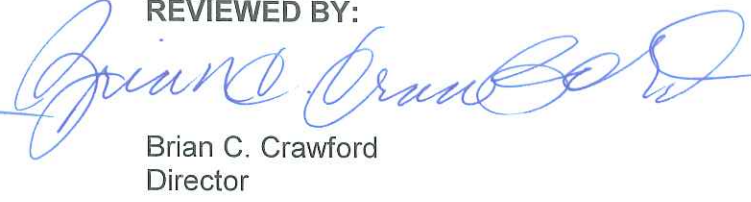
<input type="checkbox"/> Department of Finance	<input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> N/A
<input type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> N/A

SIGNATURE:



Lorene Jackson
Planner

REVIEWED BY:



Brian C. Crawford
Director

ATTACHMENTS

1. Recommended Resolution Denying the Black Point Improvement Club et al. Appeal of the Balestreri Use Permit and Design Review
2. Black Point Improvement Club et al. Petition for Appeal, June 24, 2013
3. Sustainable Novato Letters, July 22 and March 2, 2013
4. Sustainable Mill Valley Email, July 22, 2013
5. Greg Thomas Email, July 23, 2013
6. Captain Frank Cambria Email, July 23, 2013
7. Henry Barner Letter, July 23, 2013
8. Lou Bartolini Letter, May 8, 2013

Note: In order to conserve resources, the following documents have been provided only to the Board of Supervisors. These documents are available for public review at the Community Development Agency, Planning Division during regular business hours: Monday through Thursday, 8:00 am to 4:00 pm.

9. Minutes from Planning Commission Hearings on May 28 and June 10, 2013, and Resolution from the Planning Commission Hearing of June 10, 2013
10. Staff Report (with attachments) for the Planning Commission Hearing of May 28, 2013
11. Supplemental Memo, May 28, 2013
12. Second Supplemental Memo, June 10, 2013
13. Third Supplemental Memo, June 10, 2013