



ZONING ADMINISTRATOR STAFF REPORT

DATE: September 14, 2017

TO: Zoning Administrator

STAFF: Vivek Damodaran, Planner I
(415) 899-8939

SUBJECT: **TRUMBULL MANOR GUEST HOUSE
CEQA – CATEGORICALLY EXEMPT- SECTION 15303
P2017-065; USE PERMIT AMENDMENT
APN 132-172-19; 50 RICA VISTA**

922 Machin Avenue
Novato, CA 94945-3232
(415) 899-8900
FAX (415) 899-8213
www.novato.org

REQUEST

Consider a use permit amendment application to allow for the construction of a guest house at 50 Rica Vista, adjacent to the existing Trumbull Manor structure.

PROJECT DESCRIPTION

The project site is a 42,937 square foot (0.986 acre) developed parcel that fronts onto Buena Vista, with access via a driveway to Rica Vista. The property owner currently operates a religious facility at the site. The residential zoning district in which the parcel is located requires religious facilities to acquire and maintain a use permit. This use permit amendment would allow for a guest house, in conjunction with the previously approved Trumbull Manor religious facility.

Guest House Use Components

- Not an independent living facility; cooking facilities are not permitted in guest houses.
- Overall floor area does not exceed 400 square feet.
- Intended for the temporary occupancy by lecturers and priests visiting the Trumbull Manor for religious retreats.



NEED FOR ZONING ADMINISTRATOR ACTION

NMC Sections 19.40.020, Table 4-1, and 19.42.050 grant the Zoning Administrator the authority to approve use permits and amendments thereto.

BACKGROUND

Applicant:	Daniel Macdonald, Architect					
Property Owner:	Trumbull Manor, Inc.					
Property Size:	42,937 square feet (0.986 acre)					
General Plan Designation:	Low Density Residential (R1); 1.1 to 5 units per acre					
Existing Zoning:	R1-7.5 (Low Density Residential, 7,500 square foot minimum lot size)					
Existing Use:	Religious Facility					
Adjacent Zoning and Uses:	<table border="0"> <tr> <td>North</td> <td rowspan="4">} R1-7.5 (7,500 square foot minimum lot size); single-family residential neighborhood</td> </tr> <tr> <td>South</td> </tr> <tr> <td>East</td> </tr> <tr> <td>West</td> </tr> </table>	North	} R1-7.5 (7,500 square foot minimum lot size); single-family residential neighborhood	South	East	West
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South						
East						
West						

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City of Novato Environmental Review Guidelines pursuant to CEQA Guidelines Section 15303, *New Construction or Conversion of Small Structures*. CEQA Guidelines Section 15303 exempts accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences. The proposed 400 square foot guest house is an accessory structure appurtenant to the existing religious facility.

STAFF ANALYSIS

Use Permit

The project site is assigned the Low Density Residential (R1) land use designation of the 1996 Novato General Plan and corresponding Low Density Residential (R1-7.5) zoning classification. The R1 land use designation and zoning district are applied to areas within the City that are appropriate for the development of single-family homes. The Municipal Code requires use permit approval for “*Religious Facilities*” in residential zoning districts.

On July 11, 1988, the Zoning Administrator granted a use permit to allow for the subject property to be used for religious retreats. The proposed guest house is considered an expansion of the

religious facility thereby requiring amendment of the existing use permit.

Findings

To amend the existing use permit for the construction and use of the proposed guest house, the Zoning Administrator must make the use permit findings specified in NMC Section 19.42.050.E. The following discussion and analysis addresses each required use permit finding:

Use Permit Finding 1: The proposed use is consistent with the General Plan and any applicable specific plan;

Use Permit Finding 2: The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Ordinance and any relevant Master Plan and/or Precise Development Plan;

Discussion (Finding 1 & 2): Trumbull Manor is designated Low Density Residential (R1) on the 1996 Novato General Plan Land Use Map (LU 1). The R1 land use designation is intended for areas appropriate for the development of single-family homes, community facilities, and other similar uses.

The Novato Zoning Code implements the land use designations of the General Plan by allowing some uses by right (permitted uses) and others with a use permit (conditional uses). In this instance, Trumbull Manor is zoned Low Density Residential (R1), which is the implementing zoning for the R1 land use designation of the General Plan. The R1 zoning district lists *Religious Facilities* as a conditionally permitted use and permits guest houses on parcels with R1 zoning. Based on this circumstance, the proposed guest house is considered to be an activity that is consistent with the General Plan.

As noted earlier Trumbull Manor, was granted approval of a use permit (UP88-028) allowing its use as a religious retreat center. The proposed guest house would support the retreat center by periodically providing sleeping quarters for visiting priests and lecturers. Given this use, the guest house is considered an expansion of the religious retreat, which requires amending the existing use permit.

The proposed guest house generally complies with all applicable development standards of the R1-7.5 zoning district and those of NMC Section 19.34.032 - *Accessory Residential Uses and Structures*. However, the guest house slightly encroaches into the front yard setback of the subject property and exceeds the applicable height limit by approximately 5-inches. The applicant is aware of these issues and has agreed to modify the project plans to bring the building into full conformance. The applicant requested to make such modifications to the construction drawings submitted during the building permit phase of the project. Staff is amenable to this arrangement and is recommending a condition of approval requiring the guest house be setback 25 feet from the front property line and the building height be reduced to a maximum of 16 feet.

Table 1. Guest House Development Standards

NMC Section 19.34.032	Setbacks (Minimum)			Height (Maximum)	Building Coverage	Floor Area Ratio
	Front	Side	Rear			
Zoning Code	25'	6'	20'	16'	40%	50%
Proposed Project	24' 5"	9' 10"	95' +	16' 5"	20.23%	< 50%

Use Permit Finding 3: The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

Use Permit Finding 4: The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and

Discussion (Finding 3 & 4): Trumbull Manor is a religious retreat center that hosts religious conferences, seminars, and studies. The guest house is proposed to accommodate guest lecturers and priests, who currently stay in local hotels and commute to Trumbull Manor. The guest house would provide on-site accommodation for these visitors, eliminating the need for daily travel to the project site. The proposed guest house would provide sleeping quarters, but have no cooking facilities. The guest house would not be rented or used as an independent living unit.

The properties surrounding Trumbull Manor are improved with single-family residences, all of which are eligible to maintain guest houses. Given this circumstance, establishing a guest house for intermittent use at Trumbull Manor would not be uncharacteristic or incompatible with surrounding single-family residences and is not anticipated to be detrimental to the health, safety, or welfare of any persons residing in the surrounding neighborhood or to the general welfare of the City.

Use Permit Finding 5: The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

Discussion: The guest house is proposed to be architecturally consistent with Trumbull Manor. In particular, the proposed horizontal siding material, roofing, and trim features match that of Trumbull Manor. The guest house will be painted a froth white color with gray accents and trim. These paint colors have been chosen by the architect to compliment Trumbull Manor. The guest house is considered to be located and of design that is compatible with and sensitive to existing and future residential land uses in the vicinity.

Public Notice

Pursuant to NMC Section 19.42.050.D, notices were mailed to property owners and occupants within 600-feet of the project site and a notice was published in the Marin Independent Journal. No comments were received at the time this staff report was written.

RECOMMENDATION

Staff recommends the Zoning Administrator make the required findings to approve a use permit amendment allowing a guest house in the northeastern portion of APN 132-172-19 (50 Rica Vista) on the basis of the findings discussed in the staff analysis above and subject to the conditions of approval specified below.

FINDINGS AND ACTION

In accordance with Section 19.42.050 of the Novato Municipal Code, the Zoning Administrator hereby grants an amendment to the use permit for Trumbull Manor, to allow for the construction and use of a 400 square foot guest house, on the basis of the findings discussed above and subject to the conditions of approval specified below.

CONDITIONS OF APPROVAL

The following conditions of approval shall be met to the satisfaction of the Novato Planning Division:

1. The approval granted herein shall not become effective until all appropriate fees billed by the City of Novato to the application account are paid in full in accordance with the City's Cost Base Fee System. Failure to pay said fees may result in the City withholding issuance of related building permits, certificate of occupancy, and recordation of final maps or other entitlements.
2. The guest house shall not be rented or used as an independent dwelling unit, without an approved permit from the City of Novato's Planning Division.
3. The guest house plans shall be revised to provide a minimum 25-foot front yard setback adjacent to Buena Vista (northerly property line) and a maximum building height of 16 feet prior to the issuance of a building permit.

The following conditions of approval shall be met to the satisfaction of the Novato Fire District:

4. An automatic residential fire sprinkler system is required per National Fire Protection Association (NFPA) standard #13D.
5. 'No parking fire lane' curbs and signs shall be installed in accordance with Novato Fire District (NFD) standard #204, as required by the Fire Marshal.

The following conditions of approval shall be met to the satisfaction of the North Marin Water District:

6. The property owner must apply to the North Marin Water District (NMWD) and enter into an agreement, with the aforementioned district, to complete financial arrangements for any new construction of water distribution facilities for the Trumbull Manor Guest House

project.

7. Prior to final occupancy approval, the occupant must make financial arrangements with the NMWD for water service and installation fees for a separate meter based on the District Regulation 1 – New Service Connections.

The following condition of approval shall be met to the satisfaction of the Novato Sanitary District:

8. A permit is required, with the Novato Sanitary District, for any lateral tie-ins to accommodate the proposed guest house's sanitary sewer drainage.
9. Indemnity and Time Limitations
 - a. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, attorneys and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys, or employees, to attack set aside, void or annul the City's decision to approve the application and associated environmental determination at issue herein. This indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorney's fees, and other costs and expenses incurred in connection with such action whether incurred by the applicant, the City, and/or parties initiating or bringing such action.
 - b. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, employees, and attorneys for all costs incurred in additional investigation (such as the environmental determination at issue herein or any subsequently required Environmental Document), if made necessary by said legal action and if the applicant desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents, in a form and under conditions approved by the City Attorney.
 - c. The applicant indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
 - d. Unless a shorter period applies, the time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure, Section 1094.6.
 - e. The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. The applicant is hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

FURTHER ACTION

No further action on the application will be taken unless an appeal is filed in writing within ten calendar days along with the required filing fee.

Steve Marshall, Zoning Administrator

Date