

Agenda Item 3



THE CITY OF
NOVATO
CALIFORNIA

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PLANNING COMMISSION STAFF REPORT

MEETING

DATE: August 29, 2016

STAFF: Robert Brown, Community Development Director

SUBJECT: **CONSIDERATION OF AMENDMENTS TO CHAPTER 19 OF THE MUNICIPAL CODE TO CLARIFY APPLICATIONS SUBJECT TO DESIGN REVIEW, CLARIFY DESIGN REVIEW AUTHORITY, TO INCREASE THE RADIUS FOR MAILED PUBLIC NOTICES AND REQUIRE THE POSTING OF AN ON-SITE NOTIFICATION SIGN FOR CERTAIN APPLICATION TYPES AND FINDING THAT ADOPTION THEREOF IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)**

REQUESTED ACTION

Consider adoption of a resolution recommending to the City Council approval of amendments to the Novato Municipal Code (Chapter 19 – Zoning) to clarify application types which are subject to design review, clarify design review authority and enhance notice requirements for certain types of applications and finding that adoption thereof is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(B)(3).

BACKGROUND AND ANALYSIS

At its meeting of November 29, 2016, the City Council provided direction on means of enhancing public notification and engagement in the development review process. These included endorsement of a “Tier” approach for public notification of development applications which associates the level of public notification methods with the type of applications involved. These tiers and the intended notification techniques are illustrated in Attachment 2.

The Council’s direction was to: “Update the Municipal Code to implement revised development noticing requirements and clarify procedures.” Staff proposes the following changes to the Municipal Code:

1. Modify Table 4-1, Review Authority, of the Zoning Code to retitle the Design Review application types as Minor and Major [Attachment A];
2. Modify Section 19.42.030, Design Review, to replace Table 4-2 Applicability of Design Review to add greater clarify of the types of projects which require design review of varying levels [Attachment B]; and
3. Modify Section 19.58.020, Notice of Public Hearings, to increase the mailed notice radius of Tier 1 project types (General Plan Amendments, Zoning Amendments, Master Plans, Precise Development Plans and Development Agreements) from 600 to 1,000 feet from the subject property and to require the posting of an on-site notification sign for Tier 1 and

2 project types [Attachment C];

Current Design Review Requirements

The Zoning Code currently identifies the types of new development projects subject to design review in Table 4-2. This table has proven to be confusing to both staff and applicants. It identifies three categories of design review [exempt, Director review and DRC (Design Review Commission) review] and lists both the types of projects and locations of projects (within certain zoning districts) subject to the varying levels of design review. The table addresses mostly single family structures, and addresses multi-family and non-residential projects as “all others.” This type of “catch-all” designation led to uncertainty, for example, of whether solar carports as accessory structures on non-residential sites would require design review. The table currently exempts review of single-story single-family homes in single-family zoning districts, but requires such review for the same structure on a site zoned for multi-family. Under the table, a single-family second story addition of any size, regardless of whether the home already had a second story, would require review. Since multi-family and non-residential projects aren’t specifically identified, an addition of any size would trigger design review. The table also does not address design review requirements cited elsewhere in the Zoning Code, such as the requirement for design review for exceptions to building heights (19.20.070 C), and accessory structure height, number and location (19.34.032 D.4, E and F).

Proposed Design Review Requirements

Staff proposes to replace Table 4-2 with a more detailed table basing the design review category by the type of project, including more specific categories for single family/duplex, multi-family and non-residential structures (new, additions and accessory structures), fences and walls, signs, and height exceptions (see Attachment B of the attached Ordinance).

Current Noticing Parameters for Planning Projects

Public noticing requirements for new private development and other types of planning applications are established in the City’s Municipal Code. Novato’s Zoning Code is like most cities in that it establishes a hierarchy for review and approval of planning applications based on the scope of the project scale or the application types applied for (e.g., zoning or General Plan changes, subdivision, design review).

In Novato, the smaller, less impactful application types are either ministerial (e.g., decisions made by City staff based solely on compliance with defined criteria, such as the building codes, without exercise of discretion) or are delegated to the Community Development Director or an appointed staff serving as the Zoning Administrator, for decision. For example, applications for building permits, accessory dwelling units, small group homes and day care facilities, home occupations, minor sign permits and accessory structures are staff actions which do not require notification of nearby property owners. However, for accessory dwelling units and minor land divisions (4 or fewer lots) a “courtesy notice” is provided to inform neighbors of the application and intended staff decision date.

Projects involving new commercial or multi-family buildings are typically reviewed by the Design Review Commission, and the Planning Commission makes decisions on projects involving new buildings, subdivisions of 5+ lots and potentially controversial Use Permits and Variance requests. Both bodies make recommendations to the City Council for final approval of larger applications involving zoning or General Plan amendments, new or substantially modified Planned Districts, and projects which are appealed.

Minimum noticing requirements for planning applications and those involving environmental

review documents (per the California Environmental Quality Act) are also contained in state law, which requires a mailed notice to property owners within 300 feet for certain types of planning applications and legal advertisements in a local newspaper for public hearings.

Novato is unique among Marin and Sonoma County jurisdictions in providing notification of planning applications to property owners and occupants of non-owner occupied single-family homes and condominiums within a 600-foot radius of the subject property -- double the noticing radius and four times the noticed area of most other California cities and the state's requirement, equating to an area of 26 acres. On average, 200 notices are mailed per application. Staff frequently exceeds the required notice radius in hillside settings with larger lot sizes or in instances where a portion of a neighborhood would not otherwise be included in the required radius.

Novato is also one of few cities in Marin and the Bay Area that require applicants proposing larger development projects to hold a neighborhood meeting shortly after the application is filed to provide neighbors an early understanding of the proposal and of the upcoming review process.

Proposed Public Noticing Requirements

Staff has reviewed noticing requirements and is proposing the revision of noticing protocols based on project size and impact to the community for both private development and the City's capital improvement projects.

For private development projects, mailed notice would be similar to that currently required, except that mailed notice for larger projects involving a General Plan, Master Plan or zoning change would be increased from a 600-foot radius to 1,000 feet, increasing the notice area exponentially from 26 to 72 acres, or from an average of 200 notices per hearing to about 600. In addition, on-site signage would be required for Tier 1 (4'x 8' sign) and Tier 2 (11"x17" sign) projects. The on-site signs will include a webpage address for a project webpage that will be created on the City's website for all Tier 1 and 2 projects providing project details (plans, studies, staff reports, eNotification sign-up), status and hearing schedule. Webpages for current Tier 1 and 2 applications being processed can be found at: www.novato.org/planningprojects.

Increasing the mailed notice radius from 600' to 1,000' increases the cost of mailed notification and dedicated staff time. A single-hearing application currently costs on average \$225 in postage and staff time for a mailed notice. Increasing the radius to 1000' triples the notice area (from 26 to 72 acres), with average cost rising to \$700 per application per hearing. For a larger project that involves a neighborhood meeting, DRC workshop, DRC hearing, Planning Commission hearing and City Council hearing, average noticing costs would rise from \$1,125 to \$3,400. These costs will be passed on to the developer

The screenshot shows a webpage for a project titled "RESIDENCE INN - NOVATO". The page layout includes a header with navigation links, a main image of the building, and several sections: "Description", "Location", "Applications Types", "Environmental Review", "Project Status", and "Status". The "Status" section shows a progress bar with stages: "Planning Application Submitted - Conceptual Design", "Conceptual Design Review", "Application Review", "Public Hearing & Decision", and "Built". The "Status" section also includes a "Current Status as of 6/26/2017" and a "Neighborhood Meeting (if required)".

or project proponent.

Onsite Noticing

One type of noticing that Novato has not previously required is onsite notification signage. The purpose of onsite noticing is to enhance neighborhood notification to those who live near or visit an area where a project is proposed. Staff recommends that onsite signage be required based on the size of a proposed project range from a large 4' x 8' (size of a full sheet of plywood) sign placed onsite at least 10 business days prior to a required neighborhood meeting or a hearing. Smaller projects would have an 11"x17" laminated notice mounted onsite.

The purpose of the onsite signage is to inform the community of the filing of an application and to seek detailed information about the project, including plans and hearing dates, on the project webpage.

These onsite signs briefly describe the project, provide staff and applicant contact information and identify a friendly URL to the project webpage on the City's website (e.g. novato.org/projectname). The project webpage provides project plans and studies, meeting/hearing dates, a status update and additional project details. It is proposed that the sign information remain static, e.g., that the sign not be modified each time the project description changes over the course of the review process or that each meeting date be listed, which would necessitate replacing the sign graphic several times over the course of the application review process. By directing interested members of the public to the City's website, more specific information can be provided and information can be updated on a regular basis by staff. Fabrication, installation, certification and removal of the large onsite signs by a local sign company would be \$563. Larger projects may warrant two on-site signs, as was required for The Square shopping center.

The smaller on-site signs would be installed by the project planner as part of their normal site inspection at no additional cost to applicants.



Mailed Public Notice Format

To help ensure that the City's public notices are recognized and provide helpful, timely, and accurate information, staff is proposing standards and guidelines on notice format and content (see Attachment 3). Staff has been exploring improvements to our public notices over the past few months as we evolve in this area. These improvements include:

- An increased font size for the title of the project as well as the body of the notice. It is proposed that the font sizes are never reduced to include more text, and that the notice either gets printed on larger stock or that the notice directs the public to the project webpage on the City's website for additional information.
- Use of colored paper stock to make the notices more identifiable. For tracking purposes, each department (e.g. Public Works, Community Development, Parks) will have an assigned color.

- Guidelines for organization of content (e.g. what is the action, how will it affect me, when & where will it happen, where can I get more information, and who can I contact for questions/concerns), content style (e.g. easier to read, understand, accessible), and titling of the specific City action have been developed and staff is receiving training.
- City logo on front & back, use of maps and graphics, and the addition of a date to indicate when the notice was sent out are all additional improvements that staff is proposing for the notice format.
- Staff has also streamlined the printing and mailing of the notices to improve efficiency and time investment by staff.

ENVIRONMENTAL ASSESSMENT

The proposed Zoning Ordinance changes are not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) because there is no possibility that the proposed amendments which are minor regulatory changes will have a significant effect on the environment.

PUBLIC OUTREACH

The City Council held a work session last November with a lengthy public session addressing the City's engagement efforts.

COMMISSION ALTERNATIVES

1. Adopt the attached resolution recommending to the City Council adoption of the proposed Zoning Code amendments.
2. Propose revisions to the proposed Zoning Code amendments to the City Council.
3. Request additional information or analysis from staff.
4. Do not adopt the attached resolution, recommending no change to the Zoning Code.

ATTACHMENTS

1. Resolution recommending modifications to Chapter 19 (Zoning Code) of the Municipal Code to the City Council
2. Project Noticing Tiers
3. Example of Revised Mailed Notice Format

Attachment 1

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO CHAPTER XIX (ZONING) OF THE NOVATO MUNICIPAL CODE REVISING SECTION 19.40.030 TABLE 4-1 REVIEW AUTHORITY, SECTION 19.42.030 DESIGN REVIEW AND SECTION 19.58.020 NOTICE OF PUBLIC HEARINGS TO CLARIFY APPLICATIONS SUBJECT TO DESIGN REVIEW, TO CLARIFY DESIGN REVIEW AUTHORITY, TO INCREASE THE RADIUS FOR MAILED PUBLIC NOTICES AND REQUIRE THE POSTING OF AN ON-SITE NOTIFICATION SIGN FOR CERTAIN APPLICATION TYPES AND FINDING THE ADOPTION THEREOF EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061 (b)(3)

WHEREAS, on November 29, 2016 the Novato City Council directed staff to prepare updates to City regulations to improve public noticing and clarify procedures associated with the processing of applications for new development entitlements; and

WHEREAS, the City has a long history of public engagement and a culture of activism and participation; and

WHEREAS, the City is committed to consistent, reliable and thoughtful public engagement and to strengthening the City's dialogue with the community; and

WHEREAS, the Record of Proceedings ("Record") upon which the Planning Commission bases its decision on the proposed amendment to the Municipal Code includes, but is not limited to: (1) the staff reports, City files and records and other documents, prepared or and/or submitted to the City relating to the proposed amendment; (2) all documentary and oral evidence received at public meeting and hearings or submitted to the City during the comment period relating to this amendment; (3) the City of Novato 1996 General Plan and its EIR; and (4) all other matters of common knowledge to the Planning Commission including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas. The custodian of records is the City Clerk of the City of Novato, 922 Machin Avenue, Novato, CA 94945.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve and recommends that the City Council approve the proposed Municipal Code revisions, as described in Exhibits A-C, based on the following findings:

1. The proposed Municipal Code amendments are consistent with the policies and programs of the General Plan as most currently amended and further the following goals and objectives to:
 - a. Utilize a design review process to assure compatible and appropriate development within the community (CI 1, 1.2 and 25).
 - b. Involve the public in land use decision-making.
2. The proposed Municipal Code amendments are not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) Section 15061 (b)(3). This ordinance does not result in additional development but increases public notification and clarifies existing design review procedures. It can therefore be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the 7th day of August, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of the resolution which was adopted by the Planning Commission, City of Novato, County of Marin, State of California, on the 7th day of August, 2017.

Planning Commission Chair

Attachment: Exhibits A-C - Proposed Municipal Code Amendments

EXHIBIT A

(revisions shown in underline for text additions and ~~STRIKEOUT~~ for text deletions)

19.40.030 - Concurrent Permit Processing.

**Table 4-1
Review Authority**

Type of Decision	Role of Review Authority (1)				
	Director/Staff	Zoning Administrator	Design Review Commission	Planning Commission	City Council
Administrative and Amendments					
General Plan amendments, including Urban Growth Boundary				Recommend	Decision
LAFCO dual annexation policy waiver				Recommend	Decision
Waiver for health and safety issues	Decision (4)			Appeal <u>Recommend</u>	Appeal <u>Recommend</u>
Zoning Map amendments				Recommend	Decision
Zoning Ordinance interpretations		Decision (4) <u>(2)</u>		Appeal	Appeal
Zoning text amendments				Recommend	Decision
Land Use Permits and Other Development Approvals					
<u>Minor Design Review (3)</u> Design Review - For single-family dwellings, minor additions, temporary or accessory structures and signs in all zones (2)	Decision (2) <u>(4)</u>		Appeal	Appeal	Appeal
<u>Major Design Review (3)</u> Design Review - All Other			Decision	Appeal	Appeal

Development Agreements				Recommend	Decision
Master Plan			Recommend	Recommend	Decision
Master Plan Amendments				Recommend	Decision
Precise Development Plan			Recommend	Recommend	Decision
Precise Development Plan Amendments - Minor architectural and site changes consistent with adopted Master Plan	Decision(5)		Recommend	Recommend	Decision
Precise Development Plan Amendments - All Other			Recommend	Recommend	Decision
Sign Permits	Decision (2) <u>(4)</u>		Decision	Appeal	Appeal
Specific Plans				Recommend	Decision
Temporary Use Permits		Decision (2)		Appeal	Appeal
Use Permits		Decision (2)		Appeal	Appeal
Variances		Decision (2)		Appeal	Appeal
Zoning Clearances	Decision (2)			Appeal	Appeal
<i>Subdivisions</i>					
Final Maps					Decision
Land Divisions (4 or fewer lots)	Decision				Appeal
Lot Line Adjustments	Decision				Appeal
Tentative Maps (5 or more lots)				Decision	Appeal
Master Plan Amendments				Recommend	Decision

Notes:

- (1) "Recommend" means that the Review Authority makes a recommendation to a higher decision-making body; "Decision" means that the Review Authority makes the final decision on the

matter; "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Division 19.54 (Appeals).

- (2) The Director or Zoning Administrator may defer action on permit applications and refer the items to the Planning Commission for the final decision.
- (3) ~~The Director may refer the matter to the Planning Commission for a recommendation to the Council. See Section 19.42.030 for description of Minor and Major Design Review.~~
- (4) The Director may refer the matter to a ~~higher review authority~~ Design Review Commission for the final decision.
- (5) The Director may refer the matter to a higher review authority for the final decision.

EXHIBIT B

(revisions shown in underline for text additions and ~~STRIKEOUT~~ for text deletions)

19.42.030 - Design Review.

- A. *Purpose.* This Section establishes procedures for the City's review of the design aspects of proposed development (for example, building design, landscaping, site planning and development, and signs). These procedures are not intended to restrict innovation, or variety in design, but rather to focus on design issues and solutions that will have the greatest effect on community character and aesthetics, to encourage imaginative solutions and high-quality urban design. The purposes of this Section are, therefore, to:
1. Recognize the interdependence of land values and aesthetics and encourage the orderly and harmonious appearance of development within the community;
 2. Ensure that new uses and structures enhance their sites with the highest standards of improvement and are compatible with surrounding neighborhoods;
 3. Protect the increasing values, standards, and importance of land and development in the community;
 4. Retain and strengthen the visual quality of the community;
 5. Assist project developers in understanding the public's concerns for the aesthetics of development, and
 6. Ensure that development complies with all applicable City standards and guidelines, and does not adversely affect community health, safety, aesthetics, or natural resources.
- B. *Applicability.* Table 4-2 identifies when Minor or Major Design Review is required, ~~and the responsible Review Authority.~~

**Table 4-2
Applicability of Design Review**

Type of Project	Design Review Requirement		
	Exempt	Director Review	DRC Review
Individual single story single family one story homes and accessory structures, including additions and alterations, under individual applications in the A, RR, RVL, and R1 zoning districts (except in hillside areas with slopes of 10% or more and in compliance with Section 19.34.032, Accessory Residential Uses and Structures).	■		
Ground floor additions, alterations, and accessory structures or landscape changes deemed visually or functionally insignificant by the Director.	■		

Co-located building-mounted, roof-mounted and ground-mounted wireless communication facilities which are determined by the Director to be consistent with design standards in Section 19.38.130	■		
Second-floor additions and accessory structures within R1 and PD districts, unless deemed by the Director to be visually or functionally insignificant or where a precise development plan prescribes other procedures.		■	
Two-story homes, second-floor additions and second-floor accessory structures within A, RR, RVL, R-1 and PD districts unless deemed by the Director to be visually or functionally insignificant, in which case they shall be exempt from Design Review.		■	
Multiple single-family detached homes and accessory structures in the A, RR, RVL, and R1, R4 and R5 zoning districts. (1)		■	
Temporary structures that will be removed within one year. (2)		■	
Additions and alterations in all zoning districts, except A, RR, RVL, and R1 that do not meet the specific criteria above. (2)		■	
Structures, including additions and alterations in hillside areas with slopes of 10% or more.		■	
Individual single-story single-family homes and accessory structures, including additions and alterations, under individual applications in the R4 and R5 zoning districts (except in hillside areas with slopes of 10% or more and in compliance with Section 19.34.032, Accessory Residential Uses and Structures).		■	
Individual single-family homes and accessory structures including addition and alterations in hillside areas with slopes of 10% or more. However, new accessory structures and minor additions and alterations to existing residential structures or accessory structures which constitute less than ten percent of the square footage of the structure to be expanded that are deemed to be visually insignificant by the Director may be exempted from Design Review. (2).		■	
All other land uses or development.			■

Notes:

(1) Only where the same basic design will be used more than once in the same subdivision.

(2) Landscaping plans may be required.

Project Type		Exempt	Minor Design Review (Director Review)	Major Design Review
Single Family and Duplexes	<ul style="list-style-type: none"> ▪ New single story structures ▪ Expansions not exceeding 500 square feet of existing floor area above the ground floor 	X	When on Hillside parcels with slopes of 10% or more ¹	On Appeal
	New structures of 2 or more stories and additions of 500 or more square feet of floor area above the ground floor		X ²	On Appeal
	Construction of 3 or more adjacent homes			X
Multi-family	New structures and additions greater than 40% of existing building square footage			X
	Additions that are 40% or less of existing building square footage		X ²	On Appeal
	Major alterations to existing structures, landscape and parking lots visible from the street		X ²	On Appeal
Non-residential structures	New structures and additions greater than 40% of existing building square footage			X
	Additions that are 40% or less of existing building square footage		X ²	On Appeal
	Major alterations to existing structures, landscape and parking lots visible from the street		X ²	On Appeal
Accessory Structures – Residential ³	Maximum 12 feet in height or maximum 8 feet in required side or rear yards	X		
	<ul style="list-style-type: none"> • Greater than 12 feet in height or greater than 8 feet in height in required side or rear yards • Exceptions allowed under Sections 19.34.032 D.4, E and F 		X ²	On Appeal
Accessory Structures – Non-residential	120 square feet in area or less	X		
	Greater than 120 square feet in area		X ²	On Appeal

Fences and walls	Greater than 6 feet in height and greater than 50 feet in length when adjoining a public right-of way		X ²	On Appeal
	All other fences and walls	X		
Signs	All permanent signs and Master Sign Plans		X ²	On Appeal
Improvements associated with an approved Temporary Use Permit		X		
Structures exceeding height limits as allowed under Section 19.20.070.C				X
Any Minor Design Review application referred by the Director in accordance with Section 19.42.030.D.4c				X

NOTES:

¹ Minor additions and new accessory structures which constitute less than 10% of the square footage of the existing structures and which are deemed to be visually or functionally insignificant are exempt from design review.

² Projects deemed to be visually and functionally insignificant by the Director are exempt from design review.

³ See Section 19.34.032 for height and location requirements.

C. *Timing of Design Review.* When required, Design Review shall be granted before the issuance of the Building Permit or the establishment of a temporary open lot use.

D. *Design Review Process.* The Design Review process shall be conducted as follows:

1. *Design Review Workshop.* At the option of the applicant, unless otherwise required by another section of this Chapter, the Director will arrange for an introductory workshop with the Design Review Commission (DRC) to review with applicant the City's standards and guidelines that may affect project site design, with respect to elements such as access, grading, tree removal, neighborhood compatibility, building placement and massing. The Director shall provide for courtesy noticing of property owners within 600 feet of the site.
2. *Application Preparation, Filing, Initial Processing.* An application for Design Review shall be prepared, filed and processed in compliance with Division 19.40 (Applications - Filing and Processing). The Director shall determine whether the application presents issues or sufficient public concern to warrant a hearing by the Design Review Commission or review and action by the Director.
3. *Evaluation of Proposal.* The Review Authority shall consider the design, location, site layout, and the overall effect of the proposed project upon surrounding properties and the City in general. The review shall compare the proposed project to applicable development standards, design guidelines, and other City regulations.
4. Minor Design Review by the Director.
 - a. *Opportunity for Hearing and Action.* An application for Minor Design Review by the Director shall be approved or disapproved by the Director no sooner than the 11th day after public notice has been provided in compliance with Division 19.58 (Public Hearings); provided that no public hearing shall be required unless requested in writing by an interested party on or before the 10th day following public notice.

- b. *Findings and Conditions.* The decision by the Director shall comply with Subsection E.; conditions of approval may be imposed in compliance with Subsection F.
 - c. *Referral to DRC.* The Director may defer action on a Minor Design Review application and instead refer the matter to the DRC for Major Design Review and decision in compliance with the following Subsection D.5.
5. Major Design Review~~by the DRC~~. Decisions ~~of the DRC~~ on Major Design Review applications shall comply with Subsection E.; conditions of approval may be imposed in compliance with Subsection F. Public notice of meetings shall be given in compliance with Division 19.58 (Public Hearings).
- a. *Design Review of Site Plan.* After the Director has determined the application complete and prior to any decision on any land use permits or other City entitlements required for the project, an application for Major Design Review shall be scheduled for a public hearing before the Design Review Commission for a recommendation to the Review Authority on the project site plan.
 - b. *Design Review of Building and Landscaping.* After the approval of the project land use permit by the applicable Review Authority, the Major Design Review application shall be scheduled for a public hearing before the Design Review Commission for approval or disapproval of project buildings, architecture, landscaping, color and materials.
 - c. *Combined Review.* The review, described in Subsection D.5.b above, may be combined at the applicant's request and processed in compliance with Subsection D.5.a, above; and shall be combined in cases where project requires Major Design Review but is not required by this Zoning Ordinance to have another land use approval at the same time.
- E. *Design Criteria.* In granting Design Review approval, the Review Authority shall impose conditions as deemed appropriate to ensure compatibility with surrounding uses, to provide good quality architectural and site design, and, to protect the public health, safety, and general welfare. Unless previously established by approval of a precise development plan, the following criteria shall be considered in reviewing an application for design review and establishing conditions for the project:

Site Design.

1. Height, bulk, and area of buildings and the overall mass and scale of the project in relation to the site characteristics, neighborhood, and surrounding land uses.
2. Site layout, buffers and setback distances and physical relationship of structures and uses on the site and to surrounding topography, natural resources, uses and structures.
3. Site access, including pedestrian, bicycle and equestrian access (if appropriate), parking and loading areas (including bicycle parking facilities) and on-site and off-site traffic and pedestrian circulation, access for recycling and refuse collection, loading and disposal.
4. Landscape elements, integrating opportunities for passive recreation facilities and outdoor use areas and adequate shading of pavement and windows.
5. Orientation to natural site amenities, scenic views, and protection, preservation and integration of scenic, historic and natural resources.
6. Integration of site into the pedestrian and traffic circulation system, including off-site improvements and opportunities for connections to adjoining streets, parks, open space, community facilities and commercial areas.
7. Articulation in building facades, exterior architectural design details, quality of materials, variation of textures, and harmony of colors.
8. Articulation in rooflines and the type and pitch of roofs and/or mechanical screening and overhangs for proper shading and solar access to windows.

9. Location, size and spacing of windows, doors and other openings and orientation for passive solar heating and cooling and the provision of awnings, enclosures and overhangs for entryways.
 10. Location and orientation of windows, doorways, and outdoor use areas and the potential for heat, glare, odors, noise or other disturbance from on or off-site sources (i.e., direct sun from west exposures, outdoor lighting, food service areas, recycling and refuse areas, mechanical equipment, roadways, railroads and aircraft overflights, etc.).
 11. Towers, chimneys, roof structures, flagpoles, radio, telecommunications and television masts/poles or other small projections
 12. Signage including the size, type, location, material quality, durability, textures, height, color, light intensity and integration into the building and street design, and the potential for distraction of traffic and/or obstruction of other signs, accessways and sight visibility areas.
 13. Location, design and standards of exterior illumination, including street lighting and signs.
 14. Location of utility installations, access for maintenance and visual screening.
 15. Location, design, visual screening and access for recycling and refuse disposal.
 16. Use of durable quality materials and provisions for long-term maintenance including identification of responsible party and funding source for public improvements and open space areas
- F. *Findings and Decision.* When acting as a decision maker, the Review Authority may approve a Design Review application only after first finding that:
1. The design, layout, size, architectural features and general appearance of the proposed project is consistent with the General Plan, and any applicable Specific Plan and with the development standards, design guidelines and all applicable provisions of the Municipal Code, including this Zoning Ordinance and any approved Master Plan and Precise Development Plan.
 2. The proposed project would maintain and enhance the community's character, provide for harmonious and orderly development, and create a desirable environment for the occupants, neighbors, and visiting public.
 3. The proposed development would not be detrimental to the public health, safety, or welfare; is not materially injurious to the properties or improvements in the vicinity; does not interfere with the use and enjoyment of neighboring existing or future developments and does not create potential traffic, pedestrian or bicycle hazards.
- G. *Post Approval Procedures.* The procedures in Article 5 (Zoning Ordinance Administration) for appeals, project changes, expiration, performance guarantees, and revocation, and the procedures in Division 19.44 (Permit Implementation, Time Limits, and Extensions), shall apply after the decision on a Design Review application.

EXHIBIT C

(revisions shown in underline for text additions and ~~STRIKEOUT~~ for text deletions)

DIVISION 19.58 - PUBLIC HEARINGS

19.58.020 - Notice of Public Hearing or Discretionary Action.

When a land use permit, or other matter requires a public hearing or public notice, the public shall be provided notice of an opportunity for public hearing or meeting in compliance with State law (Government Code Sections 65090, 65091, 65094, 66451.3, and 65850-65857, and Public Resources Code 21000 et seq.), and as required by this Division.

A. *Contents of Notice.* Notice of discretionary action or public hearing shall include:

1. *Hearing Information.* The date of the action or the date, time, and place of the hearing and the name of the individual taking action, hearing body or officer; the phone number and street address of the Department, where an interested person could call or visit to obtain additional information; and
2. *Project Information.* A general explanation of the matter to be considered; and a general description, in text and/or by diagram, of the location of the real property, if any, that is the subject of the hearing; and
3. *Statement on Environmental Document.* If a draft Negative Declaration or Environmental Impact Report has been prepared for the project in compliance with the California Environmental Quality Act (CEQA) and the Novato Environmental Review Guidelines, the hearing notice shall include a statement that the hearing body will also consider approval of the draft Negative Declaration or certification of the final Environmental Impact Report.
4. *Waiver of Hearing.* For administrative actions to be approved by the Zoning Administrator or Director, the notice shall specify the action date and officer and shall indicate that an opportunity for hearing will be provided if requested in writing prior to taking action on the application. If no request is received prior to the action date, the public hearing shall be waived and the application may be approved, denied, or approved with conditions.

B. *Method of Notice Distribution.* Notice of an accessory dwelling unit permit, or a discretionary action or public hearing required by this Division for a land use permit, amendment, or appeal shall be given as follows, as required by State law (Government Code Sections 65090 and 65091).

1. *Publication.* Notice shall be published at least once in a newspaper of general circulation in the City at least 10 days before the date of the hearing or action. Publication shall not be required for tree permits, accessory dwelling unit permits or Design Review applications.
2. *Mailing.* Notice shall be mailed or delivered at least 10 days before the date of the hearing or action to the following:
 - a. *Owners of the Project Site.* Owners of the project site. The owners of the property being considered in the application, or the owner's agent, and the applicant;
 - b. *Local Agencies.* Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected, and any adjacent City or County government;
 - c. *Affected Owners.* All owners of real property as shown on the latest county equalized assessment roll, within a radius of 600 as defined below~~feet~~ from the exterior boundaries of

54. *Additional Notice.* In addition to the types of notice required above, the Director may provide any additional notice with content or using a distribution method as the Director determines is necessary or desirable.

19.58.030 - Scheduling of Action or Hearing.

After the completion of any environmental documents required by the California Environmental Quality Act (CEQA) and the Novato Environmental Review Guidelines, the matter shall be scheduled for action by the Director or for a public hearing on a Zoning Administrator, Design Review Commission, Commission, or Council agenda (as applicable).

19.58.040 - Review Authority Decision and Notice.

A. *Decision.*

1. The Review Authority (Zoning Administrator, Community Development Director, Design Review Commission, Planning Commission, or Council, as applicable) may record their decision on the matter being considered at the conclusion of a scheduled hearing, defer action and continue the matter to a later date in compliance with Section 19.58.060 (Hearing Procedure), or in the case of the Zoning Administrator/Director, take the matter under advisement and issue a written decision.
2. Prior to, or at the conclusion of the notice period, the Director or Zoning Administrator may instead refer the matter to the Planning Commission or Design Review Commission, as appropriate for determination. The referral will require a noticed hearing before the Planning Commission or Design Review Commission.
3. The decision of the Council on any matter shall be final.

B. *Notice of Decision.* After the final decision or recommendation is rendered by the Review Authority, notice of the decision shall be mailed to the applicant, and the property owner, if different from the applicant.

19.58.050 - Recommendation by Planning Commission.

At the conclusion of any public hearing on a Master Plan or Precise Development Plan, a Development Agreement, a General Plan amendment, a specific plan, the Zoning Map, or this Zoning Ordinance, the Commission shall forward a recommendation, including all required findings, to the Council for final action.

19.58.060 - Effective Date of Decision.

A decision of the Director, Zoning Administrator, Design Review Commission, or Planning Commission (other than a recommendation in compliance with Section 19.58.050) is final and effective on the 11th day following the decision unless an appeal is filed in compliance with Division 19.54 (Appeals).

19.58.070 - Hearing Procedures.

- A. *Holding of Hearings.* Hearings shall be held at the date, time, and place described in the public notice required by this Division.
- B. *Continuances.* If a hearing cannot be completed on the scheduled day, the Review Authority, before opening the hearing or the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time, and place to which the hearing will be continued or may withdraw the item and continue the hearing pending further notice.
- C. *Additional Notice Not Required.* Additional notice for a hearing continued to a date certain is not required.

NOTICING TIER FOR PRIVATE DEVELOPMENT PROJECTS

Tier/ Decision-Maker*	Application Types		Noticing Requirements	Public Engagement
Tier 1 City Council decisions	General Plan Amendments, Zoning Map and Text Amendments, Master Plans & amendments, Precise Development Plans and major amendments, Development Agreements		<ul style="list-style-type: none"> ▪ Notice within 1,000'***, 10 days prior to hearing ▪ Newspaper legal ad (feature ad for projects of citywide interest) ▪ Project webpage ▪ Small on-site sign (large on-site sign for new development of 5+ lots or units or 10,000+ sf non-residential) 	<ul style="list-style-type: none"> ▪ Neighborhood meeting ▪ Design Review and Planning Commission hearings ▪ City Council hearing
Tier 2 Design Review Commission and Planning Commission decisions	Major design review Tentative Maps (5+ lots) Referrals of Use Permits, Variances or Zoning Code interpretations from CDD		<ul style="list-style-type: none"> ▪ Notice within 600', 10 days prior to hearing ▪ Newspaper legal ad (for Planning Commission decisions) ▪ Project webpage ▪ Small on-site sign (large on-site sign for new development of 5+ lots or units or 10,000+ sf non-residential) 	<ul style="list-style-type: none"> ▪ Neighborhood meeting ▪ Design Review Commission workshops and hearings ▪ Planning Commission hearings
Tier 3 Community Development Director/staff decisions	A	Ministerial Permits: Accessory dwelling units & minor land divisions (lot line adjustments or 4 or fewer lots)	<ul style="list-style-type: none"> ▪ “Courtesy Notice” informing of impending staff decision to approve if zoning criteria are met (no discretion) 	
	B	Minor design review and minor Precise Development Plan (PDP) amendments (e.g., façade changes, minor additions), heritage tree removal permits**	<ul style="list-style-type: none"> ▪ Notice within 300', stating decision date unless formal request to “bump up” to higher decision-maker 	<ul style="list-style-type: none"> ▪ Opportunity to request public hearing
	C	Zoning Administrator Hearings: Use Permits, Variances, Zoning Code interpretations	<ul style="list-style-type: none"> ▪ Notice within 600', 10 days prior to hearing ▪ Newspaper legal ad for Use Permits & Variances 	<ul style="list-style-type: none"> ▪ Zoning Administrator hearing

<p>Exempt</p> <p>Projects which <u>do not</u> require noticing</p>	<ul style="list-style-type: none"> ▪ Building permits ▪ Changes of use not requiring a Use Permit or Design Review ▪ New or expanded 1-story single-family homes, except in Hillside areas ▪ Minor exterior modifications to commercial or multi-family structures ▪ Minor site or architectural changes to a Planned Development ▪ Tree permits for non-heritage trees (< 24" diam.) or emergency removal of dangerous heritage trees ▪ Minor sign permits ▪ Accessory structures (sheds, trellises, fences, solar equipment, etc.), except in Hillside areas ▪ Home occupations ▪ Group homes (6 or fewer occupants) ▪ Daycare centers (14 or fewer children) ▪ Temporary uses (garage sales, fundraising car washes, on-site construction storage, etc.) 	<ul style="list-style-type: none"> ▪ None 	
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* Applications with multiple application types are processed together with a decision by the highest-Tier decision-making body.

** Notice for tree removal permits not required for emergency tree removal.

*** 1,000-ft. notice radius applies to Design Review and Planning Commission hearings as well.

Examples of Noticing Tiers for Current Development Applications

Tier 1 (City Council – GP Amendments, Planned Developments):

- Wood Hollow Hotel: Planned Development, design review
- Atherton Place Townhomes: Planned Development, design review, tentative map
- Oakmont Senior Living: GP Amendment, Planned Development, design review
- Hamilton Square Condos: GP Amendment, Planned Development, design review, tentative map

Tier 2 (DRC, Planning Commission – major design review, tentative subdivision maps, Use Permit referrals):

- 715 Lamont Avenue: New single family dwelling
- Laurel Ridge Apartments: Design review of senior apartments

Tier 3 (Staff level – minor design review, Use Permits, variances):

- 6 Stasia Court: 2nd story addition to single family home
- 2 Simmons Court: 2-lot land division

NOTICE OF PUBLIC HEARING



The City of Novato **City Council** will hold a public hearing to consider the following application:

Hearing Date	Tuesday, May 23, 2016 at 7:00 p.m. City Hall, 901 Sherman Avenue, Novato
Project Name & Application	Hamilton Hospital Assisted Living Facility Application No.: XX-XX
Project Location & APN	516 Hospital Road APN: 157-690-52
Project Description	Rehabilitation and expansion of former Hamilton Hospital as an assisted living facility (48 units) and memory care center (32 suites) for older adults. The 3-story facility would have total floor area of 71,072 sq. ft., inclusive of a new addition of 56,533 sq. ft.
Application Types	General Plan amendment, Master Plan amendment, Precise Development Plan, Design Review, Tentative Map
California Environmental Quality Act (CEQA)	The City Council will also consider an Initial Study and may take action to adopt a Mitigated Negative Declaration based thereon. Copies of the documents are available at the website identified below.
Planning Commission Recommendation	The Novato Planning Commission, at its public hearing of April 7, 2016, recommended the City Council adopt the CEQA Mitigated Negative Declaration, approve the general plan amendment, and conditionally approve the master plan amendment, precise development plan, and site plan design review for the project.
Staff Contact	Steve Marshall 415-899-8942 smarshall@novato.org
Application Information for Public Review	Project website: www.novato.org/234234 , or at City Offices: 922 Machin Avenue, Novato (open Mon.-Thurs. and alternating Fridays from 9am-1pm and 2pm-5pm.

If you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the Public Hearing.