



DESIGN REVIEW COMMISSION STAFF REPORT

MEETING

DATE: July 1, 2020

STAFF: Vivek Damodaran, Planner II
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**SUBJECT: COMSTOCK COMMONS LIVE/WORK
P2019-002; DESIGN REVIEW
APN 124-282-18; 200 SAN MARIN DRIVE**

REQUESTED ACTION

Conduct a public hearing to review and make a recommendation to the Planning Commission on the site design, building design, landscaping, and circulation for a six (6) unit live/work development on the vacant parcel located at 200 San Marin Drive.

PROJECT DESCRIPTION

The applicant, Comstock Commons, LLC., is proposing six live/work units. As proposed, each unit has a 743-square-foot ground floor studio space, with a 970-square-foot upper level living area. The proposed maximum building height from finished grade is 26.75-feet. The live/work units are proposed to be located towards the southern portion of the parcel, with the majority of the required parking provided as surface parking stalls along the San Marin Drive frontage. As proposed, three of the required parking stalls are identified for electric vehicle (EV) use and are covered by a solar supporting shade structure.

SITE DESCRIPTION

The 25,700 square foot project site, 200 San Marin Drive, is an undeveloped parcel located at the southeast corner of San Marin and San Andreas Drive. The site is relatively flat, with little topographic relief, and has an average slope of approximately 6 percent.

BACKGROUND

Applicant/Property Owner:	Comstock Commons, LLC.; Roy Nee
Property Size:	25,700 square feet
General Plan Designation:	General Commercial (CG)
Existing Zoning:	Planned District (PD)
Existing Use:	Vacant

Adjacent Zoning and Uses:

North – Business Professional Office (BPO); Office
East – Planned District (PD); Residential
West – Planned District (PD); Office
South – Planned District (PD); Residential



Figure 1 - Project Location highlighted in red (Property lines are approximated)

ENVIRONMENTAL ASSESSMENT

The project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA) however, an environmental assessment is not required for a design recommendation to the Planning Commission. Following a recommendation from the Design Review Commission, an environmental determination will be presented to the Planning Commission for action.

DEVELOPMENT ENTITLEMENTS

The following entitlements are required for the proposed project:

- **Zoning Map Amendment.** In lieu of a Master Plan Amendment and Precise Development Plan, the applicant has opted for a Zoning Amendment to rezone this parcel from Planned District (PD) to General Commercial (CG) to allow for the proposed live/work project.

- **Design Review.** Design review is a mandatory process to consider and establish the Project’s site design, massing, landscaping, architecture, finish materials, and colors. For this proposal, a formal recommendation from the Design Review Commission is the initial step in the City’s consideration of the necessary entitlements for this project.
- **Tentative Map.** If the applicant chooses to divide the property into two or more parcels a tentative map would be required.

PROCEDURAL PUBLIC MEETINGS

The following are public meetings that have been held regarding this proposal.

Neighborhood Meeting – February 19, 2019

A neighborhood meeting was held on February 19, 2019 at 7 P.M., at the Margaret Todd Senior Center. The meeting was attended by approximately 15 people who expressed interest in the project. Staff received the following questions, comments, and concerns from attendees:

Comments, questions, and concerns of attendees:

- Are these units designed as rentals?
- Will there be a condo-map?
- Can there be an increase in the fencing height connected to the existing homes?
- What are the allowable uses for the businesses?
- How much glare will the solar panels give off?
- Will the second floor of the units overlook adjacent neighbors?
- Would the design consider privacy windows? Landscaping/screening?
- Are story poles going to be installed at the site?
- What are the hours of operation for the businesses?
- How will traffic flow to the site and how will people enter the project site?

Design Review Commission Workshop – April 3, 2019

The project was presented to the Novato Design Review Commission (DRC) at a public design review workshop on April 3, 2019 to garner feedback and comments from the DRC on the conceptual site design and architecture proposed. For more background on this meeting please refer to [Attachment 1](#) for the workshop staff report, and [Attachment 2](#) for the workshop meeting minutes. Overall, the DRC was generally supportive of the Project’s design, but suggested the applicant consider some site design and landscaping changes to help compliment the surrounding improvements and the Project’s frontage.

The following table is a summary of design revisions that are now incorporated into the plans based on the DRC’s workshop feedback.

DRC Feedback	Applicant Revision
Remove the rooftop to the EV parking stalls to avoid massing.	The carport/rooftop has been eliminated over the EV parking stalls.
Capture the San Marin sidewalk in more of the landscaping features for the site and introduce more landscaping along the San Marin frontage while also considering reducing the sidewalk's width.	Revised plans include a more detailed landscaping plan that identifies trees, shrubs, and plants throughout the Project site, including the identified San Marin frontage area. The sidewalk along the periphery of the site has been reduced in width.

STAFF ANALYSIS

The DRC’s recommendation regarding the Project must be based on the findings of approval required for design review actions specified in Novato Municipal Code (NMC) [Section 19.42.030](#) (Design Review).

Design Review Findings

To assist the DRC in making its recommendation, the analysis below lists each design review findings followed by a staff analysis to help determine if the project’s design supports said findings.

Design Review Finding No. 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 this code, including this title and any approved master plan and precise development plan.

Discussion/Analysis:

1996 Novato General Plan -

The 1996 Novato General Plan provides a framework of policies that were adopted to coordinate all major components of the City of Novato’s physical development over a 20-year period. These policies serve as a basis to assess whether public and private development proposals are consistent with the General Plan. In this instance, the Design Review Commission should consider the Project’s design concepts in light of the design related policies of the [1996 Novato General Plan](#), including the [Novato Housing Element 2015-2023](#) as listed below.

Land Use Policy 1 Implementation of Land Use Map. Implement the Land Use Designations Map by approving development and conservation projects consistent with the land use definitions, densities and intensities indicated in LU Table 2. Ensure consistency between the General Plan, the Zoning Ordinance, and other land use regulations.

The Project site currently has a land use designation of General Commercial (CG) in the 1996 Novato General Plan. The CG land use allows for a range of regional and local serving commercial uses. This project’s proposal for new live/work units is considered consistent with the intended

uses of lands designated CG. The CG land use designation permits a floor area ratio (FAR) of 0.40. The subject parcel has an area of approximately 25,700 square feet. Therefore, the site can accommodate a maximum of 10,280 square feet of building area at a 0.40 FAR. The applicant has proposed 10,272 square feet of building floor area, which is a FAR of 0.39. Thus, the project's resulting FAR complies with the maximum allowed FAR of 0.40 for the CG land use designation.

Community Identity (CI) Policy 1 Compatibility of Development with Surroundings. *Ensure that new development is sensitive to the surrounding architecture, topography, landscaping, and to the character, scale, and ambiance of the surrounding neighborhood. Recognize that neighborhoods include community facilities needed by Novato residents as well as homes and integrate facilities into neighborhoods.*

The Project site is an undeveloped parcel on the southeast corner of San Marin Drive and San Andreas Drive. The surrounding pattern of development includes a combination of commercial uses as well as residential. Directly south of the Project site is a condominium complex. East of the Project site are single-family residences. Directly west, north, and northwest are commercial uses including the San Marin Shopping Center.

Through observation of the varied collection of architecture in the surrounding neighborhood, it is not clear that there is an architectural theme for the area. Considering this, the proposed architecture, building massing, landscaping, and parking design are sensitive to and compatible with the surrounding ambiance, topography, scale of development, architectural styles, and landscaping of development found in the surrounding neighborhood. Based on the Project's features, it is considered to be consistent with CI Policy 1.

CI Policy 3 Variety in Design. Discourage sameness and repetitive designs.

The proposed buildings include an organized application of colors and materials, including the use of darker bison beige fiber-cement plank siding on the lower floor elevations, lighter colored sandcastle fiber-cement panel siding on the second-floor elevations, darker toned eave line and a cool red accented metal batten-seam clerestory roof. The project design also introduces architectural variety through the building scale, cantilevered and recessed façade elements along with clerestory roof designs for roof mounted solar and to provide natural lighting. Based on the Project's design features referenced above, it is considered to be consistent with CI Policy 3.

EC Policy 8 Workplace Alternatives. Promote the establishment and expansion of workplace alternatives, including home occupations, telecommuting business and technology-transfer based business.

Live/work facilities are intended to be occupied by business operators who live in the same structure that contains the commercial activity or industry. These types by their design provide an alternative to traditional workplaces. The project, intended for live/work occupancy, is therefore found to be consistent with EC Policy 8.

EC Policy 9 Live/Work Uses. Provide additional opportunities for combined residential and work uses.

The Project as proposed is designed so that each of the six (6) units will be used as live/work units. Accordingly, the site design and unit floor plans are purposefully designed to accommodate a ground floor commercial/studio type space, and a dedicated residential second floor. This Project proposal for six (6) live/work units is considered consistent with EC Policy 9.

Housing Policy (HO) Policy 3.2 Design that Fits in the Neighborhood Context. *It is the City's intent that neighborhood identity and sense of community will be enhanced by designing all new housing to have a transition and compatibility in form to the surrounding area.*

Based on the analysis provided under CI Policy 1 above, the proposal is considered to be consistent with HO Policy 3.2.

HO 6.3 Live/Work Developments. *Live/work units provide workforce affordable housing, generate additional economic activity in the community and improve the jobs/housing balance. Opportunities for live/work developments, such as in Downtown and other appropriate locations, where housing can be provided for workers on-site or caretaker or other types of housing can be provided, will be encouraged by the City where appropriate.*

Basis on the analysis provided under EC Policy 9 above, the proposal is considered to be consistent with HO Policy 6.3.

Zoning Consistency –

The General Commercial (CG) zoning district is intended for areas appropriate for a range of community serving commercial, regional retail and service land uses. The CG zoning district is consistent with the General Commercial land use designation of the 1996 Novato General Plan. NMC [Section 19.12.040](#) (Commercial/Industrial District General Development Standards) guides the physical development of parcels within these zoning districts.

Considering the Project parcel will involve a proposed rezoning to the CG zoning district, development of this site would be subject to the development standards (e.g., setbacks, lot coverage, height limit etc.) of the aforementioned NMC Section 19.12.040. The Project, as proposed, complies with all applicable development standards. The table below summarizes the Project's consistency with the CG zoning district's development standards.

Parcel size: 25,700 sq.ft.	Setbacks			Building Coverage	Height Limit	Floor Area Ratio
	Front	Side	Rear			
Codified Standard	N/A	10-ft if the building is over 20-ft in height, adjacent a single-family residential zone; N/A otherwise.	15-ft if the building is over 20-ft tall at the building setback line and adjacent to a single-family residential zone; N/A otherwise.	40%	35-ft.	40%
Project Proposal	N/A	Overall building height is over 20-ft. accordingly a min. 11-ft. setback is maintained	Building height is no taller than 20-feet at the building setback line*, and maintains a min. 11-ft. setback	33%	27.4-ft.	39.9%

* Project plans currently show a 20.5-ft. building height at the setback line (i.e., 15-feet from rear property line), staff has had a discussion with the applicant’s team and agreed upon a condition to modify the building height to 20-ft. to satisfy the rear setback requirement.

Additionally, NMC [Section 19.34.090](#) (Live/Work Projects) provides more specific standards for new live/work projects. Design related standards and descriptions of the Project in relation to the applicable standards are listed below:

- *Access to individual live/work quarters shall be provided only from common access areas, corridors, or halls. The live/work quarters shall have an access clearly separate from other live/work quarters or other uses within the structure.*

As shown on the project’s floor plans dated March 16, 2020, there is an internally connected stairway that leads up to the upper level residence from the entryway of the lower level commercial portion of the structure. Due to the structure’s two-story configuration, the live and work quarters are clearly separate from one another. Additionally, there are no common entry points between each of the six (6) live/work units.

- *Density for live/work projects shall be consistent with the floor area (FAR) for the underlying zoning district.*

The CG zoning district has a maximum allowable floor area of 40 percent, the project proposal will have a floor area of 39.9 percent.

- *The minimum net floor area of a live/workspace shall be 750 square feet. A minimum of 30 percent of the gross floor area shall be for studio/business use.*

As proposed, each live/work unit will have a 997 square foot living space and a 715 square foot work area. The work area will comprise of 41.76 percent of the total unit.

- *All of the live/work quarters shall be used or arranged for residential purposes (e.g., bathroom, closet, kitchen, and sleeping area).*

The proposed floor plan for the residential portion of each live/work unit will include two bedrooms with closet spaces, a bathroom, kitchen, living area and dining area.

- *There shall be no signs or advertising used in conjunction with a live/work facility other than allowable residential signs in compliance with [Division 19.32](#) (Signs).*

The applicant has no signage proposed as a part of this design review application. Any future signage will comply with allowable residential signs in compliance with NMC Division 19.32.

- *Each live/work unit shall be provided with at least two off-street parking spaces. The Director may modify this requirement with regard to the use of existing structures with limited parking.*

This proposal involves six (6) live work units, accordingly 12 parking spaces are required per this standard. The Project includes a site plan that shows 14 surface on-site parking spaces total, therefore the parking provided for this project conforms to this standard.

Based on the Project's consistency with the applicable policies and regulations of the above listed planning documents, the Project is found to be consistent with Design Review Finding No. 1.

Design Review Finding No. 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.

Discussion/Analysis: The Project site is an undeveloped parcel on the corner of San Marin Drive and San Andreas Drive. The current state of the site does not present an attractive environment and does not currently provide a sense of community. Given the existing condition of the site, the Project proposal would significantly improve the character and appearance of the property which will help in creating a more desirable environment for the occupants, neighbors, and visiting public.

Some specific project features that create these benefits include:

- Site design which includes an appropriate arrangement of buildings and parking spaces;
- A landscaping plan that creates an attractive site design and contributes visually to the San Marin and San Andreas streetscape;
- Architectural variety and interest by using cantilevered and recessed façade elements, and clerestory roof designs along with appropriate colors and materials as visually represented on the Project's color board, included as [Attachment 4](#).

Design Review Finding No. 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.

Discussion/Analysis: The preliminary plans for the Project were referred to several agencies responsible for reviewing new development proposals, including the Novato Public Works Department, Novato Fire Protection District, North Marin Water District, and Novato Sanitary District. These agencies submitted comments addressing such matters as emergency vehicle access, utility connection requirements, and drainage requirements. No agency is prepared to approve the Project pending the development of more refined plans. However, these agencies did not identify any issues that would require a comprehensive revision of the Project's site plan or indicate the proposal represents a threat to the public health, safety, and welfare in terms of providing service to both the Project and to the larger surrounding neighborhood.

The applicant is required to submit more comprehensive design plans for the Project prior to advancing the Project to the Planning Commission for review. The refined Project plans will be subject to further review by city staff and each agency serving the Project to ensure all required improvements are provided and properly designed to: a) maintain the public health, safety, and welfare; b) avoid damage to nearby improvements (public and private) and interference with the use and enjoyment of neighboring properties; and c) maintains traffic, pedestrian, or bicycle safety. Based on these observations, the Project is considered to be consistent with Design Review Finding No. 3.

PUBLIC NOTICE

NMC [Section 19.58.020](#) (Notice of Public Hearing or Discretionary Action) requires a Design Review Commission meeting to be publicly noticed. Accordingly, notices were mailed to property owners within 600-feet of the exterior boundaries of the subject parcel. No public comments in response to the notice were received at the time this staff report was written.

ALTERNATIVES

1. Recommend approval of the site design, building massing and design, and landscaping for the Comstock Commons live/work project as designed and conditioned.
2. Recommend approval of the site design, building massing and design, and landscaping for the Comstock Commons live/work project with recommended revisions.
3. Do not recommend approval of the site design, building massing and design, and landscaping for the Comstock Commons live/work project.
4. Continue the public hearing with direction to staff and the applicant.

RECOMMENDATION

Staff recommends the Design Review Commission forward a recommendation to approve the site design, building massing, design, and landscaping for the Comstock Commons live/work project, as shown on the plans prepared by Daniel Macdonald Architects Inc., dated March 16, 2020, and Wilson & Associates, dated February 2, 2020 and with the recommended conditions of approval detailed below, to the Planning Commission as follows:

COMMISSION RECOMMENDATION

1. The Design Review Commission recommends approval of the site design, building massing, design and landscaping for the Comstock Commons live/work project as presented on the plans prepared by Daniel Macdonald Architects Inc., dated March 16, 2020, Wilson & Associates, dated February 2, 2020 based on the following findings as more specifically discussed in the staff analysis section of this staff report above and subject to the conditions below.
2. In accordance with Section 19.42.030.F of the Novato Municipal Code and on the basis of the discussion in the staff analysis section of this report above, the Design Review Commission finds that:
 - a) 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 this code, including this title and any approved master plan and precise development plan.
 - b) 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.
 - c) 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.

CONDITIONS OF APPROVAL

1. The portions of structures within 15-feet of the rear property line, adjacent the residential property south of the Project site, are not to exceed 20-feet in height or should maintain a 15-foot setback in accordance with the rear setback requirement for the CG zoning district as listed in NMC [Section 19.12.030](#) (Commercial/Industrial Land Uses and Permit Requirements).
2. The applicant shall comply with NMC [Division 19.21](#) (Art Program) prior to issuance of a building permit.
3. Subsequent a City Council decision regarding the project entitlements, the applicant shall submit the following final design details to the Planning Division for review and approval prior to issuance of the first building permit:
 - a. Location and type of all exterior lighting;
 - b. Location and size of all mechanical and utility equipment including power and telephone equipment, meters, and transformers;
 - c. Landscape plans in construction detail showing the location, type, and size of plant materials, estimated height and spread at maturity; the area and type of top dressing;

- tree staking; soil mix; planting area separators; fencing; area lighting; and all other landscaping improvements;
- d. Adequate enclosures or screening of all rooftop equipment;
 - e. Enclosure design for utility meters and trash areas;
 - f. Final colors approved by DRC, as reflected on the color board presented to DRC on July 1, 2020;
 - g. Type, size, appearance, and location of all signage.

Indemnity and Time Limitations

1. The applicant and any successor in interest, whether in whole or in part, shall defend, indemnify, and hold harmless the City and 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 decision at issue herein. This indemnification shall include damages or fees awarded against the City, if any, costs 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.
2. The applicant and any successor in interest, whether in whole or in part, shall defend, indemnify, and hold harmless the City, its agents, employees, and attorneys for all costs incurred in additional investigation of or study of, or for supplementing, preparing, redrafting, revising, or amending any document, if made necessary by said legal action and 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.
3. In the event that a claim, action, or proceeding described above is brought, the City shall promptly notify the applicant of the existence of the claim, action, or proceeding, and the City will cooperate fully in the defense of such claim, action, or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action, or proceeding; the City shall retain the right to (i) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the applicant in the defense of said claim, action, or proceeding. If the City chooses to have counsel of its own to defend any claim, action, or proceeding where the applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the applicant.
4. The applicant and any successor in interest, whether in whole or in part, indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
5. Unless a shorter limitation 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.

6. 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), the conditions constitute written notice of a statement of the amount of such fees and a description of dedications, reservations, and other exactions. You are 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 you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

FURTHER ACTION

This Project will be presented to the Planning Commission and City Council at future public hearings.

ATTACHMENTS

Project Information Available for View and Download:

1. [Design Review Commission Workshop Staff Report](#) (meeting date April 03, 2019)
2. [Design Review Commission Workshop Minutes](#) (meeting date April 03, 2019)
3. [Project Plan Set](#) (dated March 16, 2020)
4. [Project Color Board](#)
5. [Comstock Commons Project Webpage](#) (City of Novato maintained webpage)