



**CITY OF NOVATO**  
**CALIFORNIA**

**PLANNING COMMISSION**

**Meeting Minutes**

**Monday, September 11, 2023 – 7:00 pm**

**A. CALL TO ORDER AND ROLL CALL**

**Commission Present:** Commissioners Crockett, Derby, Engdahl, Havel, and Heath

**Commission Absent:** Commissioners Dawson and Tiernan

**Staff Present:** Deputy Director of Community Development Steve Marshall, Senior Planner Vivek Damodaran

**B. APPROVAL OF FINAL AGENDA**

**COMMISSION ACTION:** Upon motion by Commissioner Derby and seconded by Commissioner Havel, the Planning Commission voted 5-0-0-2 via roll call to approve the final agenda.

**AYES:** Commissioners Crockett, Derby, Engdahl, Havel, and Heath

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Commissioners Dawson and Tiernan

**Motion carried.**

**C. PUBLIC COMMENT - NONE**

**D. CONSENT ITEM - NONE**

**E. UNFINISHED AND OTHER BUSINESS - NONE**

**F. PUBLIC HEARING**

**F.1 RESIDENTIAL OBJECTIVE ARCHITECTURE STANDARDS  
ZONING TEXT AMENDMENTS – MUNICIPAL CODE CHAPTER 19  
CEQA EXEMPT; CEQA GUIDELINES SECTION 15061(b)(3)**

Deputy Director Steve Marshall presented the staff report.

Commissioner Crockett asked does the city not have any means to address architectural standards or issues without this tool.

Deputy Director Marshall confirmed Commissioner Crockett's understanding. The City does not have any objective architectural standards – only subjective review by the Design Review Commission. He said the intention with these standards is to set the community's expectations for architecture and ensure architectural quality.

Commissioner Crockett asked if there has been input received from developers, designers, or real estate market interests.

Deputy Director Marshall said there was no targeted outreach to the development community or design community, that the City relied on the Design Review Commission for those aspects. He mentioned public noticing of the meetings. He explained the different aspects of density bonus and State housing laws. He said if the objective standards are not working, then the City can consider amendments.

Commissioner Havel asked if the Design Review process would allow variation from these standards.

Deputy Director Marshall clarified the standards are only applicable to projects covered by State housing law. Developers would have to agree to submit their project to a subjective design review.

Commissioner Derby understood the standards were developed for several cities mentioned in the staff report, not just Novato.

Deputy Director Marshall confirmed the standards were prepared for several local cities.

Commissioner Derby asked why San Rafael was not included.

Deputy Director Marshall said San Rafael already has its own set of objective standards.

Commissioner Derby asked how other cities have responded to this document, have they all accepted the standards, has there been any push-back.

Deputy Director Marshall said some have accepted the entirety of the standards document with alterations.

Commissioner Derby asked if there has been any analysis of projects such as Hamilton and do they meet these objective standards.

Deputy Director Marshall said the standards are an interpretation of existing development with the intention that future projects and large developments will reflect the existing architectural designs found throughout the community. He clarified the standards are not intended for individual home proposals.

Commissioner Derby asked about the city's current affordable housing requirement and inquired about the applicability of a density bonus.

Deputy Director Marshall said the current requirement is up to 20% of the total number of units depending on the project. The City's inclusionary requirement qualifies a project for a density bonus.

Commissioner Derby asked if density bonus waivers could be stacked to waive standards.

Deputy Director Marshall confirmed this is possible.

Commissioner Derby asked what was defined as a "cookie-cutter home."

Deputy Director Marshall explained it would be a development where every home is identical.

Commissioner Derby asked to define the flexibility mentioned in the staff report.

Deputy Director Marshall explained the ability to mix styles or differing facades, and that a development over three units has a requirement to use a minimum of three design styles.

Commissioner Engdahl asked are there any current projects in the planning department that this would affect.

Deputy Director Marshall said the standards will only affect projects proposed after the ordinance goes into effect.

Commissioner Engdahl asked about the economic impact of these standards.

Deputy Director Marshall said the economic impact is related to construction cost.

Chair Heath commented on and approved of the level of detail in the objective standards document.

The public hearing was opened.

No public comment.

The public hearing was closed.

Commissioner Derby stressed the importance of being careful setting design requirements without flexibility.

Commissioner Crockett suggested using different language rather than "four-sided architecture," and to be more specific he suggested "consistent quality of materials on all visible facades."

Commissioner Derby agreed with Commissioner Crockett that it should be more objective in its language.

Chair Heath asked if four-sided architecture is defined in the document.

Deputy Director Marshall read the section of the draft standards regarding four-sided architecture and recommended if the Commission wanted to change the language it could be referred to more specifically as “street side.”

Commissioner Derby recommended using the language primary street frontage and secondary street frontage.

Commissioner Havel suggested leaving the term four-sided architecture in the standards.

**COMMISSION ACTION: Upon a motion by Commissioner Derby and second by Commissioner Crockett, the Planning Commission voted 5-0-0-2 via roll call to adopt the resolution recommending the City Council amend Novato Municipal Code Chapter XIX (Zoning) to establish Division 19.27 specifying objective architecture standards for residential and residential mixed-use developments and find the amendments to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines section 15061(b)(3) with the addition the City Council consider alternative language to four-sided architecture and instead focus on defining the frontage or facades that should be treated with enhanced architecture.**

**AYES: Commissioners Crockett, Derby, Havel, Engdahl, and Heath**

**NOES: None**

**ABSTAIN: None**

**ABSENT: Commissioners Tiernan and Dawson**

## **F.2 BIOMARIN LIFE SCIENCES ORGANIZATION CAMPUS**

**ZONING CLEARANCE & USE PERMIT; P2023-018**

**CEQA EXEMPT: CEQA GUIDELINES SECTION 15183**

**300 BEL MARIN KEYS (APN 157-451-22); 46 GALLI DRIVE (APN 157-452-14); 35 LEVERONI COURT (APNS 157-511-62 & -64); 95 DIGITAL DRIVE (APN 157-501-67); 265 BEL MARIN KEYS (APN 157-400-78); 21 & 23 PIMENTEL COURT (APN 157-461-04); AND 121 HAMILTON DRIVE (APN 157-332-20)**

Senior Planner Vivek Damodaran presented the staff report.

Commissioner Crockett asked if this group of buildings constitute a campus.

Senior Planner Damodaran stated the parking arrangement would allow the buildings to be considered a campus and the use permit would tie them together.

Commissioner Crockett asked if the parking arrangement would cause an imposition on the surrounding non-campus buildings.

Deputy Director Marshall clarified the distinction between a traditional campus and using it as a term to describe BioMarin’s buildings being bound together by the parking arrangement.

Commissioner Havel acknowledged the public comments received via email.

Commissioner Derby asked when the industrial park plan was updated.

Deputy Director Marshall said the plan was updated around 2022 to include a life sciences campus ordinance.

Commissioner Derby asked if the ordinance was put forward by an applicant, group of applicants, or city driven.

Deputy Director Marshall confirmed the city initiated the ordinance.

Commissioner Derby asked why this did not go to the Zoning Administrator.

Deputy Director Marshall stated this is the first life science campus request and it is a good opportunity for the Planning Commission to set the precedent on this topic going forward. Staff wanted to get the Commission's perspective for reference before evaluating similar requests at the zoning administrator level.

Commissioner Derby asked if any plans have been submitted or brought forward for an expansion at BioMarin.

Deputy Director Marshall said no.

Commissioner Derby asked when the use permit application was originally submitted.

Senior Planner Damodaran said about two months ago.

Commissioner Engdahl asked why this applies to life sciences only and does that limit other growth within Novato.

Deputy Director Marshall said it [life sciences campus ordinance] does not limit other growth but does offer incentives for life sciences. He stated it is specific to life sciences due to the requirements for manufacturing facilities in the industry.

The public hearing was opened.

No public comment.

The public hearing was closed.

Commissioner Derby indicated he did not believe the Planning Commission needed to weigh-in on similar requests and encouraged moving quickly on such matters.

Commissioner Havel thought the approach to life science campuses was innovative and was glad the matter was presented to the Planning Commission. He expressed support for the resolution with some corrections.

Commissioner Engdahl expressed concern this [life sciences campus ordinance] only regards life sciences and therefore could prevent other industries from coming to and growing within Novato. He stated he is concerned the plan defines one type of industry that doesn't need to be defined.

**COMMISSION ACTION:** Upon motion by Commissioner Havel and seconded by Commissioner Crockett, the Planning Commission voted 5-0-0-2 via roll call to adopt the resolution granting a zoning clearance recognizing BioMarin Pharmaceuticals, Inc., as a life sciences organization and the formation of a life sciences organization campus comprised of 300 Bel Marin Keys (APN 157-451-22); 46 Galli Drive (APN 157-452-14); 35 & 45 Leveroni Court (APNS 157-511-62 & -64); 95 Digital Drive (APN 157-501-67); 265 Bel Marin Keys (APN 157-400-78); 21 & 23 Pimentel Court (APN 157-461-04); and 121 Hamilton Drive (APN 157-332-20), granting a use permit conditionally allowing off-site and shared parking arrangements and implementation of a travel demand management plan for the proposed life sciences organization campus, and adopting CEQA findings pursuant to CEQA Guidelines Section 15183 determining that no further environmental review is required for the noted actions coupled with the corrected campus area noted by staff.

**AYES:** Commissioners Crockett, Derby, Engdahl, Havel, and Heath

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Commissioners Tiernan and Dawson

**G. GENERAL BUSINESS – NONE**

**H. COMMITTEE AND LIAISON REPORTS – NONE**

**I. ADJOURNMENT**

Vice Chair Havel acknowledged the anniversary of the terrorist attacks of 9/11/2001.

The meeting adjourned at 8:04 PM.

**I HEREBY CERTIFY** that the foregoing minutes were duly adopted at the Planning Commission meeting of May 13, 2024.

**/Steve Marshall/**

**Steve Marshall, Deputy Director of Community Development**