



THE CITY OF
NOVATO
CALIFORNIA

Community Development Dept.
Planning Division
75 Rowland Way, #200
Novato, CA 94945-5054
(415) 899-8989
FAX (415) 899-8216
www.ci.novato.ca.us

PLANNING COMMISSION STAFF REPORT

MEETING

DATE: August 20, 2007

STAFF: Paul Bickner, Planner II
899-8939

SUBJECT: **SUTTER MEDICAL CAMPUS - MASTER PLAN & PRECISE
DEVELOPMENT PLAN AMENDMENTS, DESIGN REVIEW
100 & 101 ROWLAND WAY; 10703M, 10704P & 10713D
NOVATO COMMUNITY HOSPITAL MASTER PLAN AMENDMENT
PARKING LOT, LOT 2; 10704M
NEGATIVE DECLARATION
APN 153-170-61, 62 & 153-370-02(LOT2)**

REQUESTED ACTION

Consider making a recommendation to the City Council on a proposed Master Plan and Precise Development Plan Amendment for the Golden Gate Business Park complex, located at 100 & 101 Rowland Way, APNs 153-170-61 & 62, to modify the parking lot, landscaping, signage, and entrance treatment for a change in use from office to medical office and outpatient surgery center. Additionally, there is a Master Plan Amendment for the Novato Community Hospital to change the proposed use of the vacant Lot 2, APN 153-370-02, from medical office to parking.

EXECUTIVE SUMMARY

Amendments to the Golden Gate Business Park Master Plan are necessary to provide for the off-site parking on lot 2, and to allow the medical office uses, including the outpatient surgery center. The Golden Gate Business Park Precise Development Plan Amendment describes the off-site parking lot easement and establishes a Master Sign Program for future signage in the Golden Gate Business Park. Design Review is required for the exterior facade modifications, signage, parking lot design and landscaping. An amendment to the Novato Community Hospital Master Plan is necessary to remove the authorization for the previously approved 50,000 sq. ft. medical office building on lot 2 and to provide for the use of lot 2 as a parking lot. Staff recommends approval of the Project.

PROJECT DESCRIPTION

The applicant is proposing a change in use of the two existing Golden Gate Business Park office buildings at 100 & 101 Rowland Way from office to medical office use with an outpatient surgery center at 100 Rowland Way. The proposed change will require additional parking, which would be

provided by construction of a parking lot on the site of a designated medical office site, which is part of the Novato Community Hospital Master Plan (just north of the 101 Rowland Way building). Through a PDP Amendment a reciprocal parking agreement is proposed so that the parking lot can serve both buildings. Surplus additional parking is proposed to be constructed to serve the hospital site. As part of that PDP amendment, the applicant is also requesting a Master Sign Program in order to facilitate future sign requests. The applicant is also proposing two new entrance canopies at 100 Rowland Way and one new entrance canopy at 101 Rowland Way.

NEED FOR PLANNING COMMISSION ACTION

The application for amendments to the MPs and PDP requires review and recommendation by the Planning Commission. The Planning Commission will hold a public hearing on the application, accepting the staff report and public testimony. Following closure of the public hearing, the Commission will consider the facts, recommendations, and public comments, prior to making a recommendation to the City Council.

BACKGROUND

Applicant/Property Owner: Sutter Health

Property Size: 100 Rowland Way; 2.5 acres
101 Rowland Way; 3.5 acres
Parking lot, Lot 2; 2.5 acres

General Plan Designation: Business & Professional Office (BPO)

Existing Zoning: PD, Planned Development

Existing Use: office, parking lot area is vacant land

Adjacent Zoning and Uses: North – PD, Open Space, Hospital
South – Open Space, Novato Creek
East – Open Space, pedestrian path
West – PD, US 101

ENVIRONMENTAL ASSESSMENT

This project is subject to the California Environmental Quality Act (CEQA) and the City of Novato Environmental Review Guidelines. A Negative Declaration has been prepared finding that "the proposed project would not have a significant effect on the environment".

STAFF ANALYSIS

The change in use to allow medical uses at the Golden Gate Business Park site requires an amendment to the Master Plan. Medical office use requires a higher parking ratio than office use. Office use is parked at 1 space / 275 sf whereas medical office use is parked at 1 space / 250 sf. This generates a need for 44 additional spaces for 100 Rowland Way and 10 spaces for 101 Rowland Way (54 total). Further, 12 additional spaces will be lost through restriping and incorporation of design changes recommended by Fehr And Peers, Transportation Consultants. Therefore, a total of 66 additional parking spaces will need to be provided. These additional spaces will be provided in the off-site parking lot within the Sutter Health easement area, located north of the existing 100 Rowland Way building. The applicant is also proposing to construct an additional 188 spaces to serve the needs of the hospital site. The requirements for handicapped, van, motorcycle, and bicycle parking have been met and the maximum amount of compact spaces has not been exceeded for the new parking lot.

The landscape requirements for the proposed parking lot have also been met, however staff recommended that the proposed use of redwoods be replaced by the tree type used on the existing lot. This recommendation has been incorporated into the revised landscape design for the parking lot. Staff will also require that trees missing in the existing parking lots be replaced. The parking lot drainage will be handled by bioswales complying with current EPA Phase 2 NPDES requirements. No drainage would go to the nearby wetlands. The traffic analysis conducted by Fehr & Peers, Traffic Consultants (July 2007) and reviewed by W-Trans, concluded there would be no significant traffic impacts which would need to be mitigated. A Precise Development Plan Amendment is required to describe the off-site shared parking easement. A condition of approval will require a shared parking agreement.

A Precise Development Plan Amendment is also required because the sign provisions of the Zoning Code (19.32.060) do not provide for a wall sign on any floor above the second floor. The maximum specified is 12 sq. ft. on the second floor. As the site is zoned PD which sets its own development standards, the applicant may request the PD be amended to allow the proposed signs. The PD, which was approved in 1987, makes no provision for submission of a Master Sign Program.

This application for building identification signs is similar to the existing signs currently in place on the two existing office buildings and are similar to other building identification signs located in PD Zoned Districts, such as the buildings in the San Marin Business Park, Rowland Plaza and recently approved Bank of Marin sign at the Pell Office Plaza site. The proposed third story wall signs would replace the existing signs. The proposed two wall signs are 67.8 sf each, and would be constructed of backlit letters of white acrylic with the rose colored Sutter emblem. The applicant is also proposing a blue 3 ½ ft. by 6 ft. high monument sign at the entrance to the parking lot, which complies with the maximum 6 ft. height limit for monument signs.

The proposed wall signs would not be visible from the Slade Park residential neighborhood, as the sign for 101 Rowland Way faces the freeway, and the one on 100 Rowland Way would face south

to the entrance to the medical campus. The wall sign on 101 Rowland Way would not be a traffic distraction as it is only 67.8 sq. ft. in size, and is over 300 ft. from the freeway. The DRC is satisfied with the proposed sign program, and staff will sign off through the Design Review process defined under 19.42.030 on the two building identification signs and the one monument sign.

The proposed entrance canopies to be constructed on the two buildings are designed to be similar to the canopies on the hospital, in order to reinforce the campus concept. The canopies would be constructed of steel, with a 4" by 12" tube steel, cream colored edge frame, a translucent panel roof and a front radius similar to the existing hospital canopies. A lower trellis constructed of curved 2' by 6' tube steel is also proposed at the main entries to both buildings similar to the hospital entry. The roof area of the main entry canopies would be approximately 30' wide by 23' deep and would project only 12" past the existing sidewalks at a height of approximately 14 ½ ft. above the pavement and therefore would not interfere with existing traffic movement.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the Negative Declaration and requests.

FURTHER ACTION

1. City Council review of the Planning Commission recommendation.
2. Building Permit.

ATTACHMENTS

1. Entitlements Package (site plan, landscaping, entry canopies etc.)
2. Sign Permit/Master Sign Program
3. Golden Gate Business Park Master Plan Amendment Resolution
4. Novato Community Hospital Master Plan Amendment Resolution
5. Golden Gate Business Park Precise Development Plan Amendment & Sutter Medical Campus Design Review Resolution
6. Negative Declaration Resolution
7. Negative Declaration
8. Golden Gate Business Park Precise Development Plan & Master Plan, Novato Community Hospital Master Plan

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION
RECOMMENDING APPROVAL OF THE GOLDEN GATE
BUSINESS PARK MASTER PLAN AMENDMENT MAP AND
TEXT

WHEREAS, application 10703M was submitted for a Master Plan Amendment to provide for the off-site parking on a 2.5 acre Novato Community Hospital property (Lot 2) APN 153-370-02, and to allow medical office uses in addition to office uses and an outpatient surgery center in two existing office buildings on a 6 acre site located at 100 and 101 Rowland Way, APNs 153-170-61 & 62; and

WHEREAS, notices describing the proposed Master Plan Amendment were sent to neighboring property owners and any interested parties requesting notice and published pursuant to Section 19.58.020 of the Novato Zoning Ordinance; and

WHEREAS, the Planning Commission has held the required public hearing on the proposed Master Plan Amendment on August 20, 2007; and

WHEREAS, the Planning Commission has recommended approval of a Negative Declaration by adoption of a separate resolution.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby makes the findings as required by Section 19.42.060.E.3. of the Novato Zoning Ordinance with the respect to the Golden Gate Business Park Master Plan Amendment based on the documentation in the staff analysis and the materials referenced above, and the record in this proceeding, including oral and written testimony of concerned persons, information provided by the applicant, and all other reports and information, which are incorporated herein by reference:

- a. The proposed Master Plan Amendment is in conformance with the applicable goals and policies of the General Plan and any applicable specific plan. The proposed use of the buildings for medical office and outpatient surgery center is consistent with the current BPO (Business and Professional Office) General Plan land use designation. It is consistent with EC Objective 3, and EC Policy 7, which encourage businesses that provide a variety of employment opportunities, enabling people to work and live in Novato. It is also consistent with HS Objective 5: Support health services that meet the needs of Novato. The Master Plan Amendment would only provide for the off-site parking on lot 2, and to allow the medical office uses, including the outpatient surgery center, which would not conflict with the applicable goals and policies of the General Plan and the proposed Golden Gate Business Park Precise Development Plan Amendment.

- b. The proposed Master Plan development can be adequately, conveniently, and reasonably served by public conveniences, facilities, services, and utilities. The proposal involves a change of use within two existing buildings, which does not involve any changes to structural placement, orientation or size. The proposed parking lot meets all requirements for landscaping and complies with Novato Zoning Code parking standards. The proposed signage and awnings are designed to complement the existing signage and entrance design scheme for the entire medical campus;
- c. The proposed Master Plan Amendment concepts are reasonably suited to the specific characteristics of the site and the surrounding neighborhood. The Master Plan Amendment will allow for medical service uses in the two office buildings within Golden Gate Business Park. The Novato Community Hospital is an established use adjacent to the site and is compatible with medical service uses. The Master Plan Amendment will foster a medical campus at the site which is reasonably suited to the specific characteristics of the site and surrounding area. No changes are proposed for the Master Plan except for the off-site parking on lot 2, and to allow the medical office uses, including the outpatient surgery center;
- d. The location, access, density/building intensity, size and type of uses proposed in the Master Plan Amendment are compatible with the existing and future land uses in the surrounding neighborhood. No new development is proposed at the site except for an approximately 2.5 acre parking lot expansion adjacent to the existing parking lot for 100 Rowland Way which will provide additional parking for the Project and the Novato Community Hospital. The other land uses surrounding the Project site include residential uses to the northeast, railroad tracks and floodplain to the east, office and commercial uses to the south and US 101 to the west. The freeway, the railroad corridor and floodplain are strong dividing lines between the project and residential uses. The Project site is served by Rowland Way and Rowland Boulevard which the traffic study conducted by Fehr & Peers, Transportation Consultants (July 2007) and reviewed on behalf of the City by W-Trans, found to be adequate to carry the additional traffic generated by the change in use from general office to medical office and outpatient surgery center.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that the City Council adopt the Golden Gate Business Park Master Plan Amendment Map prepared by Lionakis Beaumont Design Group, Inc., dated August 6, 2007 and Text in the Master Plan Amendment application, dated June 4, 2007, set forth below with technical changes, subject to the following conditions:

1. Delete Condition # 12 of Section 2 and insert:
"Uses permitted within the development shall include the following uses:
 - a. Professional or administrative office uses.
 - b. Medical Services- Clinic and Offices. This includes facilities primarily engaged in furnishing outpatient, medical, surgical and other personal health services, but which are separate from hospitals,

including: (1) medical offices; (2) outpatient care facilities, including outpatient surgery facilities; and (3) other associated services.

- c. Small retail and/or service commercial uses (specifically accessory to and related to an approved use covered by (a) and (b) above) such as, but not limited to: banking/ATM facilities, snack bars, cafes or cafeterias, retail sales and service activities.
 - d. Accessory uses normal and incidental to the above listed uses when specifically approved by written authorization of the Zoning Administrator."
2. Delete Condition # 13 of Section 2 in its entirety.
3. Add new Condition # 16, Section 2 as follows:

"An off-site parking lot shall be constructed as part of and as an extension to the existing parking lot adjacent to 100 Rowland Way, as shown on the Parking Easement Area (PEA) on the Site Plan, prepared by Lionakis Beaumont Design Group, Inc. dated August 6, 2007 and identified as sheet A1.1 in the Sutter Medical Campus Entitlements Package. The off-site parking lot shall provide 73 parking spaces (66 new and 7 existing) for use by the 100 and 101 Rowland Way properties. The availability of the PEA for use by both 100 and 101 Rowland Way properties shall be secured by an easement agreement with the property owner and a declaration or other agreement in favor of the City as provided in the Precise Development Plan Amendment.
4. Add new Condition # 17, Section 2 as follows:

"The Golden Gate Business Park Master Plan and Precise Development Plan Text and Development Criteria prepared by Stuber-Stroeh Associates, Inc., dated December 5, 1986, as revised October 23, 1987, shall be amended as follows, and as more particularly described in Exhibit A (Golden Gate Business Park Master Plan Text Amendments), which is attached hereto and is incorporated herein by reference: (1) the Project Description shall be revised to reflect the two existing lots and buildings for medical service uses; (2) the Project Description shall be revised to reflect the existing BPO (Business and Professional Office) General Plan land use designation; (3) reference shall be made to the updated Transportation Demand Management Plan; (4) Attachment A (Development Criteria) shall be revised so that the building use for Lot 1 and Lot 9, 101 and 100 Rowland way respectively, includes medical services use; and (5) Attachment A (Development Criteria) shall be revised so that building square footages reflect the square footage of the existing buildings and reflect that a portion of the 248 parking spaces required for Lot 1 and 214 parking spaces required for Lot 9, 101 and 100 Rowland Way, respectively, will be shared and provided off-site in the PEA.
5. Indemnity and Time Limitations:
 - a. The developer 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 City's decision to approve the Master Plan in issue herein and the related environmental documents 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 developer, the City, and/or parties initiating or bringing such action.

- b. The developer 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, such as the related environmental documents, if made necessary by said legal action and the developer 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. In the event that a claim, action, or proceeding described in no. a or b above is brought, the City shall promptly notify the developer 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 developer 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 developer 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 developer.
- d. The developer indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
- e. 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.
- f. 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 660020, you will be legally barred from later challenging such exactions.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the ___ day of _____ 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 _____ day of _____.

Chair

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION
RECOMMENDING APPROVAL OF THE NOVATO
COMMUNITY HOSPITAL MASTER PLAN AMENDMENT MAP
AND TEXT

WHEREAS, application 10704M was submitted for a Master Plan Amendment to remove the authorization for the previously approved 50,000 sq. ft. medical office building on lot 2 and to provide for the use of the 2.5 acre lot 2 as a parking lot, located west of 100 Rowland Way, APN 153-370-02; and

WHEREAS, notices describing the proposed Master Plan Amendment were sent to neighboring property owners any interested parties requesting notice and published pursuant to Section 19.58.020 of the Novato Zoning Ordinance; and

WHEREAS, the Planning Commission has held the required public hearing on the proposed Master Plan Amendment on August 20, 2007; and

WHEREAS, the Planning Commission has recommended approval of a Negative Declaration by adoption of a separate resolution.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby makes the findings as required by Section 19.42.060.E.3. of the Novato Zoning Ordinance with the respect to the Novato Community Hospital Master Plan Amendment based on the documentation in the staff analysis and the materials referenced above, and the record in this proceeding, including oral and written testimony of concerned persons, information provided by the applicant, and all other reports and information, which are incorporated herein by reference:

- a. The proposed Master Plan Amendment is in conformance with the applicable goals and policies of the General Plan and any applicable specific plan. The proposed use of the vacant lot for a parking lot is consistent with the current BPO (Business and Professional Office) General Plan land use designation. It is consistent with EC Objective 3, and EC Policy 7, which encourage businesses that provide a variety of employment opportunities, enabling people to work and live in Novato. It is also consistent with HS Objective 5: Support health services that meet the needs of Novato. The Master Plan Amendment would eliminate the previously approved 3 story 50,000 sf medical office building on Lot 2 and allow it to be used for a parking lot, which would not conflict with the applicable goals and policies of the General Plan, the Novato Community Hospital Master Plan and the proposed Golden Gate Business Park Precise Development and Master Plan Amendments.

- b. The proposed Master Plan development can be adequately, conveniently, and reasonably served by public conveniences, facilities, services, and utilities. The proposed parking lot meets all requirements for landscaping and complies with Novato Zoning Code parking standards;
- c. The proposed Master Plan Amendment concepts are reasonably suited to the specific characteristics of the site and the surrounding neighborhood. No changes are proposed for the Master Plan except for the elimination of the previously approved 50,000 sf medical office building on Lot 2 to be replaced by a parking lot which will serve the existing adjacent office buildings located on the Golden Gate Business Park site and the existing Novato Community Hospital;
- d. The location, access, density/building intensity, size and type of uses proposed in the Master Plan Amendment are compatible with the existing and future land uses in the surrounding neighborhood. No new development is proposed at the site except for an approximately 2.5 acre parking lot expansion adjacent to the existing parking lot for 100 Rowland Way which will provide additional parking for the 100 and 101 Rowland Way properties and the Novato Community Hospital. The Project site is served by Rowland Way which the traffic study conducted by Fehr & Peers, Transportation Consultants (July 2007) and reviewed on behalf of the City by W-Trans, found to be adequate to carry the additional traffic generated by the change in use from general office to medical office and outpatient surgery center at 100 and 101 Rowland Way.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that the City Council adopt the Novato Community Hospital Master Plan Amendment Map prepared by Lionakis Beaumont Design Group, Inc., dated August 6, 2007 with the amendment to the Novato Community Hospital Master Plan Text as set forth in the Master Plan Amendment application, dated July 13, 2007, subject to the following conditions:

- 1. Delete the third bullet point under Phase II section of Condition 3 in its entirety.
- 2. Add the following to the end of Condition # 3: "The 2.46 acre lot, described as Lot 2 on the Assessor's Parcel Map recorded in Book 153, Page 37 of the Marin County records, may be used for hospital and adjacent medical office building parking and related purposes and facilities."
- 3. Indemnity and Time Limitations:
 - a. The developer 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 City's decision to approve the Master Plan in issue herein and the related environmental documents 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 developer, the City, and/or parties initiating or bringing such action.

- b. The developer 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, such as the related environmental documents, if made necessary by said legal action and the developer 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. In the event that a claim, action, or proceeding described in no. a or b above is brought, the City shall promptly notify the developer 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 developer 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 developer 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 developer.
- d. The developer indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
- e. 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.
- f. 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 660020, you will be legally barred from later challenging such exactions.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the ____ day of _____ 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 _____ day of _____.

Chair

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION
RECOMMENDING APPROVAL OF THE GOLDEN GATE
BUSINESS PARK PRECISE DEVELOPMENT PLAN
AMENDMENT AND SUTTER MEDICAL CAMPUS DESIGN
REVIEW

WHEREAS, applications 10704P (Precise Development Plan) and 10713D (Design Review) were submitted to allow a proposed parking lot, landscaping, signage, and entrance treatment for a change in use from office to medical office and outpatient surgery center for the two existing office buildings on a 6 acre site located at 100 and 101 Rowland Way, APNs 153-170-61, 62 & the vacant 2.5 acre Novato Community Hospital property (Lot 2) APN 153-370-02; and

WHEREAS, notices describing the proposed applications were sent to neighboring property owners pursuant to Section 19.58.020 of the Novato Zoning Ordinance; and

WHEREAS, the Design Review Committee reviewed the Design Review on June 20, 2007. The Design Review Committee included recommendations, which have been incorporated into the site plan; and

WHEREAS, the Planning Commission has held the required public hearings on the proposed Precise Development Plan Amendment and Design Review on August 20, 2007; and

WHEREAS, the Planning Commission approved a Negative Declaration by adoption of a separate resolution.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby makes the findings as required by Section 19.42.060.F3 of the Novato Municipal Code that the Golden Gate Business Park Precise Development Plan Amendment is consistent with the following criteria based on the evidence contained in the staff analysis and the materials referenced above, and the record in this proceeding, including oral and written testimony of concerned persons, information provided by the applicant, and all other reports and information, which are herein incorporated by reference:

- a. The proposed Precise Development Plan (PDP) is consistent with the General Plan and any applicable specific plan and the approved Master Plan. The proposed use of the buildings for medical office and outpatient surgery center is consistent with the current BPO (Business and Professional Office) General Plan land use designation. It is consistent with EC Objective 3, and EC Policy 7, which encourage businesses that provide a variety of employment opportunities, enabling people to work and live in Novato. It is also consistent with HS Objective 5: support health services that meet the needs of Novato. The PDP is also consistent with the Golden Gate Business

Park Master Plan, which is being amended to allow medical uses and reflect the off-site parking lot.

- b. The proposed precise development plan would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of land uses and structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than might otherwise occur from more traditional development applications. The proposal involves a change of use within two existing buildings, which does not involve any changes to structural placement, orientation or size. The proposed parking lot meets all requirements for landscaping and complies with Novato Zoning Code parking standards. The proposed signage and awnings are designed to complement the existing signage and entrance design scheme for the entire medical campus;
- c. The design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water, etc.), would ensure that the proposed development would not endanger, jeopardize, or otherwise be detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located. The change in use from general office to medical uses does not involve a significant change to the existing buildings or circulation plan. Public access will be improved by the PDP amendment because it will allow for an adjacent off-site parking lot for shared use by the two office buildings and the Novato Community Hospital. Emergency access will not be affected;
- d. The proposed precise development plan standards are reasonably suited to the specific characteristics of the site, and are compatible with the existing and future land uses in the surrounding neighborhood. No changes are proposed for the PDP standards except for the Master Sign Program which contains sign standards specifically suited to the characteristics of the site;
- e. The subject site is:
 - (1) Physically suitable for the type and density/intensity of development being proposed;
 - (2) Adequate in shape and size to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by this title; and
 - (3) Served by streets and pedestrian facilities adequate in width and pavement type to carry the quantity and type of traffic expected to be generated by the proposed development.

No new development is proposed at the site except for an approximately 2.5 acre parking lot expansion adjacent to the existing parking lot for 100 Rowland Way which will provide additional parking for the Project and the Novato Community Hospital. The Project site is served by Rowland Way, Rowland Blvd. and the US 101 off and on ramps, which the traffic study conducted by Fehr & Peers Transportation Consultants (July 2007) and reviewed on behalf of the City by W-Trans, found to be adequate to carry the additional traffic generated by the change in use from general office to medical office and outpatient surgery center.

NOW, THEREFORE, BE IT FURTHER RESOLVED , the Planning Commission finds that the Sutter Medical Campus Design Review is consistent the following required findings of Section 19.42.030.E. of the Novato Municipal Code (Zoning Code) and based on the evidence contained in the staff analysis, which is herein incorporated by reference:

- a. As proposed and as conditioned, the location, size, architectural features and general appearance of the proposed project are consistent with the General Plan, and with the development standards, design guidelines, and all applicable provisions of the Municipal Code in that: the design, layout, size, architectural features and general appearance of the proposed project is consistent with the General Plan. The proposed Master Sign Program, which must be adopted through the Precise Development Plan, is consistent with the signage of comparable commercial buildings.
- b. The proposed project would maintain and enhance the community's character, provide for harmonious and orderly development, preserve the existing trees, and create a desirable environment for the occupants, neighbors, and visiting public. The proposed project will develop the currently vacant 2.5 acre parcel (Lot 2) located on the west side of 100 Rowland Way with a parking lot. As such, the proposal would eliminate the previously approved 50,000 sf medical office building, thereby reducing future impacts to the surrounding community. The proposal will provide an off-site parking lot easement in order to provide adequate parking for the conversion of 100 and 101 Rowland Way to medical office use and outpatient surgery center. Further, the pedestrian and vehicular circulation patterns will provide safe connections to the site and the environs. The development of the site will create an aesthetically pleasing and user-friendly environment for visitors and residents. The project has been reviewed by the appropriate agencies and received their approvals with specific conditions.
- c. As proposed and as conditioned, the project would not be detrimental to the public health, safety or welfare or 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 in that: The proposed project plans have been reviewed and conditioned as necessary by the appropriate departments and agencies to ensure that provision for public and emergency vehicle access and public services and utilities would not be

jeopardized or otherwise be detrimental to the public health, safety, or general welfare or injurious to property or improvements in the vicinity.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend Design Review approval and amendments to the existing Golden Gate Business Park Precise Development Plan as set forth in the Precise Development Plan Amendment application dated June 4, 2007 and exhibits prepared by Lionakis Beaumont Design Group, Inc., dated August 6, 2007 to read as follows, subject to the following conditions:

1. Design Review approval remains valid as long as the Precise Development Plan and the Master Plan remain valid.
2. Delete condition # 4 of the PDP and substitute the following:
"A Transportation Demand Management program shall be implemented for the Project and shall consist of the TDM measures identified in the TDM Plan prepared by Fehr & Peers, Transportation Consultants, dated July 6, 2007. The TDM Program shall be designed to reduce the morning and afternoon peak hour trips by not less than 20% from that which would occur if each employee arrived in a single-occupant vehicle during peak hour."
3. Delete condition # 5.
4. Add a new condition # 25 to establish the Master Sign Program as follows:
"A Sign Program for future signage shall be prepared. A sign permit application filed after the date of this Precise Development Plan Amendment shall be consistent with the Master Sign Program prepared by Hackley Architectural Signage, dated June 1, 2007."
5. Add a new condition # 26 to require an easement and declaration for the portion of the off-site parking lot for use by 100 & 101 Rowland Way properties, as follows:
"An off-site parking lot shall be constructed as part of and as an extension to the existing parking lot adjacent to 100 Rowland Way as shown in the Sutter Medical Campus Entitlement Package prepared by Lionakis Beaumont Design Group, Inc. dated August 6, 2007. The use of the portion of the off-site parking lot identified on the Site Plan as Parking Easement Area (PEA), by the 100 and 101 Rowland Way properties, shall be secured by an easement agreement and declaration or other agreement acceptable to the City Attorney. The parties to the easement agreement and declaration shall include the owner of the off-site parking area and the owner of the 100 and 101 Rowland Way properties, with covenants reflecting the conditions of approval and the approved plans for the off-site parking lot. The agreements shall be recorded."
6. No deviation from approved plans, including color changes or substitution of materials, shall be made without City approval. Minor alterations may be considered by Planning Division staff. Significant design alterations shall be returned to the Design Review Committee for consideration.

7. All above-grade utility facilities including splice boxes, transformers, traffic signal poles, traffic signal controller boxes, irrigation controller cabinets, etc., shall be painted a standard brown/gray. A color chip of the approved color may be obtained from the City Engineer.
8. All undesirable visual elements such as trash storage, transformers, and mechanical equipment (including roof mounted), shall be effectively screened by landscaping, fencing, and/or other structures in a manner which is compatible with the development design, subject to the approval of the Planning Division.
9. In accordance with Section 5-28 of the Novato Municipal Code, a two-year landscape maintenance agreement shall be entered into with the City as a prerequisite to the final occupancy of the project to the satisfaction of the Planning Division.
10. In accordance with Section 19.32 of the Novato Municipal Code, a sign permit, consistent with the Master Sign Program, is required prior to installation of any external advertising or signage.
11. The following shall be indicated on the building permit plans and subject to the review and approval of the Engineering Division of the Novato Public Works Department:

General

- a. A complete set of Civil / Improvement plans shall be submitted to the City Engineer for review and approval prior to issuance of a grading or encroachment permit and prior to the start of any improvement work for the project.
- b. The developer shall submit a copy of their General Construction Activity Storm Water Permit Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) prior to the issuance of a grading permit.

Traffic

- c. The project improvement plans shall incorporate the mitigation measures recommended and reviewed by the Traffic Study and the peer review, to the satisfaction of the City Engineer.

Improvement Plans

- d. Easements shall be provided and shown on the plans for all existing and proposed utilities, emergency vehicular accesses and drainage facilities located on the property.
- e. The landscape plans shall be submitted with the improvement plans and shall meet the requirements of site distance to the satisfaction of the City Engineer.
- f. All new driveway approaches, pedestrian walkways and handicap ramps shall be designed to meet current ADA standard details.
- g. Retaining walls shown on the plans shall meet Design Review requirements and specifications for height, texture, color and design.
- h. Prior to the issuance of a grading permit the developer shall obtain building permits for all retaining walls shown on the improvement plans.

Lighting

- i. The on and off-site lighting plans shall include the location and design of pull boxes, vaults, conduits, wiring, fixtures, foundations and connection to the P.G.&E. Primary system. Additionally, the developer shall provide a photo contour lighting plan to the City Engineer for review and approval. Additional lighting may be required at intersections or crosswalks, as determined by the City Engineer.

Drainage

- j. The developer shall provide a storm drainage study for the proposed project. The analysis shall include the cumulative effects of the development upon runoff, discharge into natural watercourses, and increased volumes and velocities in watercourses and their impacts on downstream properties. Within the report for the solution of hydraulic design problems, the design engineer shall provide topographic drainage maps, drainage calculations, model studies, reports, or prototype tests as necessary to confirm the hydraulic design.
- k. At the developer's expense, the on-site storm drainage improvements recommended by the approved storm drainage hydraulic study, and as required to accommodate runoff from the project site, shall be designed by the developer's civil engineer and constructed by the developer's contractor, all to the satisfaction of the City Engineer.
- l. Drainage plans shall include permanent, and temporary construction, storm water pollution prevention control, BMP's meeting current NPDES standards, and to the satisfaction of the City Engineer.
- m. The permanent storm water pollution control devices shall be designed and installed within the project's drainage system and shall be documented in a storm water control plan to the satisfaction of the City Engineer.

Utilities

- n. A complete set of improvement plans shall be submitted to all agencies, districts, utilities, etc., affected by, or providing service to the development, for review and comment. Prior to approval of the improvement plans the Developer shall incorporate design changes requested by the City Engineer as a result of said reviews. Encroachment and grading permit issuance shall be subject to acknowledgment of review by required representatives as evidenced on the improvement plans.

12. Indemnity and Time Limitations:

- a. The developer 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 City's decision to approve the amendment to the application at issue herein and/or the Negative Declaration 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 developer, the City, and/or parties initiating or bringing such action.

- b. The developer 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, such as the Negative Declaration, if made necessary by said legal action and the developer and any successor in interest, whether in whole or in part, 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. In the event that a claim, action, or proceeding described in no. a or b above is brought, the City shall promptly notify the developer of the existence of the claim, action, or proceeding, and the City will cooperate 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 developer 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 developer 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 City.
- d. The developer and any successor in interest, whether in whole or in part, 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.
- e. 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.
- f. 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.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the ___ day of _____ 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 _____ day of _____.

Chair

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION
RECOMMENDING APPROVAL OF THE NEGATIVE
DECLARATION FOR THE GOLDEN GATE BUSINESS PARK
AND NOVATO COMMUNITY HOSPITAL MASTER PLAN
AMENDMENTS, GOLDEN GATE BUSINESS PARK PRECISE
DEVELOPMENT PLAN AMENDMENT AND SUTTER
MEDICAL CAMPUS DESIGN REVIEW

WHEREAS, the City of Novato has prepared a Negative Declaration for the Golden Gate Business Park and Novato Community Hospital Master Plan Amendments, Golden Gate Business Park Precise Development Plan Amendment, and Sutter Medical Campus Design Review to allow a proposed parking lot (Lot 2), landscaping, signage, and entrance treatment for a change in use from office to medical office and outpatient surgery center for the two existing office buildings on a 6 acre site located at 100 and 101 Rowland Way, APNs 153-170-61, 62 & a 2.5 acre site on Novato Community Hospital property (Lot 2), APN153-370-02; and

WHEREAS, the Negative Declaration has been completed in compliance with the California Environmental Quality Act (CEQA), the guidelines as promulgated by the State Secretary of Resources, and the procedures for review as set forth in the City of Novato Environmental Review Guidelines; and

WHEREAS, notices regarding the Negative Declaration were sent to neighboring property owners and any interested parties requesting notice pursuant to the Novato Municipal Code Section 19.58; and

WHEREAS, the custodian of the record of proceedings for this project is the Community Development Director; and

WHEREAS, copies of the Negative Declaration were made available for 20-day review period by pertinent agencies and interested members of the public, commencing on July 31, 2007; and

WHEREAS, the Planning Commission held a public hearing on August 20, 2007, and considered all oral and written comments on the Negative Declaration and the project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby recommend that the City Council a) approve the Negative Declaration, which has been completed in compliance with CEQA and the City of Novato Environmental Review Guidelines; b) find that the City has independently reviewed the Negative Declaration, all environmental reports and documentation for the project, and the Negative Declaration reflects the City's independent judgement; c) find that it is adequate, accurate and objective and there is no substantial evidence the

project will have a significant effect on the environment; and d) find that the project will not 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 ___ day of _____ 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 _____ day of _____.

Chair