



THE CITY OF
NOVATO
CALIFORNIA

Community Development Dept.
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PLANNING COMMISSION STAFF REPORT

MEETING

DATE: March 17, 2008

STAFF: Paul Bickner, Planner II
899-8939

SUBJECT: **NOTICING FOR SINGLE FAMILY DESIGN REVIEW
ZONING TEXT AMENDMENT
10801Z; ZONING TEXT AMENDMENT**

REQUESTED ACTION

Consider a recommendation to the City Council on an amendment to the Zoning Code to require a radius of 300' for noticing rather than the current 600' for all individual single family construction requiring Design Review in the Residential Zoned Districts.

EXECUTIVE SUMMARY

The Planning Commission, when it reviewed the recently adopted second story ordinance on December 3, 2007, recommended reducing the noticing range to just include the adjacent properties. The City Attorney indicated the noticing of a discretionary action had to be at least 300' under State law. City Council concurred with the Planning Commission intent to reduce the noticing radius.

The proposed amendment to Chapter 19.58 has been prepared in response to the direction given by the City Council at its meeting of January 23, 2008. When the City Council considered the Zoning Text Amendment for Design Review of individual second story residential development, they reduced the noticing requirement down to a 300' noticing area. Council then requested that staff prepare an ordinance revising the noticing requirement down to 300' for all individual single family development requiring Design Review in order to maintain consistency.

The amendment would be consistent with the recently passed Zoning Text Amendment requiring 300' noticing for second story construction. The proposed amendment would reduce the distance required for noticing property owners of homes within a 600' radius of the parcel subject to review to a 300' radius.

Staff recommends approval of the Zoning Code change.

PROJECT DESCRIPTION

The proposed text revision would amend Zoning Ordinance Division 19.58.020B.2.c., *Notice of Public Hearing or Discretionary Action*, to reduce the noticing requirement from 600' to 300' in order to make the noticing consistent with noticing requirements for individual second story

construction passed by City Council on February 12, 2008.

The proposed text amendment is as follows:

- c. **Affected Owners.** All owners of real property as shown on the latest county equalized assessment roll, within a radius of 600 feet from the exterior boundaries of the parcel that is the subject of either a hearing or neighborhood meeting described in Section 19.40.070D; except that for an action or hearing on any ~~second-story~~ individual single family new construction or addition requiring Design Review, the notice shall be a radius of 300 feet from the exterior boundaries of the parcel and for an action or hearing on an accessory dwelling unit permit, affected owners shall include only the owners of real property that adjoin the parcel on which the accessory dwelling unit is proposed; and

NEED FOR PLANNING COMMISSION ACTION

Text amendments to the Novato Zoning Ordinance require review and a recommendation by the Planning Commission. Following closure of the public hearing, the Commission should consider the facts, recommendations, public comment and deliberations, prior to making a recommendation to the City Council on whether to approve or disapprove the proposed amendment.

ENVIRONMENTAL ASSESSMENT

The Environmental Coordinator has determined that the proposed amendments are not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). This CEQA section states that a project is exempt from CEQA when the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant, physical effect on the environment.

STAFF ANALYSIS

The proposed amendment to Chapter 19.58 has been prepared in response to the direction given by the City Council at its meeting of January 23, 2008. When the City Council considered the Zoning Text Amendment for Design Review of individual second story residential development, they reduced the noticing requirement from a 600' to a 300' radius noticing area. Council then requested that staff prepare an ordinance revising the noticing requirement from 600' to 300' for individual single family development requiring Design Review in order to maintain consistency in the ordinance.

Individual single family homes currently requiring Design Review include homes located within a Planned District (PD), homes located within the R4, R5, R10 and R20 Zoned Districts and homes which are located on slopes greater than 10% under the Hillside Ordinance. The recently adopted ordinance requires Design Review for second story single family residential construction within all residential zoning districts.

Generally, the impact of a single family development proposal is limited to adjoining properties. A 300' noticing area typically extends beyond the boundary of adjacent owners to include other properties in the vicinity. Persons outside the noticing range also may still provide input or appeal

a proposal. As always, any comments provided, whether from a person within or outside the noticing boundary, must be germane to the impact a proposal may create. Zoning Code section 19.58.020.B.4. allows the Community Development Director to establish a larger noticing boundary if it is deemed there may be potential impacts which would extend beyond the 300' noticing range.

COMMISSION ALTERNATIVES

1. Recommend approval of the proposed amendment to NMC Chapters 19.58 to the City Council by adoption of the attached resolution.
2. Modify the proposed amendment to NMC, and recommend approval to the City Council by adoption of a revised resolution.
3. Recommend that the City Council deny the amendment to NMC.

RECOMMENDATION

Recommend that the City Council approve the amendment to NMC Chapter 19.58.

FURTHER ACTION

The City Council will consider the Planning Commission's recommendation.

ATTACHMENTS

1. Resolution recommending approval of an amendment to NMC Chapter 19.58 with Exhibit A - Draft Ordinance
2. City Council minutes of January 23, 2008 (to be delivered prior to meeting)

PLANNING COMMISSION RESOLUTION

RESOLUTION NO.

RESOLUTION RECOMMENDING APPROVAL OF AN
AMENDMENT TO DIVISION 19.58- PUBLIC HEARINGS, OF
CHAPTER XIX, THE ZONING ORDINANCE OF THE CITY OF
NOVATO MUNICIPAL CODE

WHEREAS, the City of Novato Zoning Ordinance was revised and adopted in April 2001;
and

WHEREAS, from time to time it is necessary to amend the Zoning Ordinance to reflect
changes in local philosophies towards land use and development controls; and

WHEREAS, the Zoning Ordinance is enacted based on the authority vested in the City of
Novato by the State of California, including but not limited to: the State Constitution; the Planning
and Zoning Law (Government Code Section 65000 et seq.); and

WHEREAS, the City Council directed staff to prepare a recommendation in the form of draft
zoning ordinance text revision focusing on the provisions and standards in a Novato Zoning
Ordinance amendment to Division 19.58- Public Hearings; and present it to the Planning
Commission for review and recommendation; and

WHEREAS, the proposed amendment, as fully described in Exhibit A attached hereto, is
consistent with the goals, objectives, policies, and programs of the Novato General Plan. Said
amendment requires 300' public noticing of individual single family development proposals
requiring Design Review in keeping with state law and the General Plan CI Objective 3: "Ensure
that new residential development demonstrates quality, excellence of design, and sensitivity to the
character of the surrounding neighborhood." Notifying the neighbors prior to the review authority
reaching a decision on the development proposal will continue to allow the affected neighbors to
obtain an early insight into the nature and effects of the proposed development and will insure,
among other things, aesthetic compatibility with neighboring structures and design quality; and

WHEREAS, a public notice describing the Planning Commission's public hearing on the
proposed Zoning Ordinance amendment was published in the Marin Independent Journal, a
newspaper of local circulation, on March 6, 2008 pursuant to Novato Municipal Code Section
19.58.020; and

WHEREAS, the Planning Commission held a public hearing on the proposed Zoning
Ordinance amendment on March 17, 2008.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby
recommends that the City Council adopt the proposed amendment to Zoning Ordinance Division
19.58- Public Hearings, as described in Exhibit A attached, based on information presented in the

staff report, testimony presented at the hearing, and the findings required by Section 19.56.070C. of the Municipal Code as follows:

- 1a. The proposed amendment is internally consistent with the General Plan and would further the goals, objectives, policies and programs of the General Plan in that:

The proposed amendment would be wholly consistent with the goals, objectives and policies of the Novato General Plan. The amendment would strengthen and facilitate the purpose and intent of the following General Plan goals, objectives and policies:

- * 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 ambience of the surrounding neighborhood. Recognize that neighborhoods include community facilities needed by Novato residents as well as home, and integrate facilities into neighborhoods.
- * CI Objective 3 - Ensure that new residential development demonstrates quality, excellence of design, and sensitivity to the character of the surrounding neighborhood.

Findings for CI Policy 1 and CI Objective 3:

Requiring the ongoing noticing for second story residential development and single family development within PD, R4, R5, R10 and R20 Zoning Districts, as well as hillsides greater than 10%, will help development be sensitive to the surrounding architecture, topography, landscaping, and to the character, scale, and ambience of the surrounding neighborhood. The reduction from a noticing radius of 600' down to 300' would not reduce the quality of public input as most impacts would only be to neighboring properties and persons outside the legally required 300' noticing radius will still be able to provide input. By insuring citizen input, applicants will be better informed as to the concerns of the neighborhood and be better able to have the proposal address those concerns.

- b. The proposed code amendment would not result in any physical improvements or activities that would be detrimental to the public interest, health, safety, convenience, or welfare of the City at large. The reduction from a noticing radius of 600' down to 300' would not reduce the quality of public input as most impacts would only be to neighboring properties and persons outside the legally required 300' noticing radius will still be able to provide input.
- c. The proposed amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA), and the Novato Environmental Review Guidelines. The proposed amendment to the Zoning Code would require 300' noticing for individual single family development requiring Design Review. The amendment involves procedural changes to the Code and the amendment wouldn't generate an environmental impact. Therefore, the Environmental Coordinator determined that the proposed amendment

is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). This CEQA section states that a project is exempt from CEQA when the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant, physical effect on the environment.

2. The proposed amendment is internally consistent with other applicable provisions of this Zoning Ordinance. The 300' radius noticing for individual single family development requiring Design Review is a reduction of the already codified 600' radius noticing and follows the same procedures.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the 17th day of March, 2008, 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 17th day of March, 2008.

Chairman

EXHIBIT "A"

**PROPOSED ZONING ORDINANCE TEXT AMENDMENT
ZONING ORDINANCE DIVISION 19.58- PUBLIC HEARINGS**

Section 19.58.020B.2.(c) of the Zoning Code shall be revised to read as follows:

19.58.020B.2. Mailing. Notice shall be mailed or delivered at least 10 days before the date of the hearing or action to the following:

- a. **Owners of the project site.** The owners of the property being considered in the application, or the owner's agent, and the applicant;
- b. **Local agencies.** Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected, and any adjacent City or County government;
- c. **Affected Owners.** All owners of real property as shown on the latest county equalized assessment roll, within a radius of 600 feet from the exterior boundaries of the parcel that is the subject of either a hearing or neighborhood meeting described in Section 19.40.070D; except that for an action or hearing on any ~~second-story~~ individual single family new construction or addition requiring Design Review, the notice shall be a radius of 300 feet from the exterior boundaries of the parcel and for an action or hearing on an accessory dwelling unit permit, affected owners shall include only the owners of real property that adjoin the parcel on which the accessory dwelling unit is proposed; and
- d. **Persons requesting notice.** Any person who has filed a written request for notice with the Director and who has paid the required fee for the notice.