

DESIGN REVIEW COMMISSION STAFF REPORT

DATE: December 4, 2019

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SUBJECT: **THE PAVILIONS**
P2018-018; DESIGN REVIEW WORKSHOP
APN 153-170-56; 200 LANDING COURT

REQUESTED ACTION

Conduct a design workshop to review and comment on the site design, building massing and height, and conceptual architecture for The Pavilions, a 30-unit live/work development proposed at 200 Landing Court (“Project”) (APN 153-170-56).

SITE DESCRIPTION

The 3.4-acre project site, 200 Landing Court, is located east of Redwood Blvd at the end of Landing Court, a dead-end street (cul-de-sac), immediately west of Hwy 101. The site has an average slope of approximately 22 percent, and generally slopes north to south. Portions of the site are not in its original natural state; the site and area to the east was re-contoured, likely during construction of the Hwy 101 freeway. A slope analysis map is included in the plan set; elevations at the site range from approximately 10 to 67 feet. Landing Court is 36 feet wide from curb to curb, and the cul-de-sac bulb portion has a 52-foot radius. For additional site information, please refer to the [Project Plan Set](#). Adjacent development includes single-family residential development to the north and west, commercial development to the south, and Hwy 101 to the east of the project site.

PROJECT DESCRIPTION

On August 1, 2018, this project was presented to the Design Review Commission at a workshop. The applicant has made changes to the plans described below based on commissioner and public input.

The applicant, Novato Creek Partners, is proposing to develop 30 live/work units, clustered towards the east and southeast portions of the site. The unit types included detached residences, 6-unit flats over garage parking, and triplex buildings. Two staircases and elevators would provide access via walkways to the 6-unit flats and detached residential units, which are “keyed” into the hillside; the triplex buildings are located on a relatively flat portion of the site. A total of 57 on-site parking spaces and 13 street parking spaces are proposed. Forty-two of the on-site spaces are enclosed and 15 spaces are uncovered. The applicant is requesting that on-street parking be utilized to reduce the amount of impervious surfaces on the site. The applicant has submitted a project narrative, available here: [Project Narrative, dated 11/06/2019](#).

The proposed units range in size from 850 to 1,800 square feet. The per unit ratio of live to work area is 70 percent live and 30 percent work (70:30). Building heights range from 27 to 31 feet tall from finished grade, with the elevator shafts rising to 38 feet above finished grade. The total conditioned, habitable space is 36,600 square feet and garage space is equal to 14,715 square feet.

Table 1. Unit Size and Count

| | Live Portion | Work Portion | Total Area | Percentage Living Area | No. of Units |
|---------------|--------------|--------------|------------|------------------------|--------------|
| Unit Size | 595 | 255 | 850 | 70 | 6 |
| (Square Feet) | 805 | 345 | 1150 | 70 | 18 |
| | 1260 | 540 | 1800 | 70 | 6 |
| | | | | Total Units | 30 |

The conceptual plan set and project narrative may be viewed and downloaded at www.novato.org/pavilions.

REQUIRED DEVELOPMENT APPROVALS & PROCESS

The following development approvals are required for the Project:

- Master Plan Amendment. The Novato Creek Landing Master Plan will need to be amended to allow for the live/work project and other site specific development standards. The Novato Creek Landing Master Plan was first approved in 1984, and subsequently amended in years 1985, 2000, and 2007.
- Precise Development Plan (PDP). A PDP will need to be approved to address the design and operational characteristics of the project. The Novato Creek Landing PDP has expired.
- Design Review. Approval regarding the project's site design, architecture, and landscaping. Design review is required as a component of the PDP.
- Land Division. The applicant has indicated a desire to subdivide the property to create separate parcels for the units. A tentative subdivision map will need to be approved and recorded for this purpose.
- CEQA Environmental Review approval.

The Design Review Commission will provide a recommendation to the Planning Commission and City Council regarding the design aspects of the project. Thereafter, the Planning Commission would make a subsequent recommendation regarding the project entitlements to the City Council.

BACKGROUND

Applicant/Owner: Novato Creek Partners, LLC
 Assessor’s Parcel No.: 153-170-56
 Property Size: 3.4± acres
 General Plan Designation: Business and Professional Office (BPO)

Zoning: Planned District (PD): Novato Creek Landing Master Plan
Existing Use: Vacant
Proposed Use: Live/Work Development
Adjacent Uses: North: Low Density Residential
West: Low Density Residential
South: Mini-storage
East: Hwy 101

ENVIRONMENTAL ASSESSMENT

An environmental assessment is not required to conduct a design review workshop. Environmental review consistent with the California Environmental Quality Act (CEQA) will be completed prior to a Planning Commission hearing.

Figure 1. Aerial view of site (property lines approximate)



BUILDING DESIGN, SITE PLANNING, AND DEVELOPMENT

The applicant has redesigned the site plan since the August 1, 2018, Design Review Workshop. The applicant has removed the units that were proposed on the upper portions of the site, and shifted the units to the south and east. This has also resulted in the elimination of the access road from the upper portion of the site. The shared office/community center was also removed. Conceptual architecture, as shown in the plan set, is modern with flat (or near flat) roofs. The applicant has not yet proposed landscaping, as the site layout has not yet been finalized.

Staff requests that the Commission provide feedback to the applicant regarding the overall approach taken with the site plan, including: context with the surrounding setting, and the location, orientation, massing, and architecture of the buildings.

STATE DENSITY BONUS REQUEST

State Density Bonus Law

The Applicant has indicated that they will be requesting Density Bonus allowances pursuant to Government Code §65915 (State Density Bonus Law). In this instance, the Project qualifies as a “housing development” and will provide a sufficient number of affordable housing units to be eligible to receive the benefits offered by State Density Bonus Law, including consideration of requests for “concessions or incentives” and “waiver or reductions” related to City-imposed development standards.

State Density Bonus Law compels a local agency (City of Novato) to grant a specific number of concessions or incentives where doing so would result in identifiable cost reductions to a project in support of the provision of affordable housing. Similarly, a local agency is obliged to grant waivers to and reductions of development standards (e.g., floor area ratio, setback, height limit, etc.) where it can be shown that such standards would prevent development of a housing project at the density levels prescribed by State Density Bonus Law. Generally, there are limitations on the ability of a local agency to deny concessions, incentives, waivers, and reduction requests.

Staff anticipates that, prior to a Design Review hearing, the applicant will have determined the extent of the density bonus request, including any requested concessions or incentives, or waivers or reductions of development standards.

STAFF ANALYSIS

The following is an analysis of the project regarding consistency with applicable provisions of the General Plan and Novato Municipal Code, including Chapter 19, Zoning.

1996 General Plan

The 1996 Novato General Plan provides a framework of policies that were adopted to coordinate all major components 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.

The Design Review Commission should consider the design concepts in light of the design-related policies of the Novato General Plan listed below.

Housing Chapter

HC Policy 3.2 Design that Fits into 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 of scale and compatibility in form to the surrounding area.

HC Policy 3.3 Housing Design Principles. The intent in the design of new housing is to provide stable, safe, and attractive neighborhoods through high quality architecture, site planning, and amenities that address the following principles:

- a. Reduce the perception of building bulk. In multi-unit buildings, encourage designs that break up the perceived bulk and minimize the apparent height and size of new buildings, including, for example, the use of upper story stepbacks and landscaping. Application of exterior finish materials, including siding, trim, windows, doors and colors, are important elements of building design and an indicator of overall building quality.
- b. Recognize existing street patterns. Where appropriate, encourage transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Design new housing so that, where appropriate, it relates to the existing street pattern.
- c. Enhance the “sense of place” by incorporating focal areas where appropriate. Design new housing around natural and/or designed focal points, emphasized through pedestrian/pathway or other connections.
- d. Minimize the visual impact of parking areas and garages. Discourage home designs in which garages dominate the public façade of the home (e.g. encourage driveways and garages to be located to the side or rear of buildings, or recessed, or along rear alleyways or below the building in some higher density developments).

Environment Chapter

EC Policy 25 Trees on Private Property. Encourage and, where appropriate, require actions by private property owners to protect the health of native woodlands and trees.

EC Policy 26 Trees in New Development. Require that the site planning, construction and maintenance of development preserve existing healthy trees and native vegetation on site to the maximum extent feasible. Replace trees and vegetation not able to be saved.

EC Policy 39 On-Site Recycling Areas. Require on-site areas for recycling in commercial/retail, office and multi-family residential developments as required by State law.

Community Identity Chapter

- 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.
- CI Policy 3** Variety in Design. Discourage sameness and repetitive designs.
- CI Policy 7** Landscaping. Encourage attractive native and drought-tolerant, low-maintenance landscaping responsive to fire hazards.
- CI Policy 12** Parking Standards. Reduce the visibility of parking facilities and the amount of land necessary for them to the maximum extent feasible.
- CI Policy 14** Open Areas and Landscaping. Require provision of adequate landscaped, open areas in project design.
- CI Policy 15** Pedestrian Paths. Provide for maximum feasible pedestrian circulation.
- CI Policy 32** Public Art. Promote public art that enhances the cultural life of the community.

Allowable Density Range:

The project site is designated Business and Professional Office (BPO) on the General Plan Land Use Map. The BPO designation permits a floor area ratio (FAR) of 0.4. The subject parcel is 3.4 acres, or 148,686 square feet. Therefore, the entire site can accommodate up to 59,474 square feet of building floor area. The applicant has proposed 36,600 square feet of building area subject to FAR, which is below the allowable FAR of 0.4. See the *Hillside and Ridgeline Protection* section of this staff report, below, for additional information regarding floor area.

Novato Zoning Code

As noted earlier, the project site is currently zoned Planned District (PD). The PD zoning district requires the approval of a Master Plan (MP) and Precise Development Plan (PDP). The MP establishes allowable land uses, density, intensity of development, and suitability of the property for the proposed development. The PDP establishes the minimum lot size and site coverage requirements, minimum setback requirements and structure height limits, off-street parking requirements, landscaping requirements, and other site planning, development standards, and special provisions and requirements as deemed necessary by the review authority.

Based on the conceptual site plan, the applicant has proposed the following development standards:

Front Setback: 5 feet to property line; 11 feet to back of sidewalk
East Side Setback: 6 feet

West Side Setback: 240 feet
 Rear Setback: 70 feet
 Building Height: 27 – 35 feet from finished grade; 41 feet at elevator shafts
 Parking Spaces: On-site: 62 spaces (2.06 spaces/unit)
 Street: 13 spaces

Planned District: This zoning classification allows flexibility to develop project and site specific development and operational standards through the adoption of a Precise Development Plan (PDP). A PDP may include design and operational elements that deviate from the uniform standards of the Novato Zoning Ordinance. Deviations are allowed where doing so better addresses a unique site constraint(s) (e.g., steep topography, wetlands, easements, etc.) or would result in a superior project design. The Commissions and the City Council will need to consider the merits of the project if they are to support these types of deviations from standard code requirements through the PD approval process. A summary of the zoning code development standards for the Business and Professional Office (BPO) zoning district is listed below.

Table 2. Existing Master Plan Development Standards and proposed standards:

| General Development Standards | | | | | | |
|----------------------------------|-----------------|-----------------------|------|-------------------|--------------|------------------|
| | Setback Minimum | | | Building Coverage | Height Limit | Floor Area Ratio |
| | Front | Side | Rear | | | |
| Novato Creek Landing Master Plan | 20' | 20' west/ 10' east | 10' | 30% | 35' | 0.40 |
| Project Proposal | 5' | 71' west/ 6' east | 80' | 17% | 35'* | 0.25 |

* The elevator shafts have a height of 41 feet. NMC [Section 19.20.070](#) (Height Limitations and Exceptions) allows mechanical equipment, such as elevator shafts, to exceed the height limit by up to 8 feet.

Hillside and Ridgeline Protection: The Hillside Ordinance (NMC [Division 19.26](#)) is applicable to sites that have an average slope over 10 percent. The Hillside Ordinance includes density or floor area reduction factors for new or additional development. Table 2, below, includes the codified reduction factors and their applicability to the project site. The applicant’s concept includes 36,600 square feet of building area subject to floor area ratio (FAR) calculation. Staff anticipates that the applicant will request a waiver in the form of an increase to the City’s prescribed Hillside floor area development standards, in order to allow for the proposed 36,600 square feet of development.

Table 3. Hillside Floor Area Reduction Table

| Average Slope Range | Percent Reduction in Allowable FAR | Project Site (SF) | Reduced Net (SF) |
|---------------------|------------------------------------|--------------------------|------------------|
| 0 to 10% | None | 52,849.85 | 52,849.85 |
| 10 – 20% | 20 percent | 24,699.17 | 19,759.20 |
| Over 20% | 100 percent | 71,137.04 | 0 |
| | | Total | 72,607.21 |
| | | Hillside max floor area* | 29,043.67 |
| | | Proposed floor area | 36,600 |

*The BPO General Plan land use designation allows up to 59,474 square feet of building floor area.

The Hillside Ordinance also has design-related regulations and recommendations (NMC [Section 19.26.040](#)) for items such as retaining wall height and length, building height, building location, and building design. A summary of those regulations and recommendations is listed below.

Terrain Alteration. The project should be designed to fit the terrain rather than altering the terrain to fit the project. Development patterns that require excessive cuts or fill, form visually protruding horizontal bands or steeply cut slopes for roads or lots shall be avoided.

Structure Siting and Design. Site design shall utilize varying setbacks, structure heights, split-level foundations, and low retaining walls and terraces to blend structures into the terrain. Front building setbacks shall be varied and staggered consistent with natural hillside character.

Location of Structures. Structures should be located in the most accessible, least visually prominent, and most geologically stable portion or portions of the site. When feasible, place structures so that they will be screened by existing vegetation, rock outcroppings, or depressions in topography. Buildings and improvements should be located to save trees and minimize visual impacts. Additional native plant materials should be added to augment the screening qualities of existing vegetation, where appropriate.

Retaining Walls. Tall and/or long retaining walls shall be avoided. Retaining walls shall be divided into terraces to reduce the individual heights of walls where practicable, with landscaping to screen them from view. Generally, no retaining wall should be higher than 8 feet.

Architectural Design. Structures shall be designed as follows

1. Buildings and improvements shall be scaled to complement the hillsides and to avoid excessively massive forms that dominate views of the hills.
2. Residential development on infill hillside lots shall be of a scale that is compatible with the existing adjacent neighborhood, and shall be designed to locate windows, balconies, and outdoor living areas with consideration for the privacy of adjacent dwellings and yards, to the maximum extent feasible.
3. Building facades shall have varying vertical planes and overhangs shall be used as a means to create changing shadow lines to reduce the visual mass of forms. Building architectural elevations shall be stepped to follow the natural contour of the slope and to minimize building heights. See [Section 19.26.050.J](#) for building step back requirements.
4. Roof pitches shall generally be designed to follow the angle of the site slope; but variation may be provided to avoid a monotonous appearance.
5. Structures with visible structural underpinnings that extend more than six feet above grade shall be avoided. Integrate structural underpinnings for decks, additions or foundation structures that exceed six feet in height into the design aesthetic of the building.

Building Height. The maximum allowable building height shall be 25 feet for residential buildings and 35 feet for non-residential buildings. For residential buildings, the following additional height limits which are intended to reduce building mass are required:

- a. The height of a residential building measured from the lowest grade along any perimeter building elevation to the peak of the highest roof element shall not exceed 35 feet.

- b. Building step backs shall be required along the down slope elevation to reduce bulk and mass, and to avoid tall walls in one vertical plane. The height of the tallest vertical plane along down slope building elevations shall not exceed 20 feet measured from grade. Walls extending above this 20-foot limit, shall be stepped back a minimum of 10 feet.

Ridgeline/Knoll: Novato Municipal Code Section [19.26.050 \(Siting and Height Limitations\)](#), subsection J., includes regulations regarding the siting of structures and height of structures adjacent to ridgelines and knolls. The purpose of these regulations is to protect and reserve ridgelines and scenic vistas in their natural state, limiting development in hillside areas, and encouraging retention of natural topographic features and vegetation. Where buildings are adjacent to ridgelines or knolls, said buildings should have a 25-foot vertical separation from the top of the knoll and buildings shall not be placed so that they are silhouetted against the sky when view from a public street. The project site is on the side of a knoll. The subject knoll is adjacent to Hwy 101, has previously been re-contoured, and has 3 structures on top of the knoll.

The Plan Set includes topographic information and building cross sections that depict the proposed building designs, locations, and heights in relation to the knoll. Based on the proposed building locations, building heights, and Hillside Ordinance regulations, waiver(s) from these regulations will likely be requested pursuant to State Density Bonus Law.

Art Program: The project will need to comply with NMC [Division 19.21](#), which requires an art project that has a value of not less than one-third of one percent of the construction cost of the completed development project, or payment of an in-lieu fee.

Light and Glare: Light or glare shall be shielded to prevent emission of light or glare beyond the property line (NMC [Section 19.22.060](#)).

Affordable Housing Requirements: Based on the proposed residential unit count, 20 percent of the units are required to be affordable (NMC [Division 19.24](#)).

Landscaping: NMC [Division 19.28](#) has minimum landscape standards for new development projects, including setback areas, parking lots, and open areas.

Parking and Loading: Live/Work projects require at least two off-street parking spaces per unit.

Live/Work Projects: NMC [Section 19.34.090](#) provides standards for the development of new live/work projects. Live/work standards are as follows:

- A. *Limitation on Use*. The non-residential component of a live/work project shall be a use allowed within the applicable zoning district by [Article 2](#).

The applicant has proposed to amend the Novato Creek Landing Master Plan. The amended master plan will include a list of permitted uses, consistent with the BPO Land Use designation.

- B. *Access.* 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.

Independent access to each unit is proposed.

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

The Novato Creek Landing Master Plan allows an FAR of 0.4. The applicant has proposed an FAR of 0.25. The Hillside Ordinance reduces FAR at the site to 0.19; the granting of a waiver of the Hillside Ordinance would be required.

- D. *Minimum Floor Area.* The minimum net floor area of a live/work space shall be 750 square feet. A minimum of 30 percent of the gross floor area shall be for studio/business use.

The minimum proposed unit size is 850 square feet, with 30 percent dedicated for the studio/business use.

- E. *Occupancy.* Live/work quarters shall be occupied and used only by a business operator, or a family of which at least one member shall be the business operator.

The applicant has stated that CC&Rs will require that the property owner be the business owner, and that no non-resident shall be allowed to operate a business at the site. Additionally, the City will place restrictions on the project to

- F. *Residential Uses.* 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 plans for each unit include the amenities required for a residential dwelling.

- G. *Signs.* 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).

No signs are proposed at this time. If, and when a sign is proposed for the site or individual units, Department staff will review said sign for conformance with the NMC.

- H. *Parking.* 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.

Sixty-two on-site parking spaces are proposed, 45 enclosed spaces and 17 uncovered spaces. Based on the proposed 30 units, the 62 spaces represents 2.06 spaces per unit. Additionally, the applicant is proposing to stripe on-street parking. Landing Court was built to a commercial/industrial street standard with a 36-foot pavement (curb to curb) width, and a cul-de-sac radius of 52 feet. The Public Works/Engineering Division and Novato Fire would need to approve the proposed design changes to Landing Court.

- I. *Prohibited Uses.* Live/work quarters shall not be established or used in conjunction with the following activities:
1. Adult businesses;
 2. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
 3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
 4. Welding, machining, or any open flame work; and
 5. Any other uses, as determined by the Director to not be compatible with residential activities.

The uses listed above will not be permitted in the amended master plan. Additionally, Department staff will review all business licenses to ensure that prohibited uses are not established at the site.

- J. *Open Space.* A minimum open outdoor space area of 150 square feet shall be required for each live/work unit in accordance with the standards in [Section 19.34.124](#), subsection B.2.

At least 75 square feet of private open space is required for each unit, and approximately 70 percent of the site would remain undeveloped. The project will be reviewed to ensure compliance with NMC [Section 19.34.124](#).

Design Review Findings

The Design Review Commission should consider the design of the Project from the perspective of the following uniform findings of approval. These are the finding the Design Review Commission will be asked to make when forwarding a recommendation on the Project's site design, massing and height, and architectural and landscaping concepts to the Planning Commission and City Council.

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.

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.

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.

Additionally, the Hillside Ordinance includes supplemental Design Review findings (NMC [Section 19.26.060](#)), detailed below. These supplemental finding should also be considered and the Design Review Commission will be asked to make when forwarding a recommendation on the Project to the Planning Commission and City Council.

- A. The design, scale, massing, height and siting of development is compatible with the character and scale of the surrounding, developed neighborhood.
- B. The design and site layout of the hillside project is respectful of and protects the natural environment to the maximum extent feasible.
- C. Site grading has been designed to be as minimal as possible to achieve sensitive hillside design, minimize tree removal, and provide safe site access and required parking.
- D. The hillside project is designed and sited to screen development, to the extent feasible, through clustering and/or avoiding of highly visible hillsides, ridgelines, and knolls.

RECOMMENDATION

Conduct the public workshop, including any public input, and provide comments to staff and the applicant regarding the site design, building massing and height, and architectural concepts proposed for the Project.

FURTHER ACTION

A future public hearing will be scheduled with the Design Review Commission to consider making a formal recommendation to the Planning Commission and City Council regarding the Project's site design, building massing and height, and architecture and landscaping.

REFERENCED DOCUMENTS (available for digital download)

[The Pavilions Plan Set](#)

[Project Narrative](#)

[DRC Staff Report, dated August 1, 2018](#)

[DRC Minutes, dated August 1, 2018](#)