

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 2017-020

RESOLUTION OF THE NOVATO PLANNING COMMISSION APPROVING A CEQA CATEGORICAL EXEMPTION, GRANTING A USE PERMIT TO ALLOW THE CONSTRUCTION AND OPERATION OF A DOG BOARDING AND GROOMING FACILITY, AND APPROVING THE DESIGN ASPECTS OF THE PROPOSED DEVELOPMENT, AT 7586 REDWOOD BLVD, UNIT D; APN 143-061-11

WHEREAS, the City of Novato received an application requesting approval of design review and granting of a use permit to allow Park A Pup, LLC (“Applicant”), to construct and operate a dog boarding and grooming facility, including the retail sale of pet products, on a lot identified as APN 143-061-11;

WHEREAS, the Applicant is requesting a use permit pursuant to Novato Municipal Code Section 19.42.050, which establishes the procedures for approving use permits for activities and uses which may be acceptable in the applicable zoning district if compatible with adjoining land uses;

WHEREAS, the Applicant is requesting design review approval pursuant to Novato Municipal Code Section 19.42.030, which establishes procedures for the review and approval of design aspects of a proposed development (e.g. building design, landscaping, site planning and development);

WHEREAS, the Design Review Commission held a public hearing on October 18, 2017, to consider the design aspects of the proposed development, and recommended the Planning Commission approve the design aspects of the proposed development;

WHEREAS, the Planning Commission held a public hearing on December 4, 2017, to consider and receive public testimony on the proposed use permit;

WHEREAS, notices describing the Planning Commission’s public hearing on the proposed use permit were sent to all affected property owners within 600-feet of the project site, pursuant to Section 19.58.020 of the Novato Municipal Code, and published in the Marin Independent Journal, a newspaper of local circulation on November 22, 2017;

WHEREAS, the proposed dog boarding and grooming facility is exempt from the requirements of the California Quality Act (CEQA) and the City of Novato Environmental Review Guidelines pursuant to CEQA Guidelines 15332 – *In-fill Development Projects*; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby finds and resolves as follows:

Section 1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

Section 2. Record

The Record of Proceedings ("Record") upon which the Planning Commission bases its decision includes, but is not limited to: (1) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to the proposed dog boarding and grooming facility, (2) the evidence, facts, findings and other determinations set forth in this resolution, (3) the City of Novato 1996 General Plan and its certified final EIR and the Novato Municipal Code, (4) all designs, plans, studies, data and correspondence submitted to the City in connection with the proposed project (5) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City (6) all other matters of common knowledge to the Planning Commission including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas.

The location and custodian of the records is the Novato Community Development Department, 922 Machin Avenue, Novato, California, 94945.

Section 3. CEQA Finding

The Planning Commission hereby finds the proposed dog boarding and grooming facility is exempt from the requirements of the California Quality Act (CEQA) and the City of Novato Environmental Review Guidelines pursuant to CEQA Guidelines 15332 – *In-fill Development Projects*. CEQA Guidelines Section 15332 exempts projects that are consistent with the General Plan and zoning designation and regulations, are on a site less than 5 acres in size and having no habitat value for endangered, rare, or threatened species, can be adequately served by all required utilities and public services, and approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The project as discussed further herein is consistent with applicable policies of the General Plan, meets all applicable zoning regulations, is located on a site of less than five acres that is current developed and features no wildlife habitat, and is of use type, scale, and intensity that would not result in traffic, noise, air quality, or water quality impacts.

Section 4. Municipal Code Findings

Use Permit

The Planning Commission hereby makes the following findings as required by Novato Municipal Code Section 19.42.050.E. with respect to the use permit based on the evidence contained in the Record which is herein incorporated by reference:

1. The proposed use is consistent with the General Plan and any applicable specific plan.

Land Use Chapter

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

Facts in Support: The proposed dog boarding and grooming facility is permitted upon approval of a use permit in the Commercial/Industrial (CI) zoning district. The CI zoning district is intended to implement the Commercial/Industrial General Plan Land Use designation. The proposed use is consistent with this policy.

LU Policy 2 Development Consistent with General Plan. Allow development at any density within the range shown by the Land Use Designations Map provided applicable objectives, policies and programs of all chapters of the General Plan are met. Maximum densities (top of stated density range applied to total gross acreage) may in some cases be achieved, but there is no guarantee of achieving the maximum density.

Facts in Support: The CI land use designation allows a Floor Area Ratio (FAR) of up to 1.0. The proposed project has an FAR of 0.67. The proposed project is consistent with this policy.

Transportation Chapter

TR Policy 22 Pedestrian Facilities. Promote, provide, and maintain a safe and convenient pedestrian system.

Facts in Support: The existing sidewalk fronting the project site will be demolished and rebuilt as a raised sidewalk with a six inch high curb. Pedestrian safety adjacent to the project site will be improved with this project.

Environmental Chapter

EN 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.

Facts in Support: The site is currently devoid of vegetation. Two street trees, spaced at approximately 35-feet, will be placed in the sidewalk right-of-way. Additionally, the applicant has proposed 10 trees on the project site, for a total of 12 trees.

Safety and Noise Chapter

SF Policy 16 Fire Risk in New Development. Review all development proposals for fire risk, and require mitigation measures to reduce the probability of fire.

Facts in Support: Application materials were provided to the Novato Fire Protection District for review and comment. The District requested a number of conditions of approval to ensure compliance with fire safety regulations. The project is required to comply with the District’s requested conditions of approval.

SF Policy 37 Noise and Land Use Compatibility Standards. Encourage the maintenance of the noise and land use compatibility standards indicated in SF Table 3. The normally acceptable standards for outdoor noise are summarized below [noise measurements in Ldn]:

<i>Residential Development</i>	<i>up to 60 dB</i>
<i>Transient Lodging: Motel and Hotel</i>	<i>up to 60 dB</i>
<i>Office Building, Business, Commercial & Professional</i>	<i>up to 70 dB</i>
<i>Industrial, Manufacturing, Utilities</i>	<i>up to 70 dB</i>

Facts in Support: The applicant hired a qualified acoustical professional to complete an environmental noise assessment. The noise assessment was completed based on the project’s original site plan design, which included an outdoor dog play area. The noise assessment concluded that, even with an outdoor play area, the project is consistent with the acceptable noise levels prescribed in the General Plan and Zoning Ordinance. Since the noise assessment was completed, the applicant revised the project design to eliminate the outdoor play area. The current design includes an indoor play area, and the building has been designed with concrete block walls to minimize noise from barking dogs. The applicant had the noise consultant review the revised plans and the consultant concluded that anticipated noise levels remain below the maximums allowed in the General Plan and Zoning Code. Specifically, noise levels with the dog boarding facility are anticipated to be below the noise threshold applied to residential uses of 60 dB versus the commercial standard of 70 dB that applies to the project.

Economic Development & Fiscal Vitality Chapter

EC Policy 2 Commercial Lands. The City should encourage the development of commercial lands primarily for economic activities that contribute to local employment and income.

Facts in Support: The proposed project includes service uses and retail sales, and it is anticipated that the project will employ 6 full-time and 4 part-time persons. Sales tax revenue will be generated from the retail sales and redevelopment of the property would result in reassessment at a higher value, which would contribute to supporting local municipal services.

EC Policy 10 Small and Locally Owned Businesses. Encourage the establishment of small and locally-owned businesses, and give this sector of the local economy a high priority.

Facts in Support: The applicant is a Marin County resident, who currently operates a dog boarding facility in the city of San Rafael. The proposed project would be the second location of Park A Pup; the applicant owns the property and will own and operate the facility.

EC Policy 21 Compatible Retail and Commercial Uses. Promote compatible retail and commercial combined uses/concentrations to improve business retention and attraction and reduce vacant or underutilized sites.

Facts in Support: The project site is currently an unattractive, dilapidated, and underutilized commercial/industrial space; conditions that do not encourage the attraction of businesses to this area of Novato. The project would improve these circumstances by replacing the existing dilapidated building with a new structure providing retail space at the street edge and offering a formal parking lot and adding landscaping. This project represents the first new development on the east side of Redwood Boulevard in the vicinity of the project location in many years and may serve as a catalyst for the improvement of other underutilized properties in the vicinity.

Uses in close proximity to the project include a vacant commercial/industrial building, recycling center, landscape supply yard, and contractor's equipment storage. The proposed project has operational characteristics matching those of surrounding businesses, including customer and employee related traffic. The applicant has demonstrated the project will not generate significant noise by producing a noise study prepared by a qualified acoustical professional. The applicant plans to implement procedures to control odors by treating dog play areas and kennels with a deodorizing agent and installing floor drains that are directly plumbed to the sanitary sewer system. These measures would ensure the proposed dog boarding facility would be compatible with surrounding uses.

The applicant submitted documentation demonstrating dog boarding and grooming facilities are regularly found adjacent to retail and other service commercial uses. Staff confirmed dog boarding and grooming facilities, especially those that are completely indoor, are increasingly located in commercial shopping districts and retail centers which is indicative of compatibility with retail and service commercial uses.

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.

Facts in Support: This proposal represents the first new building along the east side of the North Redwood Blvd corridor in a number of years. Surrounding buildings are either dilapidated or more industrial in nature. As the corridor redevelops, more pedestrian-friendly, commercial land uses (i.e. service, office, and retail uses) and designs are anticipated. The proposed two-story building is well-scaled for the 97-foot wide lot fronting the Redwood Blvd local access lane. The second-story is stepped back to reduce the bulk at the sidewalk and the building is largely fronted with windows.

The project was presented to the Novato Design Review Commission at a public hearing on October 18, 2017. The Design Review Commission voted unanimously to recommend the Planning Commission approve the project's proposed design based on the findings required for Design Review actions.

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

Facts in Support: The proposed building includes plaster concrete, windows, and metal awnings, along with concrete block on elevations that do not front Redwood Blvd. The project's design will introduce variety through building scale and attractive design, including a defined entry, a glass store front creating a retail presence at the street edge, and the application of well-organized finish materials and colors.

CI Policy 7 Landscaping. Encourage attractive native and drought-tolerant, low-maintenance landscaping responsive to fire hazards.

Facts in Support: Extensive landscaping is proposed along the project site's Redwood Blvd frontage and north and east property lines, including low-maintenance, drought-tolerant plants.

CI Policy 12 Parking Standards. Reduce the visibility of parking facilities and the amount of land necessary for them to the maximum extent feasible

Facts in Support: The proposed building shields the parking lot to the maximum extent feasible. A 24-foot wide drive aisle, the minimum required for non-residential uses, connects the parking lot to Redwood Blvd.

CI Policy 14 Open Areas and Landscaping. Require provision of adequate landscaped, open areas in project design.

Facts in Support: The project includes landscaping, while at the same time maximizing use of an urban, previously disturbed site.

CI Policy 15 Pedestrian Paths. Provide for maximum feasible pedestrian circulation.

Facts in Support: Eight-foot wide sidewalks are proposed along the project site's street frontage. Additionally, the applicant has included pedestrian walkways from the building to both the sidewalk and the off-street parking lot.

CI Policy 32 Public Art. Promote public art that enhances the cultural life of the community.

Facts in Support: On-site public art or an in-lieu fee is required with this project. The applicant intends on providing art on-site, but has not settled on an art design. The applicant is requesting the approval at issue herein be conditioned requiring the art component be returned to the Design Review Commission upon Planning Commission

approval of the project. The project is conditioned herein to comply with the Art Ordinance prior to receiving a building permit.

2. The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provision of this Zoning Ordinance and any relevant Master Plan and/or Precise Development Plan.

Facts in Support:

Commercial/Industrial Zoning: The CI district is applied to areas suited for a variety of light industrial and commercial land uses, and the intent of the district is to encourage the maintenance and improvement of existing businesses in this zoning district. The proposed dog boarding and grooming facility and its ancillary retail use are allowed with an approved use permit in the CI zoning district.

The project has been reviewed against applicable development standards of Novato Municipal Code, including those applied exclusively in the CI zoning district. The project complies with all applicable standards as documented below.

Table 1. Codified Development Standards* and Proposed Site Plan

	Minimum Setbacks			Maximum Height	Maximum Building Coverage	Maximum FAR
	Front	Side	Rear			
Codified	0 Feet	0 Feet	0 Feet	35 Feet	40 Percent	1.0
Proposed	10 Feet	0/33 Feet	25 Feet	26 Feet	36.9 Percent	0.67

*Excerpts from NMC Section 19.12.040, Table 2-8

Solid Waste and Recyclable Materials Storage

NMC Section 19.20.120, Table 3-4 details the minimum storage area requirements for non-residential solid waste and recycling. A minimum of 96 square feet of refuse storage is required for buildings 10,001 to 25,000 square feet in size. A 96-square-foot storage enclosure is provided.

Art Program

Construction or alteration of non-residential buildings require an art piece be installed and maintained as part of the project, or an in-lieu fee be paid into a fund for public art. The applicant intends to place an art piece at the site, but has yet to develop the design details pending resolution of the use permit at issue herein. The applicant has requested a condition of approval be applied to the project requiring the Design Review Commission approve the art piece prior to issuance of a building permit. A condition of approval is included herein requiring the art ordinance to be satisfied before issuance of a building permit.

Noise and Construction Hours

Pursuant to NMC Section 19.22.070, Table 3-5, allowable exterior noise levels for commercial land uses is 70 dBA from 6:00 AM – 10:00 PM, and 60 dBA from 10:00 PM to 6:00 AM. Noise levels are measured at the property line of the noise source. The applicant has designed the completely indoor dog boarding and grooming facility to comply with the 60 dBA maximum allowable noise level.

The applicant hired a qualified professional to complete an environmental noise assessment. The noise assessment concluded that anticipated maximum noise from barking dogs would be 54 – 59 dBA L_{max} and a day/night noise would range from 41 – 46 dBA at the nearest commercial/industrial land uses. Noise levels at the nearest residential land uses, on the west side of Redwood Blvd, range from 30 to 35 dBA L_{max} . Anticipated noise levels associated with the proposed use are below the maximum levels permitted in the Zoning Ordinance.

Odor

Noxious, odorous emissions of a type or quantity that would be detrimental to, or endanger the public health, safety, or general welfare of the community are considered a public nuisance and unlawful (NMC Section 19.22.080). The applicant has developed an odor control program to ensure that odors typically associated with dog boarding and grooming facilities are minimized and will not result in a public nuisance. Animal organic waste will be collected and disposed of in trash receptacles designed for dog feces, reducing the potential for odor. Dog boarding and play areas would be sanitized with cleaners designed to neutralize odors and break down organic matter. All effluent from the facility would be directed to the sanitary sewer system via an internal plumbing system.

Landscaping

The project has been reviewed for compliance with NMC Division 19.28 – Landscaping. The proposed landscaping plan includes two street trees, a nine foot wide landscaped area between the sidewalk and building, landscaping along the northern property line and eastern property line. The landscaping plan complies with the City's landscaping ordinance.

Parking and Loading

Novato Municipal Code Division 19.30 – Parking and Loading, requires one parking space for each 1,000 square feet of dog boarding area plus one additional space for each 500 square feet of accessory use space (e.g., office, retail). The proposed dog boarding area is 4,497 square feet, which requires 4.5 spaces. The office and retail area is 2,142 square feet, which requires 4.3 parking spaces; a total of 9 parking spaces is required by code. There is no parking ratio applicable to the dog play area since required parking is based on kennel space. The applicant

has proposed 10 off-street parking spaces. The proposed parking lot landscaping, which includes landscaped finger planters and perimeter landscaping, complies with code requirements.

Novato Municipal Code Section 19.30.110, Table 3-9 states that one permanent loading space is required where the total gross floor area exceeds 10,000 square feet. A loading space may be waived if unique circumstances apply to the proposed project. The applicant has requested a waiver of the permanent loading space requirement based on the limited number of deliveries and length of typical delivery vehicles.

The proposed building is 12,123 square feet, which would normally require one permanent off-street loading space. Approximately 10,000 square feet of the building is devoted to the dog kennel boarding and play area, with 2,142 square feet utilized for office and retail uses. According to the applicant, deliveries would not be of a volume warranting the creation of a dedicated loading space. Deliveries would arrive via UPS, USPS, or Fedex; these delivery vehicles are 24 - 28 feet in length and are capable of temporarily using standard width parking stalls. Given the short duration of a typical delivery, these vehicles would likely park in one of the three on-street northbound parallel parking spaces or one of the many southbound 45 degree angled parking spaces in proximity to the site.

Based on the observations above, there is sufficient on-street and on-site parking available for the type and frequency of delivery vehicles that would serve the project. Accordingly, a dedicated, on-site loading area is not necessary for the project.

3. The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

Facts in Support:

The applicant has designed the proposed project to ensure the establishment, maintenance or operation of the dog boarding facility will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use. The applicant has designed the building and will implement operational procedures to ensure that noise and odor will not adversely impact the neighborhood as described in detail in the finding statements above.

4. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Facts in Support:

The project, as proposed and conditioned, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City recognizing all construction activities and operations would occur on the project site and do not involve the improvement or use of any surrounding properties. In addition, the applicant has demonstrated that noise and odors associated with the dog boarding use can be controlled and will not adversely affect neighboring properties or businesses, submitting as evidence a noise study prepared by a qualified acoustical engineer and documentation showing similar dog boarding facilities abutting other retail and service commercial uses.

5. The location, size, design, and operation characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

Facts in Support:

The proposed project is compatible with the existing and future anticipated land uses in the vicinity.

Uses in close proximity to the project include a vacant commercial/industrial building, recycling center, landscape supply yard, and contractor's equipment storage. The proposed project has operational characteristics matching those of surrounding businesses and more generally that of traditional service commercial and retail uses, including customer and employee related traffic and noise. The applicant has demonstrated the project will not generate significant noise by producing a noise study prepared by a qualified acoustical professional. Based on the findings of the noise analysis, the project is not anticipated to disturb nearby businesses. The applicant also documented procedures to effectively sanitize and deodorize the dog play area and kennels in a manner preventing odors that could affect neighboring land uses.

Future land uses and development in the project area will be dictated by the Novato General Plan 2035. This plan, albeit awaiting adoption, envisions the project site and neighboring properties being assigned the General Commercial (CG) land use designation. Allowed uses include retail, service commercial, and offices, as well as dog boarding facilities with a use permit. Future development would be guided by the design recommendations of the North Redwood Focus Area/North Redwood Corridor Study. As noted below in the Design Review findings section, the project has been designed to be consistent with the design recommendations of the Corridor Study.

As discussed above, the applicant has demonstrated the project will not cause noise or odor impacts and will otherwise be operated in a manner that is similar to any other retail or service

commercial use. In addition, the applicant submitted documentation demonstrating dog boarding and grooming facilities are regularly found adjacent to retail and other service commercial uses. Staff confirmed that dog boarding and grooming facilities, especially those that are completely indoor, are increasingly located in commercial shopping districts and retail centers which is indicative of compatibility with retail and service commercial uses.

The applicant has been advised of the pending General Plan update and is aware the dog boarding operation, although still conditionally permitted under the CG land use classification, would immediately become non-conforming with respect to floor area ratio (FAR) upon adoption of the draft General Plan and its accompanying land use amendments. This circumstance is due to the CG designation having a maximum FAR of 0.40 versus the 1.0 FAR currently allowed under the Commercial Industrial (CI) designation. As proposed the project has an FAR of 0.67.

Design Review

In accordance with Section 19.42.030.F. of the Novato Municipal Code and on the basis of the discussion in the staff analysis section of this report above, the Planning Commission finds that:

1. The design, layout, size, architectural features and general appearance the 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.

Facts in Support:

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.

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.

Facts in Support: This proposal represents the first new building along the east side of the North Redwood Blvd corridor in a number of years. Surrounding buildings are either dilapidated or more industrial in nature. As the corridor redevelops, more pedestrian-friendly, commercial land uses (i.e. service, office, and retail uses) and designs are anticipated. The proposed two-story building is well-scaled for the 97-foot wide lot

fronting the Redwood Blvd local access lane. The second-story is stepped back to reduce the bulk at the sidewalk and the building is largely fronted with windows.

The project was presented to the Novato Design Review Commission at a public hearing on October 18, 2017. The Design Review Commission voted unanimously to recommend the Planning Commission approve the project's proposed design based on the findings required for Design Review actions.

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

Facts in Support: The proposed building includes plaster concrete, windows, and metal awnings, along with concrete block on elevations that do not front Redwood Blvd. The project's design will introduce variety through building scale and attractive design, including a defined entry, a glass store front creating a retail presence at the street edge, and the application of well-organized finish materials and colors.

CI Policy 7 Landscaping. Encourage attractive native and drought-tolerant, low-maintenance landscaping responsive to fire hazards.

Facts in Support: Extensive landscaping is proposed along the project site's Redwood Blvd frontage and north and east property lines, including low-maintenance, drought-tolerant plants.

CI Policy 12 Parking Standards. Reduce the visibility of parking facilities and the amount of land necessary for them to the maximum extent feasible.

Facts in Support: The proposed building shields the parking lot to the maximum extent feasible. A 24-foot wide drive aisle, the minimum required for non-residential uses, connects the parking lot to Redwood Blvd.

CI Policy 14 Open Areas and Landscaping. Require provision of adequate landscaped, open areas in project design.

Facts in Support: The project includes landscaping, while at the same time maximizing use of an urban, previously disturbed site.

CI Policy 15 Pedestrian Paths. Provide for maximum feasible pedestrian circulation.

Facts in Support: Eight-foot wide sidewalks are proposed along the project site's street frontage. Additionally, the applicant has included pedestrian walkways from the building to both the sidewalk and the off-street parking lot.

CI Policy 32 Public Art. Promote public art that enhances the cultural life of the community.

Facts in Support: Construction or alteration of non-residential buildings require an art piece be installed and maintained as part of the project, or an in-lieu fee be paid into a fund for public

art. The applicant intends to place an art piece at the site, but has yet to develop the design details pending resolution of the use permit at issue herein. The applicant has requested a condition of approval be applied to the project requiring the Design Review Commission approve the art piece prior to issuance of a building permit. A condition of approval is included herein requiring the art ordinance to be satisfied before issuance of a building permit.

2. The 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.

Facts in Support:

The following is a summary of design guidelines from the North Redwood Boulevard Corridor Study (NRBC) that are applicable to the project area. Although the NRBC study has not been formally adopted by the City Council, staff believes it is appropriate to review the project in light of its design guidance. The following bullet points are applicable design guidelines excerpted from the NRBC study.

- *Create a retail development composed of small shops and/or larger retailers of 20,000 to 40,000 square feet each.*

The proposed 12,000-square-foot building is considered a service use with a retail component. This building falls within the range of square footage envisioned for this area by the NRBC and is designed to reflect a traditional street fronting retail shop, including extensive store front glazing at the street edge.

- *Incorporate extensive landscaping with shade trees.*

The project site is well landscaped and includes front yard landscaping that is not required by code; the building could be situated at the front lot line, instead of providing a 10-foot setback. Two street trees are located along the frontage, spaced at 35-foot intervals, as well as several other small trees planted throughout the site. The project meets codified landscaping requirements and is found to be consistent with the NRBC landscaping guideline.

- *Create wide pedestrian sidewalks and a bicycle path along the Redwood Blvd frontage.*

An eight-foot wide sidewalk is proposed with the project. This is considered a generous sidewalk depth recognizing most sidewalks are 4-feet in width.

- *Locate buildings near the Redwood Blvd frontage, with display windows and/or shop entries where practical facing the street.*

The proposed building is oriented to the street and is designed to reflect a traditional street fronting retail shop, including extensive store front glazing at the street edge.

- *Minimize views of parking areas from Redwood Blvd, typically by locating parking behind buildings;*

The proposed building shields the parking lot to the maximum extent feasible.

- *Structures visible from public view corridors and vantage points should incorporate four-sided architecture.*

The north, west, and east elevations are well-designed with windows and a variety of materials and colors. The south elevation, which is situated on the property line, is a simpler concrete block design due to the zero setback. The site layout is designed to maximize the usability of the site, hence the zero setback line. When the lot to the south is redeveloped, it is anticipated that a building will be located at the property line to maximize development potential of that lot. Accordingly, views of the south elevation of the project are considered to be a temporary situation.

3. The project 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.

Facts and Support:

The project plans were referred to public agencies responsible for reviewing and providing services, including Novato Public Works, North Marin Water District, Novato Sanitary District, and Novato Fire Protection District. These agencies have submitted comments and/or conditions addressing matters such as pedestrian and bicycle access, adequacy of drainage facilities, and water and sewer service. While the construction level plans have yet to be prepared and submitted for final approval, none of the responsible agencies identified issues that would require significant changes to the site and/or building design that, less addressed, represent a detriment to public health, safety, or welfare, nor be materially injurious to project occupants, visitors and surrounding properties or improvements in the vicinity.

Section 5. Decision

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission hereby grants a use permit to allow the proposed dog boarding and grooming facility and approves the project's design as depicted on the plans prepared by Daniel Macdonald AIA Architects, Inc., date October 6, 2017, based on the Record, the findings set forth herein, and subject to the conditions of approval below.

Section 6. Conditions of Approval and Limitations

The Planning Commission hereby applies the following conditions of approval to the use permit:

1. The use permit shall expire two (2) years from the date of approval pursuant to Novato Municipal Code Division 19.44.
2. The approval granted herein shall not become effective until all appropriate fees billed by the City of Novato to the application account are paid in full in accordance with the City's Cost Based Fee System. Failure to pay said fees may result in the City withholding issuance of related building permits, certificate of occupancy, and recordation of final maps or other entitlements.
3. If any of the terms of this use permit are violated or if improvement activities are conducted or carried out in a manner so as to adversely affect the public health, safety, or welfare or adversely affect the environment, the use permit may be subject to the revocation procedures contained in the Novato Municipal Code Section 19.59.070.
4. The applicant shall present an art piece to the Design Review Commission, pursuant to NMC § 19.21.060, or pay in-lieu fees pursuant to NMC §19.21.070, prior to issuance of a building permit.
5. The applicant shall submit final details of the site design, architecture, and landscaping to the Design Review Commission for review and approval prior to issuance of a building permit. The submittal shall include architectural detailing (i.e. window and door type and trim and/or wall relief), materials and dimensions of awning support elements, exterior colors, and tree and plant species locations and size, and type and style of exterior lighting fixtures.

The following conditions of approval shall be met to the satisfaction of the Novato Public Works – Engineering Division:

6. All existing overhead utility services shall be placed underground.
7. Provide evidence of adequate stormwater control and associated plan documents as detailed in the Atterbury & Associates memo dated October 6, 2017, and *Preliminary Stormwater Control Narrative* dated October 6, 2017.
8. Provide evidence of necessary easements for proposed stormwater outfall onto Northwestern Pacific Railroad right-of-way lands.
9. A City of Novato Encroachment Permit is required prior to any trenching, paving, construction of improvements, or any other work in the City's public right-of-way. Said permit will be subject to further conditions.
10. A Grading Permit shall be obtained from the City prior to any grading on any parcel unless said grading is exempted under NMC Section 6-5.

11. During construction, the developer's contractor shall provide storm water pollution prevention and dust control seven (7) days a week, twenty-four (24) hours a day. This provision shall be noted on all plans.
12. An Erosion and Sediment Control Plan per the MCSTOPPP template will be required prior to issuance of building permit.
13. All streets, curbs, gutters, sidewalks or other public facilities damaged in the course of construction associated with this project shall be the responsibility of the owner and shall be repaired or replaced to the satisfaction of the City, at the City's discretion at the Owner's expense.

The following conditions of approval shall be met to the satisfaction of the Novato Sanitary District (NSD):

14. The project shall comply with the requirements of the Novato Sanitary District, as detailed in the comment letter dated August 21, 2017.

The following conditions of approval shall be met to the satisfaction of the Novato Fire Protection District:

15. The project shall comply with the requirements of the Novato Fire Protection District, as detailed in the comment letter date March 20, 2017.

The following conditions of approval shall be met to the satisfaction of the North Marin Water District:

16. The project shall comply with the requirements of the North Marin Water District, as detailed in the comment letter date March 31, 2017.

Indemnity and Time Limitations

17. 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 Planning Commission's recommendation to the City Council 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.
18. 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, 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.

19. 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.
20. The developer 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.
21. 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.
22. 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 4th day of December, 2017, by the following vote:

AYES: Chair Havel, Commissioners Dawson, Tiernan, Wernick

NOES: None

ABSTAIN: Commissioners Gabriel, Strauss

ABSENT: Commissioner Derby

* * * * *

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 4th day of December, 2017.

A handwritten signature in black ink, consisting of a large loop followed by several smaller, connected loops.

Chair