



THE CITY OF  
NOVATO  
CALIFORNIA

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City Manager  
Regan M. Candelario

**SPECIAL  
Planning Commission Meeting**  
Location: Novato City Hall, 901 Sherman Avenue

**August 7, 2017**

**Present:** Susan Wernick, Chair  
Curtis Havel, Vice Chair  
Dan Dawson  
Justin Derby  
Peter Tiernan

**Absent:** Jay Strauss

**Staff Present:** Bob Brown, Community Development Director  
Veronica Nebb, Senior Assistant City Attorney  
Steve Marshall, Planning Manager  
Brett Walker, Senior Planner

**CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL**

**APPROVAL OF FINAL AGENDA:**

Motion/Second: Tiernan/Havel to approve final agenda; Passed: 5-0-1 (Ayes: Derby, Tiernan, Havel, Dawson and Wernick; Nays: None; Absent: Strauss).

**PUBLIC COMMENT:** None

**CONSENT CALENDAR:** None

**CONTINUED ITEMS:** None

**NEW ITEMS:**

- 1. URGENT CARE VARIANCE (BW)  
CEQA CATEGORICALLY EXEMPT; SECTION 15311  
P2017-048; VARIANCE REQUEST TO SIGN LETTER HEIGHT  
– DOWNTOWN SPECIFIC PLAN OVERLAY DISTRICT  
7428 REDWOOD BLVD; APN 153-011-52**

**Consider adopting a resolution to deny a variance request that would approve a wall sign with an 18 inch letter height. The Novato Downtown Specific Plan Overlay District limits letter height to 12 inches.**

Senior Planner Walker presented the staff report.

The Commission asked staff clarifying questions about existing zoning regulations, including number of signs permitted, maximum size of signs, and sign types allowed.

Warren Cipa, representing Medical Center of Marin, presented background information regarding the urgent care center and sign proposal.

Carla Small of Centric Signs, consultant to the applicant, explained the details of why 18-inch letter heights were designed for the urgent care center, including improved visibility given the clinic's distance from Redwood Boulevard and screening by trees.

The public hearing was opened. No members of the public wished to address the Planning Commission. The public hearing was closed.

Commissioner Havel inquired further about other signs in the area, commented that granting a variance does not create a precedent, and referenced the findings required for variances. He didn't believe the proposal met the findings necessary to grant a variance, in particular the special circumstance finding. He questioned whether a variance process is even applicable to a sign and suggested a zoning code amendment might be considered.

Commissioner Derby asked a clarifying question about signs at other medical use locations.

Commissioner Tiernan concurred with Commissioner Havel – didn't view proposal as rising to the level of granting a variance.

Chair Wernick stated she concurs with Commissioner Havel and respects the Downtown Specific Plan – drives-by site and felt that clean 12-inch block letters are very clear – doesn't see compelling argument to grant variance.

Commissioner Dawson noted the site is eligible for second sign on another frontage - use does not create grounds for granting variance.

Motion/Second – Tiernan/Derby to adopt the resolution denying the requested variance. Passed 5-0-1 (Ayes: Tiernan, Derby, Dawson, Havel, and Wernick; Nays: None; Absent: Strauss)

## **2. ZONING AND MUNICIPAL CODE AMENDMENTS ESTABLISHING REQUIREMENTS FOR SHOPPING CART RETENTION AND RETRIEVAL (BB)**

**Consider providing a recommendation to the City Council regarding amendments to the Novato Municipal Code regulating businesses which provide shopping carts for their patrons.**

Community Development Director Brown presented the staff report.

The Commission asked questions of staff related to notifying businesses of the proposed ordinance, consistency of the ordinance with the practices of other cities, and penalties applied to

persons who take carts.

The public hearing was opened. No members of the public wished to address the Planning Commission. The public hearing was closed.

Commissioner Tiernan expressed his support for the ordinance.

Commissioner Havel stated the ordinance makes sense.

Commissioner Dawson supported the ordinance, but noted to not let its adoption be a feel good thing – perform actual enforcement.

Commissioner Derby supported the ordinance and subsequent enforcement.

Chair Wernick stated her first reaction was the ordinance is penalizing grocery stores for human behavior. Signs on cart need to address users and be clear that taking a cart is a violation of a city ordinance.

Motion/Second – Dawson/Tiernan to adopt the resolution recommending the City Council approve the proposed shopping cart ordinance as recommended by staff. Passed 5-0-1 (Ayes: Tiernan, Derby, Dawson, Havel, and Wernick; Nays: None; Absent: Strauss)

### **3. ZONING CODE AMENDMENTS ADDRESSING PUBLIC NOTICING AND APPLICATIONS SUBJECT TO DESIGN REVIEW (BB)**

**Consider providing a recommendation to the City Council regarding amendments to the Novato Municipal Code addressing public noticing for certain application types and clarifying the types of applications subject to design review.**

Community Development Director Brown presented the staff report.

The Commissioners asked questions of staff relating to: City Council direction to bring forward noticing amendments; clarification of notice procedures by project type; confirm proposed increase to 1,000 foot notice radius; courtesy noticing for second units; and clarification about accessory dwelling units as part of a second story addition.

Community Development Director Brown and Senior Assistant City Attorney Nebb discussed use of the phrase “on appeal,” the difference between “major” and “minor” design review projects, and the decision authority listed for waivers related to the Urban Growth Boundary (UGB). A correction was suggested to delete “on appeal” and list UGB waivers as a City Council action.

The public hearing was opened. No members of the public wished to address the Planning Commission. The public hearing was closed.

Commissioners Tiernan, Dawson, Derby, Havel and Wernick – all stated 1,000 foot noticing radius is excessive.

The Commission asked further clarifying and procedural questions of staff.

Motion/Second – Dawson/Tiernan to adopt the resolution recommending the City Council approve the proposed changes to project noticing and design review requirements with the following modifications: 1) provide courtesy notice for accessory dwelling units at a radius of 80-feet; 2) modify Table 4-1 to make granting a UGB waiver a decision of the City Council; 3) modify Table 4-2 to remove the term “on appeal;” and 4) retain 600-foot noticing radius – 1,000 foot radius is excessive. Passed 5-0-1 (Ayes: Tiernan, Derby, Dawson, Havel, and Wernick; Nays: None; Absent: Strauss).

**GENERAL BUSINESS:** None

**UPCOMING AGENDAS AND QUORUMS:** Planning Manager Marshall provided an update regarding future agenda items.

**ADJOURNMENT:** Meeting adjourned at 9:30 PM.