



THE CITY OF
NOVATO
 CALIFORNIA

Design Review Commission Meeting

Location: Novato City Hall, 901 Sherman Avenue

December 17, 2014

922 Machin Ave
 Novato, CA 94945
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 www.novato.org

Mayor
 Jeanny MacLeamy
 Mayor Pro Tem
 Pat Eklund
 Councilmembers
 Denise Athas
 Madeline Kellner
 Eric Lucan

City Manager
 Michael S. Frank

MINUTES

- Present:** Joseph Farrell, Chair
 Marshall Balfe
 Patrick MacLeamy
 Michael Barber
- Absent:** Beth Radovanovich, Vice Chair
- Staff:** Elizabeth Dunn, Planning Manager
 Hans Grunt, Senior Planner

CALL TO ORDER / ROLL CALL:

The meeting was called to order. Chair Farrell and Commissioners Balfe, MacLeamy, and Barber present. Commissioner Radovanovich was absent.

APPROVAL OF FINAL AGENDA:

The agenda was approved with a change – to consider New Item #3, Redwood and Grant Bus Facility Renovation before New Item #2, New Single Family Residence, 610 Canyon Rd. M/s MacLeamy/Barber, Ayes 4, Noes: 0, Absent: 1 (Radovanovich)

PUBLIC COMMENT:

Neighboring resident to 610 Canyon Rd. requested a better plan (driveway) including landscaping to minimize visual impacts and safety from vehicles potentially driving off the driveway; would like to better understand the visual implications of the revised plan for the driveway, including the added 36” wall along the edge of the driveway.

CONSENT CALENDAR:

- 1. APPROVAL OF DRC MINUTES OF NOVEMBER 19, 2014 (MB,JF,PM,BR,SH)**

The Consent Calendar was approved without changes. M/s MacLeamy/Barber, Ayes 4, Noes: 0, Absent: 1 (Radovanovich).

PUBLIC HEARING

CONTINUED ITEMS: None.

2. REDWOOD AND GRANT BUS FACILITY RENOVATION (ED)

Conduct a public meeting to consider bus shelter designs and provide a recommendation to the City Council for a shelter design for the proposed renovation to the existing bus transfer facility on Redwood Boulevard, between Grant and DeLong Avenues, in Downtown Novato.

Planning Manager Dunn gave an oral presentation on the revised plans, and indicated that the two proposed plans had been modified based on the comments the Commission provided at its September 17, 2014 meeting.

Paul Price, consultant to Marin Transit, gave a powerpoint presentation on the revised plans. Both schemes have a high tree canopy and low shrubbery landscaping to allow for visibility of the bus drivers. Both proposals also feature enhanced warning devices for pedestrians, with flashing markers, and side signs.

The Gateway Rural design proposes a shelters that has a 14 foot wide shelter roof on a platform that is 17 feet wide. There is a cadence of seats and windscreens, with the windscreens being 24 feet wide. The platform length is 180 feet. Modular windscreens are proposed for ease of replacement. The seats are hung from the windscreen, and LED lights will be included underneath the roof of the shelter.

The Contemporary design has concrete columns, shelter roof is 14 feet wide on a platform that is 17 wide. The roof line is lower at 9 feet, with tempered glass. An information kiosk is part of the concrete columns, and proposes an open windscreen. The columns may create an opportunity for graffiti, and blind spots for visibility around the columns.

Public art will be a component of the project, whether it is etched glass as part of the windscreen, or a mosaic, either on the columns or on the platform. These two options for public art – etched glass or a mosaic – are the kinds of public art that can be installed, given the project’s location and dimensions.

The Commission asked out:

Q. Bulb outs off Redwood Blvd

A. Two are proposed, one for each side of Redwood Blvd., and would have a serpentine shape from Redwood Blvd. to the bus platform.

Q. How many breaks in the shelters?

A. Two

Q. The potential for graffiti on glass.

A. Tempered glass wears better.

Q. How are the seats secured?

A. They are cantilevered between the columns.

Q. Describe the curved roof.

A. It would be a convex built up roof, with the edge extending to the gutter. Drainage flows to pipes.

Comments: There are no column turns ins. Make sure the landscape plan shows replacement trees for trees to be removed. Speak with the Fire Marshall about the issue of needing to install fire sprinklers for the shelters.

Public Comments

Three members of the public spoke.

The first speaker discussed the environmental review in the staff report, and the capacity issue. There's one bus now using the facility, and an increase to three buses is increasing the capacity. The proposed project increases the curb lengths, and the speaker doesn't believe that the footprint of the platform is the same.

The other two speakers also addressed the CEQA portion of the staff report. One speaker indicated he disagreed with the use of Section 15302 by the City for the proposed project; the third speaker stated that a physical increase in capacity is different from the service capacity of the proposed project.

Commission Comments

Barber: Scheme #2, Gateway Rural, is forgettable. Prefers a glass windscreen. Speak with the Fire Marshall about needing to install fire sprinklers. He wants to see a separation on both sides of the sidewalk. Break up the columns for the Contemporary design; create a stronger, thicker, more substantial horizontal edge for the roof.

Balfe: Prefers the Gateway Rural design. Security is essential. The project can't create dead spots. Prefers the more substantial height and massing. Consider lighting the columns. Could support the Contemporary design.

MacLeamy: The Contemporary design is a clean design. There's no place for pigeons to roost. If this is a standard built up roof product, he's concerned about a lack of roof for this shelter design. Visibility of other passengers, and buses is lost with the columns as proposed. Questioned if two pillars are possible. The Rural design is fussy in details. Pigeons will roost here. The elegance is in the length of the structure. The height of the shelter gives more protection to the passengers. He prefers a glass windscreen. Suggested the possibility of a blend of the two designs. He doesn't agree to breaking up the linear quality of the shelter for

the installation of fire sprinklers.

Farrell: More interesting designs were proposed, but more design development is needed. The Rural design is tall and will be perceived as a barrier. Pigeons will roost with this design. Suggested if the soffit of the Contemporary design could be used for the Rural design. This would make the cupola more challenging. He's leaning towards the Contemporary design. He also likes the linear element of both designs, and doesn't want to see this feature broken up. He enjoys the horizontal element against the tree line. The Contemporary design can accommodate a fire sprinkler, and sees the columns of this design as a barrier. A standing metal seam roof could work for the Contemporary design. He likes the idea of etched glass for the public art and windscreen, and also likes the weave pattern for a wire mesh windscreen.

Commissioner MacLeamy summarized the common themes raised by the Commission of the Contemporary design: 1) solves the pigeon issue; 2) the glass windscreen is preferred; and 3) there are concerns over the column width.

M/s, MacLeamy/Farrell, Ayes: 4 (Barber, Balfe, Farrell, MacLeamy), Noes: 0, Absent: 1 (Radovanovich) to continue the item with the following direction:

1. Use the Contemporary design
2. Consider two pilaster columns
3. Use a glass windscreen and etching for public art is appropriate
4. A lens shaped roof structure would work
5. Make sure there's a nice clean line for the gutter edge

NEW ITEMS:

3. NEW SINGLE FAMILY RESIDENCE (HG) P2014-027; DESIGN REVIEW APN 146-110-49; 610 CANYON ROAD CEQA DETERMINATION; CATEGORICAL EXEMPTION 15303, NEW CONSTRUCTION

Conduct a design review hearing on the site plan, building architecture, landscaping, colors and materials for the development of a new two story single family residence located on a parcel with an average slope of over 40%.

Senior Planner Grunt summarized the proposal as examined in staff's report to the Commission, including plan changes following the items continuance from the Commission's November 5, 2014 meeting, and a recommendation for approval with applicable findings.

The applicant, Vince Sproete and the project's landscape architect, Rodney Scacalosi described the project and changes made following the November 5, 2014 meeting with the Commission.

Two neighboring residents expressed concerns with drainage on Canyon Rd.

A neighboring resident expressed support for the home/site designs.

Applicant Vince Sproete agrees that the drainage ditch both above and below the project driveway on Canyon Rd. needs to be cleared and reformed; will work with the City to address.

Commission Comments

Commissioner Barber: Would like to see a substitution to 24" box trees in key locations; not satisfied with home design but ok with it given that it's not visible; still disappointed with the driveway design revisions and potential visual impacts from neighboring property and thus unable to support the project.

Commissioner Balfe: appreciates the tough site conditions and challenges they pose for development, particularly the driveway; given the design revisions presented and provided drainage on Canyon Rd. can be addressed, can support the project.

Commissioner MacLeamy: Drainage to and along Canyon Rd. needs to be resolved by the applicant his engineer and the City; the revised driveway design with tiered walls, incorporated landscaping, the added 36" wall and new good neighbor fence is a clever solution to address neighboring concerns and makes the best of a challenging site; prepared to move to support the project given the design/landscape revisions.

Commissioner Farrell: Applicant's design revisions addressed design concerns very well; the house location is appropriate and appreciates the terraced rear patio wall revision; the terraced walls supporting the driveway and the complete revision to the landscape plans are substantial site design improvements; would like the applicant to consider implementation of on-site storm water retention e.g. take advantage of the long driveway for this purpose.

M/s Farrell/MacLeamy Ayes 3, Noes 1 (Barber), Absent 1 (Radovanovich) to approve the site, landscape and architectural plans based on the following findings and conditions:

FINDINGS

1. In accordance with Section 5.3.010.c, Exceptions, of the Novato Municipal Code, the Design Review Commission finds:
 - a. Due to special circumstances or conditions affecting this property, the strict application of this chapter would create an unnecessary hardship as the subject parcel is a flag lot with only 43-feet of street frontage, the surrounding parcels fronting in Canyon Road are not improved with curb, gutters and sidewalks and the curb, gutters and sidewalk would not be connected to other such facilities. In addition, installation of these facilities would not be consistent with the neighborhood character and the existing rural appearance of the road.
 - b. That the exception is consistent with the intent of the requirements of this chapter and does not constitute a grant of special privilege as Canyon Road does not have curb, gutters and sidewalks on either side of the street in the vicinity of the subject parcel.

- c. That the exception would not result in significant increased adverse environmental impacts compared to the strict application of the requirements of this chapter as granting the exceptions would not physically alter the existing conditions of the area and the runoff generated by the development will comply with all storm water requirements.
 - d. That the granting of the exception will not be detrimental to the public health, safety, convenience and general welfare or injurious to other property in the territory in which said property is situated as the Public Works Engineering Division has reviewed the requests and concur that it is not practicable to require these improvements for such a short distance and that granting the request for the exceptions would not be a grant of special privilege nor detrimental to the public safety.
 2. In accordance with Section 19.42.030F, Design Review, of the Novato Municipal Code, the Design Review Commission finds:
 - a. 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 the Municipal Code, including the Zoning Ordinance and any approved Master Plan and Precise Development Plan as the project is one single family residence located in a Very Low Density General Plan designation which permits single family residential development and the project is compatible with the surrounding architecture, topography, landscaping and the character, scale, and ambiance of the surrounding neighborhood consistent with the Community Identity Element. In addition, the design of the house also complies with the Hillside design criteria and the design criteria of the zoning ordinance as well as the parking requirements, and tree removal and replacement regulations.
 - b. 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 as the design of the project is consistent with the design criteria contained in the hillside regulations and the design review section of the zoning ordinance, additional off-street guest parking is provided and replacement trees are proposed for the trees that will be removed.
 - c. 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 as the project has been reviewed by the appropriate agencies to ensure that the development complies with all safety requirements.
 3. In accordance with Section 19.26.060, Hillside and Ridgeline Protection, of the Novato Municipal Code, the Design Review Commission finds:
 - a. The design, scale, massing, height and siting of development is compatible with the character and scale of the surrounding, developed neighborhood as the project consists of one single-family residence with a three car attached garage on a 1.33

acre parcel. It is surrounded by single-family residential development; it does not exceed the size limit of a hillside house and complies with the design criteria of the hillside regulations. The project incorporates articulation in the front elevation with varying setbacks for building elements; a covered front porch entrance; architectural details such as stucco siding with stucco over foam trim at the windows, doors and wall dividers; arched, square and rectangular windows and doors; ogee fascia gutters and architectural soffit trim; and, recessed exterior lights.

- b. The design and site layout of the hillside project is respectful of and protects the natural environment to the maximum extent feasible as the project is generally balancing the soil cut and fill quantities, providing replacement trees at an appropriate ratio given development of the site, is consistent with the hillside development standards and retains a large portion of the site in its natural state.
- 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 as the project is balancing the soil cut and fill quantities, retaining at least 75% of the trees on the site and replacing those trees that are removed at an appropriate ratio and arrangement given site development, providing additional guest parking spaces on the parcel and providing a fire turn out and residential fire turn around which meets the Novato Fire District standards..
- 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 as the location of the proposed house is screened by the existing trees on the hillside and trees that are proposed to be removed will be replaced at an appropriate ratio and arrangement given site develop.

CONDITIONS OF APPROVAL

Planning Division

1. The Design Review approval is for plans prepared by Taylor Building, Sheets CVR, A1.1 through A1.5; A2.1 and A2.2; A3.1, A3.2, A4.1 and A4.2, and Landscape Planting Plan prepared by Rod Scacalosi. Sheet L1 received on November 1, 2014.
2. Design Review shall expire two (2) years from the date of approval unless a building permit has been issued and remains valid.
3. A detailed landscape plan, consistent with sheet L1 shall be submitted for staff approval prior to issuance of a building permit and installed prior to occupancy.
4. Design and construction shall be in conformance with all City ordinances including, but not limited to, Development Standards and Building Security Regulations.
5. All materials used in the construction and finish of the structure and hardscape areas shall be of the same type and appearance as those depicted in the plans received on November 1, 2014 or as approved by the Design Review Commission.
6. A harmonious mixture of colors, should be used to blend the structure and site improvements with the natural hillside e.g. colors that emulate native vegetation and soils shall be used for exterior elevations and roofs. Darker, flat tones, such as, browns, black,

greens and terra cotta shall be used for exterior siding and roofs in high-visibility areas. Light or bright colors shall be avoided. Based on the color provisions described herein, the final house color scheme (body, trim, and roof) shall be subject to staff review and approval prior to issuance of a Certificate of Occupancy.

7. 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 Base 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.

Public Works Engineering Division

General:

8. A Building Permit shall be obtained from the City prior to any building construction or retaining wall construction over 2-feet in height. 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. A detailed Geotechnical Report shall be submitted to the City with any application for a Building Permit or Grading Permit. The Geotechnical Report shall include investigation of potential geological hazards, grading, drainage, excavation, and slope construction, stabilization and erosion control.

Civil Plans:

9. Drainage plans shall be submitted to the City for review and approval prior to issuance of any grading or building permits. The drainage plans shall be prepared and designed by a California Registered Civil Engineer and storm runoff calculations shall be provided supporting the selection of drainage v-ditches, pipe sizes, detention or retention facilities, grassy swales, pervious pavers, or other approved drainage and storm water treatment improvements. Provide junction boxes at all storm drain connections to allow maintenance access. Blind connections are not permitted.
10. Within the new drainage design, concentrated drainage runoff shall not be allowed to flow across lot lines onto adjacent property without an appropriate recorded easement provided for this purpose.
11. Driveway approach, including culvert and headwalls, shall be in accordance with Uniform Standards All Cities and County of Marin Drawing No. 135.
12. All existing and proposed easements for utilities and drainage facilities shall be identified on the approved plans prior to issuance of a grading permit.
13. The landscape and paved areas shall incorporate permanent storm water treatment devices, such as grassy swales and pervious pavers, to provide storm water filtration and pollutant removal prior to discharge into the City storm drain system or any neighboring drainage easements.
14. Prior to the issuance of a grading permit, building permits shall be obtained from the Community Development Department's Building Division for all retaining walls that are shown on the improvement plans. Structural details for retaining walls shall be shown on the improvement plans and shall reflect the final approved design for building permit issuance.

15. Drainage design for all retaining walls shall be clearly shown and identified on the plans and the structural wall details. The plans shall identify drainage points of discharge and the locations for clean-outs.
16. All proposed electrical and communications lines, service cabinets, and devices shall be placed underground.

Construction Conditions:

17. An Encroachment Permit shall be obtained prior to any work within the City's rights of way and will be subject to further conditions for the installation and/or repair of utility service lines or other improvements.
18. 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.
19. All streets, curbs, gutters, sidewalks or other public facilities damage in the course of construction associated with this development shall be the responsibility of the Developer and shall be repaired to the satisfaction of the City at the Developer's expense.
20. Indemnification
 - a. The applicant, and their successors in interest, shall defend, indemnify and hold harmless the City and its agents, officers, attorneys and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City or its agents, officers, attorneys or employees to attack, set aside, void, or annul the City's decision to approve the Buck Center Housing at issue herein. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, or their successors in interest, the City, and/or the parties initiating or bringing such proceeding.
 - b. The applicant, and their successors in interest shall defend, indemnify and hold harmless the City, its agents, officers, employees and attorneys for all costs incurred in additional investigation and/or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as a Negative Declaration, EIR, Specific Plan or General Plan Amendment), if made necessary by said proceeding and if the applicant or their successors in interest desires to pursue securing such approvals, after initiation of such proceeding, which are conditioned on the approval of such documents.
 - c. In the event that a proceeding described in Subsection a above is brought, the City shall promptly notify the applicant, and their successors in interest of the existence of the proceeding, and the City will cooperate in the defense of such proceeding. Nothing herein shall prohibit the City from participating in the defense of any proceeding. In the event that the applicant or their successors in interest is required to defend the City in connection with any said 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 applicant or their successors in interest in the defense of said proceeding. If the City chooses to have counsel of its own to defend any proceeding where the applicant, has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City. Notwithstanding the immediately preceding sentence, if the City Attorney's office participates in the defense, all City fees and costs shall be paid by the applicant.

- d. The applicant, and their successors in interest indemnify the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
- e. Unless a shorter period applies, the time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure, Section 1094.6.
- f. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees and a description of the 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.

PROJECT DESIGN WORKSHOP: None

GENERAL BUSINESS: None

ADJOURNMENT: The meeting was adjourned at 10:00pm