



THE CITY OF  
NOVATO  
CALIFORNIA

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Interim City Manager  
Cathy Capriola

# Design Review Commission Meeting

Location: Novato City Hall, 901 Sherman Avenue

April 6, 2016

## MINUTES

**Present:** Beth Radovanovich, Chair  
Marshall Balfe, Vice Chair  
Joe Farrell  
Patrick MacLeamy

**Absent:** Michael Barber

**Staff:** Hans Grunt, Senior Planner

### CALL TO ORDER / ROLL CALL:

The meeting was called to order at 7:35 p.m.

### APPROVAL OF FINAL AGENDA:

M/s MacLeamy/Farrell: 4-0-1, Absent: 1 (Barber)

PUBLIC COMMENT: None

### CONSENT CALENDAR:

**1. APPROVAL OF DRC MINUTES OF MARCH 16, 2016  
(JF,MBAR,PM,MBAL,BR)**

M/s MacLeamy/Farrell: 4-0-1, Absent: 1 (Barber)

PUBLIC HEARING: None

CONTINUED ITEMS: None

### NEW ITEMS:

04dm0616

**2. McPHAIL'S COMMERCIAL OFFICE DEVELOPMENT (HG)  
P2015-080; DESIGN REVIEW  
APN 153-220-16 & 19; 5400 HANNA RANCH ROAD  
CEQA; PURSUANT TO SECTION 15162 OF CEQA, NO SUBSEQUENT  
NEGATIVE DECLARATION**

**Conduct a public hearing to consider approving site design, landscaping and building architecture revisions for Buildings A (21,908sf, two story), B (21,640sf, single story), and C (18,440sf single story) of the McPhail's Office Commercial Development for a combined total of 61,988sf on a 4.9 acre vacant site located at the northeast corner of the interchange of Highways 101 and 37. The project, including a Mitigated Negative Declaration, a Master Plan, a Precise Development Plan and a Tentative Map, was initially approved in 2008. Based on the type of design changes proposed, pursuant to Section 15162 of the California Environmental Quality Act, no subsequent Negative Declaration will be prepared.**

Senior Planner Grunt introduced the item and staff report and noted that the consideration of this proposal was continued from the Commission's March 2<sup>nd</sup> 2016 hearing in order to give the applicant and their architect the opportunity to make further changes to the project's design [awnings, landscaping, walkways, exterior colors, and to provide additional landscape material (plants and trees) information].

Dan MacDonald, Architect described the design changes in response to the Commission's March 2<sup>nd</sup> 2016 direction i.e. changes to the awnings on Buildings B and C, landscaping and walkways on the north side of Buildings B and C, and exterior colors (reduction in the range of green colors applied to the exterior).

Brian Powell, Landscape Architect described the proposed landscape plan in fine detail and the additional application of larger native tree varieties.

Commissioner MacLeamy asked for clarification on the life expectancy of some of the ground cover plantings proposed – Mr. Powell answered.

Commissioner Radovanovich asked for clarification on the plantings and their intended function and “look” into and through the corridor between Buildings A and B – Mr. Powell answered.

Commissioner Farrell expressed appreciation for the design changes made in response to the Commission's feedback at the March 2<sup>nd</sup> 2016 hearing and believes the project is better for the changes.

Commissioner MacLeamy agreed with Commissioner Farrell and thanked the applicant and their architects for their deliberate and meaningful/good changes to the design in response to the Commission's feedback at the March 2, 2016 hearing.

Commissioners Radovanovich and Balfe agreed with the other Commissioners compliments.

Commissioner Farrell moved to approve the project;  
M/s Farrell/MacLeamy: 4-0-1, Absent: 1 (Barber), moved to approve the project as follows:

Approve site design, landscaping and building architecture revisions for Buildings A (21,908sf, one and two story), B (21,640sf, single story), and C (18,440sf single story) of the McPhail's Office Commercial Development for a combined total of 61,988sf on a 4.9 acre vacant site located at the northeast corner of the interchange of Highways 101 and 37 pursuant to site and building plans received on March 16, 2016 (Sheets A1.01-A5.01, date revised 3/14/16), a Color Palette received March 16, 2016, and landscape plans received March 16, 2016 (Sheets L1 and L2, dated March 17, 2016), based on the findings and subject to the conditions of approval listed below:

### **1. CEQA Finding**

Pursuant to Section 15162 of the California Environmental Quality Act, no subsequent Negative Declaration will be prepared because:

- No substantial changes to the site, landscaping and building designs are proposed that would result in identified new or increased environmental effects that require revisions to the adopted Mitigated Negative Declaration.
- No substantial changes have occurred with respect to circumstances under which the project is undertaken regarding new environmental effects or an increase of any significant effects previously identified.
- No new information of substantial importance is identified since the adoption of the Mitigated Negative Declaration on October 28, 2008, that would indicate: 1) the project will have one or more significant environmental effects, 2) the environmental effects previously examined will be more severe, 3) mitigation measures previously found not to be feasible, of which there were none, are now feasible, and 4) there are mitigation measures which are considerably different from those included in the Mitigated Negative Declaration that would substantially reduce one or more effects on the environment.

### **2. Design Review Findings (pursuant to Novato Municipal Code Section 19.42.030.F)**

The DRC's decision regarding the McPhail's Office Commercial Development proposal must be based on the findings of approval required for design review actions specified in the Novato Municipal Code Section 19.42.030 F. To assist the DRC in making its decision, the analysis below lists each finding and discusses whether the project's site design, massing, and conceptual architecture conforms thereto.

**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.**

#### *General Plan Consistency*

The revised site, landscape, and architectural plans proposed for the McPhail's Office Commercial Development have been reviewed to determine if the project is consistent with applicable policies

of the 1996 Novato General Plan. As conditioned below, the McPhail's Office Commercial Development is found to be consistent with applicable General Plan Polices, including TR Policies 12 and 21, EN Policy 39 and CI Policies 1, 7, 9, 12, 14, 15 and 32, based on the observations made in the staff analysis above.

#### *Novato Zoning Ordinance*

The plans prepared for the McPhail's Office Commercial Development have been reviewed to determine if the project complies with the development standards of Novato Municipal Code Chapter 19, Zoning and the adopted Master Plan and Precise Development Plan for the McPhail's Office Commercial Development. The project, as conditioned and as discussed above, is found to comply with all applicable requirements of the Novato Zoning Code, and the adopted Master Plan and Precise Development Plan, including setbacks, height, floor area, lot coverage, parking, mechanical equipment screening and solid waste and recyclable materials storage, the City's Art Program, and *Landscaping*.

**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.**

The project's orderly combination of a site design that is sensitive to the surrounding setting and inclusive of adequate access, parking, usable outdoor spaces (walkways, patios, seating, indirect lighting etc.), site landscaping, and appropriately scaled buildings with a coordinated, attractive architecture will ensure that it is sensitive to and integrates with the character, scale and ambiance of the surrounding area making it a desirable place for occupants, future neighboring development 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 an enjoyment of neighboring existing or future developments and does not create potential traffic, pedestrian or bicycle hazards.**

The proposed McPhail's Office Commercial Development design revisions have been reviewed by City staff for compliance with City standards, including those applicable pursuant to the Novato Municipal Code, and it has been reviewed by responsible public agencies and districts. Comments and conditions for approval received indicate that the proposed improvements will maintain public safety by creating improved off site (Hanna Ranch Road) and onsite site circulation, including site ingress and egress improvements that maintain safe, functional separation between vehicle, bicycle and pedestrian movements; that the proposed project site improvements including sidewalks, access drives and drive isles, and structures are of appropriate design to avoid causing injury to surrounding properties in the vicinity, and said project improvements, by their design, do not interfere with the use and enjoyment of neighboring future development.

### **3. Conditions of Approval**

1. Design Review shall expire two (2) years from the date of approval unless a building permit has been issued and remains valid.

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 Base Fee System. Failure to pay said fees may result in the City withholding issuance of related building permit, certificate of occupancy, recordation of final maps or other entitlements.
3. All grading and construction activities shall comply with the noise and construction hours specified in section 19.22.070 of the Novato Zoning Ordinance.
4. The applicant shall comply with the procedures and requirements of Novato Municipal Code Division 19.21, Art Program, by either proposing the on-site installation of an art piece or the payment of a fee in-lieu of providing art with the proposed project, subject to approval by the Director of Parks, Recreation, and Community Services. Compliance with the provisions of the Art Program shall be achieved prior to issuance of a building permit for the proposed project.
5. A sign permit shall be required for all signs consistent with the requirements of the Novato Municipal Code, Division 19.32, Signs.
6. Plans submitted for a building permit will, to the maximum extent feasible, meet the equivalent of LEED Certified standards or better. The project construction documents and the improvements depicted therein should include standards with respect to storm water design, roof design, light pollution, water efficiency, renewable energy (solar), recycling and waste management.
7. All above-grade utility facilities including splice boxes, transformers, traffic signal poles, traffic signal controller boxes, irrigation controller cabinets, etc., shall be painted a standard brown/gray. A color chip of the approved color may be obtained from the City Engineer.
8. All undesirable visual elements such as recycling and trash storage facilities, transformers, and mechanical equipment (including roof mounted), shall be effectively screened by landscaping, fencing, and/or other structures in a manner which is compatible with the development design, subject to the approval of the Planning Division.
9. The following items shall be submitted for review and approval by the Planning Division prior to issuance of a building permit:
  - a. A comprehensive Master Sign Program for the entire site.
  - b. Exterior lighting details including a photometric plan and light specifications to ensure that the lights do not produce any spillover light onto adjacent properties and that parking lot surface footcandle light is as minimal as possible while also meeting the requirements of the Novato Police Department.
10. The project shall comply with and be subject to and governed by any laws, rules, policies and/or regulations in effect on or before the date the City issues any building permit for the project. The developer/project sponsor shall, prior to the issuance of any building permit

for the project pay all necessary building, planning, engineering, plan check and development impact fees in effect at the time of the issuance of said building permit.

11. The developer shall comply with all crime protection measures to the satisfaction of the City of Novato Community Development Department.

12. Novato Fire Protection District:

- A. Automatic fire sprinklers are required per NFPA Std, 13. Plans, calculations shall be submitted under permit with NFPD for review and approval.
- B. All fire sprinkler alarms and valves shall be monitored and zones by an approved UL Central Station conforming to NFD Standard #400. A serially numbered UL Certificate Shall be issued by the approved monitoring company on the alarm monitoring system.
- C. Fire Hydrants shall be capable of flowing 3,500 gpm, spotted by the Fire Marshal and spaced not to exceed 300 feet.
- D. Fire Hydrants shall be painted Rustoleum high gloss yellow or equal. Hydrants shall have a traffic "blue reflective marker" installed per NFD Stds Fire hydrants shall have at least two 2 1/2" and one 4 1/2" outlet.
- E. Fire hydrants shall be tested and installed prior to framing or lumber delivered to the site. Roadways shall be not less than 20 feet wide capable of accommodating 60,000 gvw and conform to NFD Standard #210.
- F. An approved fire apparatus turn around shall be design and installed to accommodate fire apparatus conforming to NFD Standards. Note: the preliminary site plan appears to conform to NFD standards and local ordinance. Regardless of this review, conditions in the field shall meet said ordinance and standards prior to final occupancy.
- G. Submittal Requirements: For all automatic fire sprinkler systems, three (3) sets of plans, cut sheets and hydraulic calculations under NFD permit application. Site maps shall show fire apparatus turning radius and dedicated turnouts/turnarounds.

13. North Marin Water District:

- A. Normal pressure Zone 1 water service through a 24-inch diameter water main can be provided to this parcel up to an elevation of 60 feet. The owner/developer must make financial arrangements with the District for installation of service after planning approval from the City. Final project approval shall not be granted until water service installation is complete.
- B. Although recycled water is not immediately available the onsite facilities shall be designed to use recycled water for dual plumbing and landscape irrigation. Accordingly, the project will require installation of both in-tract potable and recycled water mains. Provisions shall be made, as directed by the District, to allow for connection to a future off-track recycled water distribution main when it becomes available. The onsite irrigation system shall be designed to prevent discharge onto areas not under control of the owner/developer.
- C. The owner/developer must dedicate easements where necessary for District facilities (both potable water and recycled) to serve this proposed project. Water pressure in this area at an elevation of 60 feet is approximately 40 psi and fire

flows are in excess of 3500 GPM. Separate fire services would be required for commercial/retail structures and separate meters for landscaping demands may also be required.

- D. The project must conform to District Regulation 15 - Mandatory Water Conservation Measures. Occupancy approval shall not be granted until compliance with water conservation measures, as applicable, can be verified.
  - E. Installation of an above-ground, reduced pressure principle (RPP) backflow prevention device at the meter is required in accordance with the District's Regulation 6 (at [www.nmwd.com](http://www.nmwd.com)) and California Department of Health Regulations (Title 17). Upon installation, an inspection report (device testing) must be completed and returned to the District prior to the commencement of business activities.
14. The project shall comply with all requirements of the Novato Sanitary District.
15. Indemnity and Time Limitations
- a. The applicant shall defend, indemnify and hold harmless the City, 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 City's decision to approve the application and associated environmental determination at issue herein. This indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorney's fees, and other costs and expenses incurred in connection with such action whether incurred by the applicant, the City, and/or parties initiating or bringing such action.
  - b. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, employees, and attorneys for all costs incurred in additional investigation (such as the environmental determination at issue herein or any subsequently required Environmental Document), if made necessary by said legal action and if the applicant 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.
  - c. The applicant indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
  - d. 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.
  - e. 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. The applicant is 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 the applicant fails to file a protest within this 90 day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

**PROJECT DESIGN WORKSHOP:** None.

**GENERAL BUSINESS:** None.

**ADJOURNMENT:** The meeting was adjourned at 8:15p.m.