



THE CITY OF  
NOVATO  
CALIFORNIA

# Design Review Commission Meeting

Location: Novato City Hall, 901 Sherman Avenue

September 7, 2016

## MINUTES

922 Machin Ave  
Novato, CA 94945  
415/899-8900  
FAX 415/899-8213  
[www.novato.org](http://www.novato.org)

Mayor  
Pat Eklund  
Mayor Pro Tem  
Denise Athas  
Councilmembers  
Pam Drew  
Josh Fryday  
Eric Lucan

City Manager  
Cathy Capriola

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

**Absent:** None

**Staff:** Hans Grunt, Senior Planner  
Matt Gilster, Planner II

**CALL TO ORDER / ROLL CALL:** 7:35PM

**APPROVAL OF FINAL AGENDA:**

M/s Farrell/MacLeamy to approve without changes (5-0)

**PUBLIC COMMENT:** None

**CONSENT CALENDAR:**

**1. APPROVAL OF DRC MINUTES OF AUGUST 3, 2016 (MBAL, MBAR,PM,BR)**

M/s MacLeamy/Barber to Approved without change (4-0-0-1)

**2. APPROVAL OF DRC MINUTES OF AUGUST 25, 2016 (MBAL, JF, BR)**

M/s Farrell/Balfe to Approved without change (3-0-0-2)

**PUBLIC HEARING:** None

**CONTINUED ITEMS:** None

**NEW ITEMS:**

3. **RODAS SINGLE FAMILY HOME (MG)  
P2015-075  
DESIGN REVIEW  
715 LAMONT AVENUE, APN 153-141-31**

**Conduct a public hearing to consider approving the design review application for a proposed two story single family home located at 715 Lamont Avenue. The proposed residence would include 1,973 square feet of ground floor area, 1,094 square feet of second story floor area, and 537 square feet of garage space. The commission will review the proposed landscaping plan and the implementation of previous design review workshop comments into the final design plan. Design review is required for two-story residences in the R4-6.0 zoning district.**

Project Planner Matt Gilster presented the staff report and overview of the application process.

Project Architect Steve Maskulka reviewed the project plans and specific changes to the project plans including the removal of the rear yard deck, roof details, and landscaping plan.

**Public Comments**

The public comment period was opened.

Cindy Halvorson, who lives at 716 Lamont Avenue, spoke in opposition of the project. Ms. Halvorson made comments pointing out that the size of the home was too large in comparison to the surrounding neighborhood. Ms. Halvorson also commented that the garage is too large and the neighborhood will be dwarfed by the size of the home.

Robert Wynne, who lives at 726 Lamont Avenue, spoke in opposition of the project. Mr. Wynne questioned how that the home's bay window features encroached into the required side setbacks. Mr. Wynne was also concerned that too many people were going to live in the house and that the occupants would be working on cars and making too much noise.

Staff addressed the concerns by explaining that bay windows and other "limited" cantilevered architectural features are allowed to encroach into required side yard setbacks.

Rohnda Berberich, who lives at 713 Lamont Avenue, relayed her concerns to the commission which included adequate site drainage, adjacent driveways, and noise generated by the occupants of the new home while they work on cars.

Laura Nixon, who lives at 720 Lamont Avenue, spoke in opposition of the project. Ms. Nixon commented that the proposed home is out of character with the entire street. Ms. Nixon commented that the neighborhood is not a suburbia and the size of the home is too big. Ms. Nixon was also

concerned about too many cars and noise generated by the occupants of the home.

The public comment period was closed.

### **Summary of Commission Comments**

**Commissioner Farrell:** Complemented the architect on his design and felt that the architect had addressed all public comments including drainage. He commented that while the home is indeed larger than surrounding homes, it meets all applicable development standards and is not out of character with the rest of the neighborhood as demonstrated by the architects visual design analysis of existing and proposed conditions. He encouraged the community to accept diversity into their neighborhood. He did not like that the Department of Public works had not required curb, gutter, and side walk improvements for the new home and pointed out that by extending the driveway to the street, the home would have a continually paved access and would create a more complete streetscape appearance.

**Commissioner Barber:** Pointed out that the size of the home is within regulations and, based on the current revisions pursuant to the Commission's prior feedback, is fine with the design of the home. He commented (directed to staff for verification) that the bay windows should not violate the required setbacks. He agreed with Commissioner Farrell that the driveway should extend to the paved asphalt of Lamont Avenue to create continuous paved, orderly access to the street.

**Commissioner Mcleamy:** Addressed that fact that there were many neighbors attending the hearing that were unhappy with the project. Commented that many of the concerns brought forward by the neighbors are not part of the design review charge of the Design Review Commission; i.e. the Commission has no arbitrary power to force the applicant to design a small home. Pointed out that applicant has gone through extreme lengths to introduce a larger house design that is well within the size limits allowed by the City code. He commented that the applicant has provided an excellent submittal. Commissioner Mcleamy and staff described the appeal process for the attending neighbors.

**Commissioner Balfe:** Agreed with previous commissioner comments and would like to see the driveway paved.

**Commissioner Radovanovich:** Expressed agreement with other commissioner comments and asked if a commissioner was prepared to make a motion.

### **Motion to Approve**

Motion/Second: Farrell/Barber: Motion made by Commissioner Farrell to approve the Rodas Residence application with the added condition (condition No. 5) that the front driveway be paved to the asphalt on Lamont Avenue to create a continuously paved driveway.

Motion passed (5-0-0) Yah: Farrell, Barber, Mcleamy, Balfe, Radovanovich; Nay: None; Absent: None

### **Findings**

In accordance with Section 1942.030F. of the Novato Municipal Code and on the basis of the discussion in the Commission's staff report dated September 7, 2016 the Design Review Commission finds that:

- 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 this code, including this title and any approved master plan and precise development plan.
- 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.
- 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.

### **Conditions of Approval**

1. Design Review shall expires two (2) years from the date of approval unless a building permit has been issued and remains valid.
2. All grading and construction activities shall comply with the noise and construction hours specified in section 19.22.070 of the Novato Zoning Ordinance.
3. No deviation from approved plans, including color changes or substitution of materials, shall be made without City approval. Minor alterations may be considered by Planning Division staff. Significant design alterations shall be returned to the Design Review Commission for consideration.
4. 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, recordation of final maps or other entitlements.
5. The proposed paved driveway to the garage shall extend all the way to the existing edge of asphalt of Lamont Ave. subject to the review and approval by the City of Novato Department of Public Works prior to issuance of a building permit.

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

6. Automatic fire sprinkler system is required per NFPA 13D and NFD Standard #401. Additional meter sizing may be required based on available static and residual pressure. Check with NMWD.

7. The address shall be posted and illuminated conforming to NFD Standard #205.
8. An irrigated vegetation management plan “VMP” shall be submitted to NFD for review and conforming to NFD Standard #220.
9. The approved VMP shall be installed prior to final on the project.
10. This proposed SFD is located in a wildland urban interface area and therefore is subject to the 2013 California Building Code Ch 7A requirements for ignition resistant construction.

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

11. The North Marin Water District currently provides potable domestic water service to the above referenced property from a 3/4-inch service lateral with a 5/8-inch meter. If fire sprinklers are required, replacement of the 3/4-inch service lateral and the 5/8-inch meter will be necessary in order to provide the flow required by the sprinkler system. If applicable, the applicant should contact the District to arrange for this upgrade and occupancy approval shall not be granted until water service upgrade is complete. As part of this review it has come to our attention that this property is missing a high pressure notice recorded at the County of Marin. Accordingly, said notice will be recorded at the County with copy to owner.
12. 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. For the full scope of the required water conservation measures for both indoor fixtures/appliances and landscaping refer to Regulation 15 (section e. and f.) at [www.nmwd.com](http://www.nmwd.com). Please contact the District Water Conservation Coordinator at (415) 761-8933 if you have any questions regarding clarification of required water conservation measures or plan submittal requirements.
13. Indemnity and Time Limitations
  - a. The developer 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 Community Development Director’s decision to approve the design review application in 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.
  - b. The developer 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.

- c. 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 City.
- d. The developer indemnifies 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 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.
- 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), 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

#### **GENERAL BUSINESS:**

4. **NOVATO GENERAL PLAN UPDATE (BB)**  
**Introduction and Overview of the Draft 2035 General Plan.**  
Community Development Director, Robert Brown handed out "thumbdrive" copies of the draft General Plan update, and provided a Powerpoint and discussion of the draft General Plan update, including the public process to date and pending public process before City Council considers adoption, and the Plans purpose, format and content. Director Brown requested the Commissioners review the draft Plan and note suggested edits, which he will collect and review with the Commission at a future meeting to be determined – possibly in October 2016.
5. **ELECTION OF DESIGN REVIEW COMMISSION CHAIR AND VICE**

**CHAIR**

M/s Barber/Radovanovich to Appoint Balfe as Chair and MacLeamy as Vice Chair  
(5-0)

6. **PROJECT PLANS FOR REVIEW – DISCUSS ELECTRONIC AND HARD COPY SIZE** – continued

**ADJOURNMENT:** 9:30 PM