



THE CITY OF
NOVATO
CALIFORNIA

Design Review Commission Meeting

Location: Novato City Hall, 901 Sherman Avenue

October 18, 2017

MINUTES

922 Machin Ave
Novato, CA 94945
415/899-8900
FAX 415/899-8213
www.novato.org

Present: Patrick MacLeamy, Chair
Marshall Balfe
Joe Farrell

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

Absent: Michael Barber, Vice Chair
Beth Radovanovich

Staff: Hans Grunt, Senior Planner
Vivek Damodaran, Planner I

CALL TO ORDER / ROLL CALL: 7:05 PM

City Manager
Regan M. Candelario

APPROVAL OF FINAL AGENDA:
M/s: Farrell/Balfe: Passed: 3-2-0

PUBLIC COMMENT: None

CONSENT CALENDAR: None

PUBLIC HEARINGS:

Interested persons may speak on any of the below-noted CONTINUED or NEW ITEMS up to three minutes per individual; 20 minutes for applicant; 10 minutes per recognized group. Speakers are limited to one opportunity per item, so please be thorough and to the point. Prior to speaking please submit a speaker card to the Meeting Recorder.

CONTINUED ITEMS:

- 1. OAKMONT SENIOR LIVING OF NOVATO (HG)
PROJECT # P2016-010
FINAL DESIGN REVIEW
APN 151-022-09; 1461 SOUTH NOVATO BLVD.**

Conduct a public hearing to review and approve the final site design, architecture, landscaping and art feature for the development of Oakmont Senior Living of Novato, a Residential Care Facility for the Elderly, including 50 senior assisted living units and 28 memory care rooms and supporting facilities.

Senior Planner Grunt presented the staff report and application/entitlement process.

Applicant Bill Mabry, the Project Manager Hannah Dougherty, project Architect, and the project Landscape Architect reviewed, in detail, the final design elements proposed including: Architectural detailing (e.g. windows/door detailing, siding, trim details, etc.); Exterior colors; Tree and plant locations, species, size; Type and style of sight lighting, and Final design, including materials to construct the public art component.

Public Comment: None

Commission Comments:

Commissioners Farrell, Balfe and MacLeamy

- Complimented the applicant and their design team noting that the project will be an attractive and welcomed addition to the surrounding community while serving its residents very well;
- Appreciation for attention to design details both of the building and surrounding grounds/landscaping;
- Glad to see a quality art component introduced in a location that can be well viewed and appreciated by the general public.

M/s: Farrell/Barber 4-0-1 (motion passed) that the Design Review Commission approves the final site design, architecture, landscaping and art feature for the development of Oakmont Senior Living of Novato located at 1461 South Novato Blvd., APN 151-022-09, as proposed pursuant to the plans prepared by Ali Iqbal, Designer, Landesign Group, Landscape Architect, and Mr. Archie Held, Artist, received on October 5, 2017, based on the staff analysis, the following, required, findings, and subject to the conditions of approval below.

COMMISSION FINDINGS

1. 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 Design Review

Commission finds that:

- a. The design, layout, size, architectural features and general appearance of Oakmont Senior Living 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. Oakmont Senior Living of Novato 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. Oakmont Senior Living of Novato 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. The final Design Review approval for Oakmont Senior Living of Novato shall expire two years from the date of the Design Review Commission's action taken thereon, within which time a building permit must be obtained and remain valid.
2. 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.
3. 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.
4. 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.

NEW ITEMS:

**2. GRANT AVENUE FAÇADE UPGRADE (VD)
P2017-082; DESIGN REVIEW
CEQA CATEGORICALLY EXEMPT – SECTION 15301
APN 141-281-11; 1305 GRANT AVENUE**

Conduct a public hearing to consider a design review proposal to make exterior architectural and design modifications to the building façade at 1305 Grant Avenue, within the Downtown Core Retail zoning district, fronting onto Grant Avenue.

Planner I, Damodaran, presented the project proposal and gave an overview of the project scope and application process.

The applicant and architect, Dan MacDonald, gave a presentation describing the façade changes being made to the building.

Public Comment: None

Commission Comments:

Commissioner Farrell

- Uncomfortable with the balcony's linear length being shorter than windows
- Colors and materials looked great, classy

Commissioner Balfe

- Colors and materials are good

Commissioner MacLeamy

- Balcony's length feels odd
- Window and balcony lengths should be uniform

M/s: Farrell/Balfe 3-0-2 (motion passed) that the Design Review Commission approves the design of the proposed façade revision at 1305 Grant, APN 141-281-11, pursuant to the plans prepared by Daniel Macdonald, dated September 20, 2017, based on the following required findings, the staff analysis and subject to the conditions of approval below with the added condition of approval number 4, stating that, to the extent feasible, the Juliet balcony shall be extended to uniformly align with the second story façade windows.

Standard Design Review Findings pursuant to Section 19.42.030.F. of the Novato Municipal Code:

- 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 approve 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

The following conditions shall be met to the satisfaction of the *Planning Division of the Novato Community Development Department*:

1. Design Review shall expire two (2) years from the date of approval unless within that time 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 results in the City withholding issuance of related building permit, certificate of occupancy, recordation of final maps or other entitlements.

3. Significant design alterations shall be brought to the Planning Division for consideration. No deviation from approved plans, including color changes or substitution of materials shall be made without staff approval.
4. To the extent feasible, the Juliet balcony shall be extended to uniformly align with the second story façade windows
5. Indemnity and Time Limitations
 - e. 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.
 - f. 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.
 - g. The applicant indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
 - h. 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.
 - i. 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.

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

6. Pursuant to Novato Fire District Standard 205 the façade changes need to incorporate approved building premise identification for building and suite numbers at the rear and front of the building.

**3. PARK A PUP (BW)
P2017-017; DESIGN REVIEW
CEQA CATEGORICALLY EXEMPT – SECTION 15332, IN-FILL
DEVELOPMENT PROJECTS
APN 143-061-11; 7586 REDWOOD BLVD.**

Conduct a public hearing and make a recommendation to the Novato Planning Commission regarding site design, massing/scale, building design and architecture, and landscaping for the development of a 12,123-square-foot, two-story building.

Senior Planner, Hans Grunt, presented the project proposal and gave an overview of the project scope and application process.

The applicant's architect, Dan MacDonald, reviewed the proposed building's architectural features with the Commission.

The applicant, Paul Dana, briefly provided the audience and Commission the business and his own background.

The landscape architect, Pete Pedersen, provided an overview of the proposed landscaping plan for the site.

Commissioner Joseph Farrell requested that a development standards chart with allowable FAR, height, and setbacks be included in the staff report. Farrell asked a question regarding the proposed materials and function of the space.

Commissioner MacLeamy asked if the site drains from front to back to a bioretention area, and asked if the gable element area is intended for the tenant's sign and logo.

Public Comments:

Debbie Chapman, representing the property owner to the north of the site stated that they share a wall with the owner. Stated that she does not believe the building follows the vision for the area and is concerned with noise and smell.

Commissioner MacLeamy asked the applicant a question regarding noise. Architect Macdonald described how the design will mitigate noise with sound resistant walls. The only openings are the operable doors. Paul Dana, applicant, also described noise attenuation efforts.

Commissioner Farrell

- Glad to see a project like this in a part of town that needs improvement
- Keeping the parking hidden behind the building is good
- Sidewalk retail frontage is nice
- Good colors, good use of metals, landscaping is good

Commissioner Balfe

- Agrees with Commissioner Farrell's comments

Commissioner MacLeamy

- Good proposal, good start to the renovation of the North Redwood vision

M/s Farrell/Balfe 3-0-2 (motion passed) The Design Review Commission recommends approval of the site design, massing/scale, architecture, and preliminary landscape plan for the project as presented on the plans prepared by Daniel Macdonald Architects, dated October 6, 2017, based on the following findings as more specifically discussed in the staff analysis section of the staff report and subject to the conditions below.

Standard Design Review Findings pursuant to Section 19.42.030.F. of the Novato Municipal Code:

- 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 approve Master Plan and Precise Development Plan.
- d. 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.
- e. 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

1. The applicant shall present the proposed art to the DRC, pursuant to NMC § 19.21.060, or pay in-lieu fees pursuant to NMC §19.21.070, prior to issuance of a building permit.
2. The applicant shall submit final details of the site design, architecture, and landscaping to the DRC 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.

Indemnity and Time Limitations

3. The applicant 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 decision 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 applicant, the City, and/or parties initiating or bringing such action.

4. The applicant 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 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.
5. In the event that a claim, action, or proceeding described in no. 3 or 4 above is brought, the City shall promptly notify the applicant 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 applicant 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 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 applicant.
6. The applicant 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.
7. 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.
8. 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.

PROJECT DESIGN WORKSHOP: None

GENERAL BUSINESS: None

ADJOURNMENT: M/s: Balfe/Farrell to adjourn passed (3-0-2) 9:40 PM