



THE CITY OF  
NOVATO  
CALIFORNIA

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City Manager  
Regan M. Candelario

# Design Review Commission Meeting

Location: Novato City Hall, 901 Sherman Avenue

December 20, 2017

## REVISED MINUTES

Change indicated by italics and underlining

- Present:** Patrick MacLeamy, Chair  
Michael Barber, Vice Chair  
Joe Farrell  
Beth Radovanovich
- Absent:** Marshall Balfe
- Staff:** Steve Marshall, Planning Manager  
Hans Grunt, Senior Planner  
Brett Walker, Senior Planner  
Michelle Johnson, Planner II

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

#### APPROVAL OF FINAL AGENDA:

**M/s: Radovanovich/Farrell to approve.**

Passed: (4-0-1)

**PUBLIC COMMENT:** None

#### CONSENT CALENDAR:

**1. APPROVAL OF MINUTES OF SEPTEMBER 6, 2017 (PM, MBar,JF,BR)**

**M/s: Farrell/Radovanovich to approve.**

Passed: (4-0-1)

**2. APPROVAL OF MINUTES OF NOVEMBER 15, 2017 (PM,MBar,JF,BR)**

**M/s: Barber/Radovanovich to approve.**

Passed: (4-0-1)

**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.

**NEW ITEMS:** None

**CONTINUED ITEMS:**

**1. RESIDENCE INN – NOVATO (BW)  
P2017-055 DESIGN REVIEW  
7546 REDWOOD BLVD; APN 143-011-06**

Conduct a public hearing and consider making a recommendation to the Novato Planning Commission and City Council regarding approval of the design aspects, including site planning, building design, and landscaping of a proposed 103-room hotel with a separate 8,000-square-foot commercial building to be located on a 3-acre site. The 77,532-square-foot hotel building would be 3-4 stories tall, with a maximum height of 53 feet.

Brett Walker, Senior Planner, presented the staff report, including a project description and timeline of past meetings, including the neighborhood meeting and DRC workshop.

Commissioner Barber asked a question about parking at the site. Walker stated that with the Planned District process, the city can approve the use of on-street parking to count towards the required parking for the proposed uses.

Chair MacLeamy ask Walker to describe the interim conversations between the September DRC workshop and tonight’s meeting. Walker described the meetings that occurred, which were also detailed in the staff report.

Chair MacLeamy asked the applicant to make their presentation. Don Cape, applicant, made a presentation, describing the revisions that have been made since the DRC workshop. Scott Brown, applicant’s architect, made a presentation of the architectural changes to the building and changes to the site plan. Don McNair, applicant’s landscape architect, described the proposed landscape plan.

Commissioner Barber asked the applicant about the pool equipment enclosure. Mr. Cape stated that the intent is to use trim materials that match the hotel on the face of the enclosure. Mr. Cape stated that they moved the plaza area off the corner to create a more intimate plaza area.

Chair MacLeamy opened the public comment portion of the hearing.

Joanne Saunders, 2 Rose Court, stated that the project does not fit the North Redwood Boulevard Corridor Study, and the stated goals of the study. Ms. Saunders stated that the 1996 plan envisioned downtown as the heart of the community, and believes the hotel will create a dead zone north of downtown.

Frank Rebelo, 3 Windmill Place, stated that the hotel is a viable use of the site.

Chair MacLeamy asked if staff can respond to the public comments. Walker responded to Ms. Saunders' comments regarding the design guidelines of the North Redwood Boulevard Corridor Study.

Commissioner Farrell stated that he was part of the North Redwood Boulevard Corridor Study process. He described the process, and stated that the hotel embraces the study. He stated the circulation and parking has been improved, that there is plenty of parking, and that the pool relocation is nice. He stated that the development of the bike path and café seating, and entry parking and circle paving is nice. He stated that Toast restaurant in Hamilton is a good example of outdoor café seating. He likes the massing and commended the applicant for the changes to the architecture.

Vice Chair Barber stated that there could be some attention or nod to the Dairymen's building and thinks they can pay homage. He likes the frontage and bike path. He agrees with Farrell regarding the massing and articulation of the revisions. He questioned the applicant about who will use the table and bar-b-que area to the right of the entry, shown on Sheet 1.4. Scott Brown, applicant's architect, stated that they will look at that detail. Barber stated that the plant palette is fine, and stated that he feels that if they wait to pay homage to the Dairymen's building on the single-story structure, it may be too late.

Commissioner Radovanovich stated that they have done everything right. She likes the oblique angle of the hotel. She stated that the one-story building is going to be challenging with the parking on the interior. She still believes there is a problem with access across Redwood Blvd, but that issue is beyond the control of the applicant due to the median placement. Radovanovich stated they have done a great job.

Chair MacLeamy stated that he also participated in the North Redwood Boulevard Study. He stated that there needs to be a special retail experience for the pad building. He stated that he prefers a more simple building, similar to the architecture style of Hamilton. He stated that there is too much color and materials for his preference, but his colleagues may disagree.

Walker asked the Commission if they wanted to amend or eliminate Condition of Approval Number 4 regarding the pool equipment enclosure. Senior Planner Hans Grunt suggested that the condition be revised to state "The pool equipment enclosure shall be relocated away from the proposed plaza, and/or redesigned to minimize the visual impact."

**M/s: Farrell/ Radovanovich: 4-0-1 (motion passed) that the Design Review Commission forward a recommendation to approve the Project's design aspects, including site design, circulation/parking, building massing/height, and conceptual architecture and landscaping for the Project, as shown on the plan set date November 29, 2017, and with the recommended Conditions of Approval detailed below, to the Planning Commission and City Council, and with the amendment to Condition of Approval No. 4.**

## **CONDITIONS OF APPROVAL**

1. The Project shall return to the Design Review Commission for action on the final details of the project's site design, architecture, and landscaping 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, exterior colors, and tree and plant species locations and size, and type and style of exterior lighting fixtures.

2. The Project shall present the proposed art to the DRC, pursuant to NMC Section 19.21.060, or pay in-lieu fees pursuant to NMC Section 19.21.070, prior to issuance of a building permit.
3. The detached one-story commercial building shall be designed to be complementary to the hotel and project site vicinity. A design review application shall be submitted to the City of Novato for review and approval by the Design Review Commission pursuant to Novato Municipal Code Section 19.42.030.
4. The pool equipment enclosure shall be relocated away from the proposed plaza, **and/or redesigned to minimize the visual impact.**
5. A 6-inch vertical concrete curb shall be installed parallel to Redwood Blvd between the on-street parking stall/tree wells and the proposed bicycle path.
6. The bicycle path shall be level with the sidewalk.
7. The vehicle wheel stops shall be eliminated.
8. A minimum 2-foot wide vehicle bumper overhang shall be maintained between the on-street parking spaces and the bicycle path.
9. All trees planted within the public right-of-way, or within 5 feet of public improvements, shall be planted with root barriers (AKA root boxes).
10. Proposed street trees shall be selected from the Approved Street Tree List in consultation with City staff.
11. Street trees and tree wells shall be spaced a minimum of one tree per three parking stalls.

#### Indemnity and Time Limitations

12. 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.
13. 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.

14. 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.
15. 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.
16. 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.
17. 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.

**2. BOWSER SINGLE FAMILY HOME (MJ)  
P2017-054; DESIGN REVIEW  
CEQA CATEGORICALLY EXEMPT – SECTION 15303  
THOMAS COURT; APN 132-211-49**

Conduct a public hearing and consider approval regarding the site design, building massing, architecture, and landscaping for a proposed two-story, 2,265 square-foot single-family residence with a 681 square-foot attached garage and 121 square foot cabana located at the south end of Thomas Court - Assessor's Parcel No. 132-211-49.

Planner II, Johnson, presented the project proposal and gave an overview of the project scope and application process.

The applicant, Brad Bowser, gave a presentation describing the revisions made to the project in response to September 20, 2017 Design Review Workshop.

Public Comment:

Frank Rebelo, 2 Thomas Court. Stated he is the adjoining property owner and is excited about the project.

Jeff Cavener, Architect spoke on behalf of 7 Gum Tree Court. Stated he has concerns regarding the practicality of the third parking stall.

Gina Blake, 160 Apollo Court. Stated her house sits lower than the Bowser property and she has concerns regarding the pool and the potential of run-off into her yard resulting in flooding. She stated she is located adjacent to the proposed Cabana and has concerns about the proposed 9 foot height.

Ruthie Valentine, 784 Eucalyptus Avenue. Stated that she has concerns with the size of the house. She and her husband are located on the corner/entrance to Thomas Court and feel that with the addition of teenagers, three parking stalls will not be sufficient. She would like to see story poles erected prior to a decision to see what kind of impact the structure is going to have to the existing neighborhood. She stated the structure was large and awkward and compared it to a commercial building.

Deborah Ablin, 2 Gum Tree Court. Referred to the email she provided earlier today. She stated that she is concerned about parking for the two new planned residences on Thomas Court and feels they will have a negative impact on the surrounding neighborhoods. She feels that both the Bowser residence and the Rebelo residence will not have adequate off-street parking; therefore, they will park on Thomas Court. She provided details and pictures detailing the existing street parking situation along Eucalyptus and around the area of Thomas Court in an e-mail and letter dated September 23, 2017. She does not feel the Design Review Commission is requiring enough parking for these two residences. Garage parking will only be accessible for the homeowners and not address the needs of visitors. Multiple non-garage accessible parking spaces should also be required on the land of these two properties for utilization of visitors or additional drivers living in the residences.

Sondra Oczkus, 7 Gum Tree Court. Stated that she has concerns about the view of the second story windows into neighboring backyards; that existing views would no longer be available of the hills and that the project was not characteristic of the existing neighborhood.

Bob Sadalski, 11 Gum Tree Court. Stated that he was in support of the home; however, has concerns with the noise generated from the cabana and pool equipment.

#### Commission Comment

#### **Commissioner Barber:**

- Complimented the dimensions and mass with increased garage area for required 3<sup>rd</sup> parking space.
- Still has concerns with the proposed height and location of the cabana within the rear setback given its proposed use for teenagers is too close to the neighboring house; the use of the shed is quiet and would be more appropriate in the location of the cabana and would like to see them “flipped”.
- Wanted clarification on what the roofing material/color would be.
- Wanted clarification as to where the landscaping plan was.
- Wanted clarification on whether the shower was located in the setback; and if it was was allowed.
- Questioned dimension for parking pullout related to the third parking stall within the garage.
- Questioned added height if solar located on the cabana.

- Would like to see the cabana consistent with the code with a maximum height of 8 feet within the rear setback.

**Commissioner Farrell:**

- Recognizes the parking concerns of the surrounding neighbors; however, feels that the applicant is addressing the issue by providing a third parking space in the garage. Feels that it is not the responsibility of the property owners to mitigate all the existing parking issues in the neighborhood. Stated that the parking issue should be addressed through a larger City/public process e.g. requiring two car garage parking stalls be provided and maintained.
- Discussed lowering the roof height of the cabana to an 8 foot maximum.
- Likes the architectures; appreciates its unique qualities.
- Feels the massing, windows, and variety of design is compatible with the existing neighborhood.
- Appreciates the innovation and commitment to solar and the environment.
- Addressed the Gina Blake comment during Public Comment regarding potential flooding to her house; stating, the plans were reviewed by engineers in Public Works and a Storm Water Management Plan is required and includes drainage.
- Ready to support project.

**Commissioner Radovanovich:**

- Likes the project has proposed; has no opposition.

**Chair MacLeamy:**

- Addressed public comment stating that the role of the DRC is generally not to review individual neighborhood homes proposed. Projects of this scale are typically heard at an administrative level and that the majority of the concerns heard tonight were not related to design but existing neighborhood issues such as cars and loss of the enjoyment of a vacant parcel that is legally zoned for a home like the surrounding lots with homes on them. Supports the proposed home design given its context and the demonstrated design approach taken.

**M/s: Farrell/ Radovanovich to approve the project: 3-1-1 (Barber opposed). Motion passed: that the Design Review Commission approves the design of the proposed single-family residence at 2 Thomas Court, APN 132-211-49, pursuant to the plans prepared by [au]workshop dated November 15, 2017, 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, the color of the flat roof will be a darker hue to reduce reflectivity.**

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 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.

**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 result 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. Color of the flat roof shall of a darker hue to reduce reflectivity.

**5. Indemnity and Time Limitations**

- a) 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.
- b) 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 is conditioned on the approval of such documents in a form and under conditions approved by the City Attorney.
- c) 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.
- d) 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.



- 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), 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.

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

1. An automatic residential fire sprinkler system is required to be installed in all new garages conforming to NFPA Std. 130, Fire Protection Standard #401, and as modified by the Fire Marshal. Plans and hydraulic calculations shall be submitted to the Fire Marshal for review prior to installation. Contact the North Marin Water District should an upgrade for the domestic water meter be needed. Additional sizing may be required due to available pressures and fire flow. The above requirement may be waived provided the new and existing remodel and addition does not exceed 50% of the total existing floor area. Reference Std. #401.
2. Driveways shall be not less than 16 feet wide capable of accommodating 40,000 gvw and conform to NFD Standard #210.
3. The address shall be posted clearly visible from the street with numerals illuminated and contrasting color to their background conforming to Novato Fire Protection Standard #205.

**The following conditions shall be met to the satisfaction of the *Novato Public Works*:**

1. A City of Novato Encroachment Permit is required prior to any trenching, pavement, construction of improvements or any other work in the City's public right-of-way. Said permit will be subject to further conditions.
2. 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.
3. During construction, the developer's contractor shall provide stormwater pollution prevention and dust control seven (7) days a week, twenty-four (24) hours a day. This provision shall be noted on all plans.
4. An Erosion and Sediment Control Plan per the MCSTOPPP template will be required.
5. All streets, curbs, gutters, sidewalks or other public facilities damaged in the course of construction associated with this development shall be the responsibility of the Developer and shall be repaired or replaced to the satisfaction of the City, at the City's discretion at the Developer's expense.

**Indemnity and Time Limitations**

6. 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.

7. 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.
8. 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.
9. 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.
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**PROJECT DESIGN WORKSHOP:** None

**GENERAL BUSINESS:** None

**ADJOURNMENT:**

**M/s: Farrell/Radovanovich – to adjourn at 10:03 p.m.**

Passed: 4-0-1