



Design Review Commission Meeting

Location: Novato City Hall, 901 Sherman Avenue

THE CITY OF
NOVATO
CALIFORNIA

September 5, 2018

MINUTES

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

Present: Patrick MacLeamy, Chair
Michael Barber
Joe Farrell
Beth Radovanovich

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

Absent: Marshall Balfe

Staff: Hans Grunt, Senior Planner

City Manager
Regan M. Candelario

CALL TO ORDER / ROLL CALL:

The meeting was called to order

APPROVAL OF FINAL AGENDA:

M/s, Farrell/Radovanovich 4-0-1 (Balfe absent) to approve

PUBLIC COMMENT: None

CONSENT CALENDAR:

1. APPROVAL OF MINUTES OF MAY 2, 2018 (MBar,JF, PM,MBal)
M/s, Barber/Farrell 3-0-1-1 (Balfe absent-Radovanovich abstain) to approve.
2. APPROVAL OF MINUTES OF AUGUST 1, 2018 (MBar,JF, BR)
M/s, Barber/Radovanovich 3-0-1-1 (Balfe absent-MacLeamy abstain) to approve.

PUBLIC HEARING:

CONTINUED ITEMS: None

NEW ITEMS:

2. **BLUE BARN RESTAURANT, EXTERIOR FAÇADE AND REAR OF BUILDING IMPROVEMENTS
P2018-050; DESIGN REVIEW
CEQA CATEGORICAL EXEMPTION – SECTION 15301
APN 153-063-04 & 05; 819 GRANT AVENUE**

Conduct a public hearing and consider taking action to approve proposed exterior façade enhancements facing Grant Avenue, and a building addition (356+/- sf net), outdoor patio, refuse area, accessible (ADA) parking and landscaping at the rear of the building (fronting Cain Lane) located at 819 Grant Avenue; the former DeBorba’s bar location. The proposed improvements are for a Blue Barn restaurant. For said improvements, a request to make a determination that the proposal is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301 is included.

Senior Planner Hans Grunt presented the staff report and gave an overview of the project; described the entitlement process and the need for the Design Review Commission to take formal action on the project; Senior Planner Grunt concluded with a staff recommendation that the Commission take action to approve the project design based on the staff analysis, findings and conditions contained in staff’s report to the Commission.

Architect Steve Murch, with the aid of computer generating graphics and plans described the project in detail, including drawings that depicted the façade revisions, rear-of-building changes and rear patio improvements. Mr. Murch answered Commissioner questions, including: new front faced siding to be applied over existing, and secondary door proposed to remain but inoperable due to interior floor height change.

Public Comments (summary)

David Price Jones expressed support for the project and described interest maintaining common side yard fencing for security, but also preserving common side yard access to his property for maintenance needs.

Erin Lee asked how long project construction was expected to take – applicant, Stryker Scales, indicated it is expected to take 4 to 6 months.

Commission Comments

Commissioner Barber: noted double fence seems redundant; feels it is a good looking project; likes use of orange trees; noted Escallonia grows tall and suggested alternative planting(s) that are not as tall; front planter is awkward and suggest extending it across that recessed portion of

the front façade and replace secondary “inoperable” door with a window; feels everything else about the project is just fine.

Commissioner Farrell: Thanked the applicant for what he believes is a nice refurbishment; agrees with Commissioner Barber regarding revisions to the planter and existing “inoperable” door; offer a general observation that there is an opportunity for even more seating in the rear patio area to support larger gatherings e.g. live music, that said, supports the project and an approval.

Commissioner Radovanovich: noted the building has a special place in her hart and very glad to see it improved; agrees with Commissioner Barber regarding revisions to the planter and existing “inoperable” door; noted she is critical of color schemes in general, but pleased with materials and colors proposed; whole heartedly supports the project.

Commission Chair MacLeamy: expressed support for other Commissioner comments; supports the features of the patio and believes it takes good advantage of the site’s sun exposure; agrees with Commissioner Barber regarding revisions to the planter and existing “inoperable” door; prepared to support the project.

M/s, Farrell/Radovanovich 4-0-1 (Balfe absent) to approve the plans received on August 2, 2018, prepared by SKS Architects dated July 30, 2018 for exterior modifications to the existing commercial building located at 819 Grant Ave., APNs 153-063-04 & 05, with an added condition that the project applicant work with staff, to the extent feasible, to augment the front planter by extending it across that recessed portion of the Grant Ave. façade and replace the secondary “inoperable” door with a window, based on the following findings, including the discussion in support of said findings above in the analysis section of this report, and subject to the conditions of approval listed below.

FINDINGS FOR APPROVAL

1. **CEQA Finding** The proposal is exempt from the Requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15301.
2. **Design Review Findings:** In accordance with Section 19.42.030.F. of the Novato Municipal Code and on the basis of the discussion above in support of the findings in the staff analysis section of this report, the Design Review Commission finds that:
 - a. The improvements proposed for the commercial building are consistent with the General Plan, and applicable provisions of the Novato Zoning Ordinance.
 - b. The improvements proposed for the commercial building 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 improvements proposed for the commercial building 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 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 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. Compliance with the provisions of the Art Program shall be achieved prior to issuance of a building permit for the proposed project.
5. The project applicant work with staff, to the extent feasible, to augment the front planter by extending it fully across the recessed portion of the Grant Ave. façade and replace the secondary "inoperable" door with a window.

Conditions from Novato Public Works Department

6. The refuse and recycling enclosure shall be covered and grading and paving around it shall be sloped away to prevent drainage from entering said enclosure.
7. For DI#7, its location, grade and function, including its connection to drainage in Grant Avenue, shall be confirmed prior acceptance of the final drainage design.

Conditions from Novato Fire Protection District

8. An automatic fire sprinkler system is required to be installed conforming to NFPA Std. 13. Plans and hydraulic calculations shall be submitted to the Fire Marshal for review prior to installation. Contact the North Marin Water District to apply for fire service connection. Additional sizing may be required due to available pressures and fire flow.
9. All automatic fire sprinkler and fire alarm systems, flow switches, and control valves shall be monitored by an approved UL Central Station company, zoned and enunciated as required by the Novato Fire District and Fire Protection Standard #400.
10. 'Knox' key access shall be installed at the premises conforming to Novato Fire Protection Standard #202.

11. Substantial Remodel shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area, which exceeds fifty percent of the existing floor area of the structure within any 36 month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in the computing floor areas for the purpose of applying this definition.
12. When the wall or ceiling coverings (i.e. gypsum board, plaster, sheetrock, etc.) are removed, altered, modified or added to, a lineal foot calculation of existing versus improved coverings shall be completed. This lineal foot calculation shall be applied in conjunction with, or separate from, the floor area calculation noted per condition number 10. above to determine substantial remodel.
13. 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.
14. The facility and improvements shall comply with California Building Code and State Fire Marshal building standards and regulations.
15. Maximum Occupant Capacity signs shall be installed as required by the Fire Marshal conforming to Fire District Standard #115.
16. Portable fire extinguishers shall be installed and maintained in accordance with California Fire Code Chapter 9.
17. Commercial cooking equipment, when required by code, shall be protected by a hood and duct extinguishing system. If one is required, plans, permit and fees shall be submitted directly to NFD.

Conditions from North Marin Water District

18. The developer must submit project improvement plans to the District for the new facilities prior to issuance of the building permit. Occupancy approval shall not be granted until review is completed and, if applicable, new water facilities installation is complete, and fees are paid.
19. The project must conform to District Regulation 15 or 17 - 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 or 17 (section e. and f.) at www.nmwd.com. Please contact the District Water Conservation Coordinator at (415) 761-8933 if you have any question regarding clarification of required water conservation measures or plan submittal requirements.

20. 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) 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. Please contact our Cross Connection Control Technician at (415) 761-8914, for more specific requirements.
21. 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:

4. ELECTION OF DESIGN REVIEW COMMISSION CHAIR AND VICE CHAIR.

M/s, Farrell/MacLeamy 4-0-1 (Balfe absent) to approve Barber as Chair and Farrell as Vice Chair.

5. CONSIDER AUTHORIZING AN EARLIER, STANDARD START TIME OF 7:00 PM FOR DESIGN REVIEW COMMISSION MEETINGS

M/s, Farrell/MacLeamy 4-0-1 (Balfe absent) to approve a new standard start time of 7:00P.M. beginning on the Design Review Commission's regularly scheduled hearing of October 3, 2018.

ADJOURNMENT: The meeting was adjourned at 8:25 P.M.