



CITY OF NOVATO
COMMUNITY DEVELOPMENT

DESIGN REVIEW COMMISSION

Meeting Minutes

Via Webex Teleconference

Wednesday, July 1, 2020 - 7:00 PM

A. CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

The Design Review Commission meeting began at 7:00 PM.

Commission Present: Commissioners MacLeamy, Farrell, Barber, and Studer

Staff Present: Planning Manager Steve Marshall, Planner II Vivek Damodaran

B. APPROVAL OF FINAL AGENDA

COMMISSION ACTION: Upon motion by Commissioner MacLeamy and seconded by Commissioner Barber, the Design Review Commission voted 4-0-0-1 via roll call to approve the Final Agenda.

AYES: MacLeamy, Farrell, Barber, and Studer

NOES: None

ABSTAIN: None

ABSENT: Commissioner Edridge

Motion carried.

C. PUBLIC COMMENT - None

D. CONSENT ITEM

D1. Approval of DRC Minutes of April 1, 2020 (JF, PM, MB, ME, ES)

COMMISSION ACTION: Upon motion by Commissioner MacLeamy and seconded by Commissioner Barber, the Design Review Commission voted 4-0-0-1 via roll call to approve the DRC Minutes of April 1, 2020.

AYES: MacLeamy, Farrell, Barber, Studer

NOES: None

ABSTAIN: None

ABSENT: Edridge

Motion carried.

PUBLIC HEARING

E. CONTINUED ITEMS

NONE

F. NEW ITEMS

F.1. COMSTOCK COMMONS LIVE/WORK P2019-002; DESIGN REVIEW APN 124-282-18; 200 SAN MARIN DRIVE

Conduct a public hearing to review and make a recommendation to the Planning Commission on the site design, building design, and landscaping for a six (6) unit live/work development on the vacant parcel located at 200 San Marin Drive.

Vivek Damodaran, Planner II presented the staff report, and described the remaining entitlement process should the Commission recommend approval of the design.

Dan Macdonald, project architect, presented the project design, including site design, building architecture, and noted design changes integrated pursuant to design feedback provided by the Commission at the April 3, 2019 design workshop.

Wayne Leach, project engineer, discussed the project's stormwater management and drainage plan.

Charles Wilson, project landscape architect, discussed the plant selections for the site.

SUMMARY OF PUBLIC COMMENT: None

NUMBER OF SPEAKERS: 0

SUMMARY OF COMMISSION COMMENTS:

Commissioner Barber stated he felt the trash enclosure's doors need to be substantial. He had concerns with the color selection - feeling the red color used for the roof would be better as a more subdued tone of red rather than a bolder tone in contrast with the beige of the building. He felt the columns at the ground floor patio area were very weak looking - believes they could be refined to be a little more substantial in appearance. He believes the landscaping plan should include more evergreen type trees so the site doesn't look barren during the winter months.

Commissioner Studer asked Mr. Wilson if the neighborhood landscaping/vegetation was taken into consideration when developing the landscaping plan. Mr. Wilson responded by explaining that observation of the surrounding area's landscaping and vegetation is a component of his design process. Commissioner Studer observed the proposed architecture is very edgy and sharp in comparison with the architecture found in the San Marin area; she commented the project looked more commercial than residential. She suggested the applicant consider different colors and materials to soften the architecture.

Commissioner MacLeamy stated his support for the project; he commented that the proposal would be a good addition to San Marin. Chair MacLeamy inquired whether the project would return to the DRC for a review and action on final details.

Chair Farrell agreed with Commissioner MacLeamy and was fine with the project looking a little commercial.

M/s MacLeamy/Barber recommending approval of the site design, building massing, design and landscaping for the Comstock Commons live/work project as presented on the plans prepared by Daniel Macdonald Architects Inc., dated March 16, 2020, Wilson & Associates, dated February 2, 2020, based on the following findings and supporting facts presented in the staff report and subject to staff's recommended conditions with a modification to the following condition of approval.

Modifications are reflected below with ~~strikeout~~ for language that was deleted, and **bold** for language that was added:

- Condition 3: Subsequent a City Council decision regarding the project entitlements, the applicant shall submit the following final design details to the ~~Planning Division~~ **Design Review Commission** for review and approval prior to issuance of the first building permit:

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 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 this Zoning Ordinance and any approved Master Plan and Precise Development Plan.
 - b. The 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 Project 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 portions of structures within 15-feet of the rear property line, adjacent the residential property south of the Project site, are not to exceed 20-feet in height or should maintain a 15-foot setback in accordance with the rear setback requirement for the CG zoning district as listed in NMC [Section 19.12.030](#) (Commercial/Industrial Land Uses and Permit Requirements).
2. The applicant shall comply with NMC [Division 19.21](#) (Art Program) prior to issuance of a building permit.
3. Subsequent a City Council decision regarding the project entitlements, the applicant shall submit the following final design details to the Design Review Commission for review and approval prior to issuance of the first building permit:
 - a. Location and type of all exterior lighting;
 - b. Location and size of all mechanical and utility equipment including power and telephone equipment, meters, and transformers;
 - c. Landscape plans in construction detail showing the location, type, and size of plant materials, estimated height and spread at maturity; the area and type of top dressing; tree staking; soil mix; planting area separators; fencing; area lighting; and all other landscaping improvements;
 - d. Adequate enclosures or screening of all rooftop equipment;
 - e. Enclosure design for utility meters and trash areas;

- f. Final colors approved by DRC, as reflected on the color board presented to DRC on July 1, 2020;
- g. Type, size, appearance, and location of all signage.

4. 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 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 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.
- d. 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.
- 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.

Commission Action: Motion carried. Vote to recommend: Ayes: 4; Noes: 0; Abstain: 0; Absent: 1

AYES: MacLeamy, Farrell, Barber, and Studer
NOES: None
ABSTAIN: None
ABSENT: Edridge

G. WORKSHOPS

No formal action will be taken on workshop items.

NONE

H. GENERAL BUSINESS

These items include significant and administrative actions of special interest and will usually include a presentation and discussion by the Commission. They will be enacted upon by a separate vote.

NONE

I. ADJOURNMENT

The Design Review Commission adjourned the meeting at 7:45 PM.

I HEREBY CERTIFY that the foregoing minutes were duly adopted at the Design Review Commission meeting of August 19, 2020.

/Shelley Woods/

Shelley Woods, Senior Office Assistant