



CITY OF NOVATO
COMMUNITY DEVELOPMENT

DESIGN REVIEW COMMISSION

Meeting Minutes

NOVATO CITY HALL
901 SHERMAN AVENUE
NOVATO, CA 94945

Wednesday, June 7, 2023 - 7:00 PM

A. CALL TO ORDER AND ROLL CALL

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

Commission Present: Commissioners Joe Farrell, Michael Barber, Mark Schatz

Commission Absent: Commissioner Kevin Jacobs

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

B. APPROVAL OF FINAL AGENDA

COMMISSION ACTION: Upon motion by Commissioner Farrell and seconded by Commissioner Barber, the Design Review Commission voted 3-0-0-1 via roll call to approve the final agenda.

AYES: Commissioners Farrell, Barber, Schatz

NOES: None

ABSTAIN: None

ABSENT: Commissioner Jacobs

Motion carried.

C. PUBLIC COMMENT - None

D. CONSENT ITEMS – None

E. CONTINUED ITEMS

F. PUBLIC HEARING

F.1. CHOU RESIDENCE SECOND-STORY DECK ADDITION CEQA CATEGORICALLY EXEMPT – SECTION 15301 P2023-003; DESIGN REVIEW 43 AUDUBON WAY; APN 158-082-07

Senior Planner Damodaran presented the staff report and provided a brief overview of the project details and history.

Chair Schatz asked staff if the Hamilton Landing homeowners association (HOA) has provided any indication of whether they would be approving the project proposal.

Senior Planner Damodaran responded that staff had not received anything directly from the HOA indicating whether they had or would approve the project, staff did note that residents have communicated to staff that the HOA was awaiting DRC's decision on the project before making its own decision.

Mark Labourdette, Project Manager, presented the project design and the property owner/applicant, Mr. Chou, provided a brief presentation that further detailed design features of the proposed deck, addressed privacy concerns, and also provided information pertaining to their HOA's approval process for the deck.

Chair Schatz opened the public comment period.

Jennifer Hewett, 39 Audubon Way, disagrees with the applicant's comments regarding privacy. She explained that there is currently only one window providing a clear line of sight into her backyard, and she is concerned that a rear upper floor deck will reduce the amount of privacy they currently have. Explained that they purchased a home without rear neighbors and that faced the levee because of the amount of privacy it offered.

Annie Jaconetti, 35 Audubon Way, echoed Ms. Hewett's comments and also expressed concern with this project setting a precedent in the neighborhood.

Chair Schatz asked the applicant what purpose the deck would serve.

Mr. Chou responded by describing that they would like to further enjoy the existing views they have of the Hamilton wetlands.

Chair Schatz closed the public comment period.

Chair Schatz returned the matter to the Commission for comments.

Commissioner Farrell acknowledged that he had visited the site and had observed that the neighbor to the north (47 Audubon Way) currently has screening from existing landscaping. However, he noted there is a gap in vegetation to the south (39 Audubon Way) and the deck would be visible from the neighbor to the south. He observed that because the deck would be located off the master bedroom, a low traffic area of the home, it would likely not be a regularly used deck. He also discussed that the issue of privacy is a matter that the property owner and neighbor should discuss, and design elements could be considered to help address these concerns (e.g., planter box on the deck, or landscaping along the common property line, etc.). He also recognized the DRC is not responsible for enforcing the HOA's standards. He did not view the deck as being detrimental to privacy.

Commissioner Barber understood the concern of setting a precedent in the neighborhood, but also observed that the applicant has followed all applicable rules and requirements applicable to this type of project. The privacy concerns are those that the neighbors themselves may be able to address by installing screening features (e.g., landscaping) along their side of the common fence. He felt privacy issues were best addressed through the HOA process.

Chair Schatz agreed that the privacy related concerns are matters that the HOA should be addressing. He noted living in another area of Hamilton Field and observed the residential neighborhoods in Hamilton are developed quite tightly together, as such, there should be an expectation of limited privacy when living in these neighborhoods because of the smaller lot sizes and reduced setbacks. He further explained that he does not like the idea of setting a precedent and would like to acknowledge that if the DRC voted to approve the project, that they would further expand on the motion by recognizing that the subject property's setting is unique in that the rear of the home faces the Hamilton wetlands.

COMMISSION ACTION: Upon motion by Commissioner Farrell and seconded by Commissioner Barber, the Design Review Commission voted 3-0-0-1 via roll call to approve the Chou Residence Second-Story Deck Addition Design Review application to allow the addition of a 145 square foot of second-floor deck to an existing 3,109 square foot home as described on the plans prepared by Mark Labourdette of Design Build Specialists, dated January 3, 2023, based on the findings specifically discussed in the staff analysis section of the staff report and subject to the conditions recommended therein, and recognizing the decision on the deck is based on the fact the subject property does not have any rear yard neighbors.

AYES: Commissioners Farrell, Barber and Schatz
NOES: None
ABSTAIN: None
ABSENT: Commissioner Jacobs

Motion Carried.

FINDINGS

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 the staff report, 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

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

1. Design Review approval shall expire two (2) years from the date of approval unless within that time a building permit has been issued and remains valid.
2. Significant design alterations shall be brought to the Planning Division for consideration. No deviation from the approved plans, including color changes or substitution of materials shall be made without staff approval.
3. Construction associated with this approval shall conform to NMC [Section 19.22.070](#) (Noise and Construction Hours).
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 permit, certificate of occupancy, recordation of final maps or other entitlements.

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

5. 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. 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.

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.

G. WORKSHOPS

G.1. GREEK ORTHODOX CHURCH BUILDING ADDITIONS P2022-114; DESIGN REVIEW & ZONING MAP AMENDMENT APN 160-150-03; 1110 HIGHLAND DRIVE

Senior Planner Damodaran presented the staff report and provided an overview of the required entitlements for this project.

Father John, Property Owner's Representative, provided a brief history of the project and explained that they have been voluntarily notifying the neighborhood of the proposal and have been receiving positive responses.

Christ Kamages, Architect, explained that the parish has been in Novato for about 50 years and have maintained a good relationship with the surrounding neighborhood. He further described that the project involves the addition of a new entryway feature (narthex) that will provide long-requested amenities for the church, including new bathrooms, spaces for church activities (e.g., cry room, visitor room, taller church doors), while also establishing a prominent entrance for the existing church building. Additionally, the project involves establishing a new drop-off area/courtyard area for the church. Mr. Kamages further detailed the proposed colors, materials and lighting features of the project.

Chair Schatz opened the public comment period.

SUMMARY OF PUBLIC COMMENT:

Number of Speakers: 0

Chair Schatz closed the public comment period.

Chair Schatz invited members of the public, the applicant team, and commissioners to gather around the project plans to have an informal discussion about the project proposal.

SUMMARY OF COMMISSION COMMENTS:

Commissioner Farrell: Supports the overall design of the project. He suggested the architect consider eliminating the stepped portion of the shed roof design for the narthex. He also observed the scale of the project is perfect and the proposed rooftop dome feature is not much larger than the existing cupola and that the project as a whole will give more character to the church building.

Chair Schatz: Expressed support for the pavilion shade structure as well as the drop-off area. He stated the proposed rooftop dome feature give the church more of presence. He noted observed the dome's size is proportionate to the narthex addition.

Commissioner Barber: Inquired about the proposed lighting plan for the project and explained that the project should avoid harsh lighting because this property is surrounded by established residential neighborhoods. He also expressed interest in seeing a more refined landscaping plan and also suggested including some landscaping to soften the transition from the residential neighborhood to the church buildings when viewed from Highland Drive.

Mr. Kamages clarified that the project will include new lighting in the form of bollard lighting along the drop-off area as well as soft uplighting to illuminate the buildings. He also asked the commissioners about any suggestions for the proposed drop-off area retaining wall design and finish material.

The commissioners agreed that the installation of story poles would not be required for this project. The commissioners did not have concerns about the overall height of the project with the proposed dome.

H. GENERAL BUSINESS

H.1. ELECTION OF CHAIR AND VICE CHAIR

Nominate and vote on the appointment of a new chair and vice chair for the Design Review Commission.

COMMISSION ACTION: Upon motion by Commissioner Farrell and seconded by Commissioner Barber, the Design Review Commission voted 3-0-0-1 via roll call to appoint Commissioner Jacobs to serve as chair of the commission.

AYES: Commissioners Farrell, Barber and Schatz
NOES: None
ABSTAIN: None
ABSENT: Commissioner Jacobs

Motion Carried.

COMMISSION ACTION: Upon motion by Commissioner Farrell and seconded by Commissioner Schatz, the Design Review Commission voted 3-0-0-1 via roll call to appoint Commissioner Barber to serve as vice chair of the commission.

AYES: Commissioners Farrell, Barber and Schatz
NOES: None
ABSTAIN: None
ABSENT: Commissioner Jacobs

Motion Carried.

I. ADJOURNMENT

The Design Review Commission adjourned the meeting at 8:20 pm.

I HEREBY CERTIFY that the foregoing minutes were duly adopted at the Design Review Commission meeting of September 6, 2023.

/Steve Marshall/
Steve Marshall, Planning Manager