



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

January 17, 2018

MINUTES

Present: Patrick MacLeamy, Chair
Michael Barber
Beth Radovanovich

Absent: Joe Farrell
Marshall Balfe

Staff: Steve Marshall, Planning Manager
Hans Grunt, Senior Planner
Michelle Johnson, Planner II
Vivek Damodaran, Planner I

CALL TO ORDER / ROLL CALL:

The meeting was called to order

APPROVAL OF FINAL AGENDA:

M/s: Radovanovich/Barber to approve: Passed (3-0-2)

PUBLIC COMMENT: None

CONSENT CALENDAR:

1. APPROVAL OF MINUTES OF DECEMBER 20, 2017 (MBar,PM,JF,BR)

M/s Radovanovich/Barber to approve: Passed (3-0-2)

PUBLIC HEARING:

CONTINUED ITEMS: None

NEW ITEMS:

2. REBELO SINGLE FAMILY HOME (MJ) P2017-033; DESIGN REVIEW CEQA CATEGORICALLY EXEMPT – SECTION 15303(a) 2 THOMAS COURT; APN 132-211-48

Conduct a public hearing and consider taking action on the proposed site design, building massing, architecture, and landscaping for a proposed 3,698 square-foot single-family residence with a 1,097 square-foot attached garage with a maximum height of 28-feet located at the south end of Thomas Court - Assessor's Parcel No. 132-211-48.

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

The applicant, Frank Rebelo and his Architect Brent Russell, gave a presentation describing the revisions made to the project in response to September 20, 2017 Design Review Workshop.

Summary of Public Comments:

Sondra Oczkus, 7 Gum Tree Court. Stated that she felt that the proposed revisions did not reflect the recommendations given by the Commission at September 20, 2017 Workshop; and the change in the front gable was just an attempt to mask the size of the building. She believes the project is consistent with a two-story residence given the floor area and large size and should be consistent with the Second Story Design Guidelines.

Jeff Cavender, speaking on behalf of 7 Gum Tree Court and surrounding neighbors. Stated he is happy to see the changes; however, the proposed project is going to block neighborhood views and shade houses.

Ruthie Valentine, 784 Eucalyptus Avenue. Read from her submitted email. Stated that she has concerns with the size of the house. She would like to see story poles erected prior to a decision and visual simulations to see what kind of impact the structure is going to have to the existing neighborhood. She stated the distance from the proposed project on the site plan to her home were in accurate and the distance was closer to 40 feet.

Deborah Ablin, 2 Gum Tree Court. Stated that she was here to discuss the parking issues; and felt that visitor parking was going to be a significant problem on Thomas Court. She stated that the lack of effort from the committee to address the issue of parking is a fire issue; therefore a community issue.

Kay King, 770 Eucalyptus Avenue. Stated she feels the applicant didn't address the comments received from the September 20, 2017 Workshop in the revised plans; the project would directly affect her views and impose unwanted shading on her residence.

John Martin, 751 Eucalyptus Avenue. Stated that he felt the project was uncharacteristically large for the neighborhood and the increased density caused a fire hazard.

Summary of Commissioner's Comments:

Commissioner Barber

- Stated that he was concerned with height; however, felt the house had too many finish materials and was chaotic.
- Feels the maximum FAR permitted is not an entitlement and questioned how livable the floor area would be.
- The front of the house would not be utilized; a 45 feet deep garage is unnecessary and given the parcel size the floorplan could be better thought out. He stated that the proposed FAR exceeded the size of surrounding neighbors' homes and was out of proportion.
- No unity of design; trellis was undersized, and there is no place for children to play.

Commissioner Radovanovich:

- Has mixed feelings on the project; felt that the building size was consistent for a new development; however, was not compatible with the scale of existing homes in the surrounding neighborhood.
- Does not have an issue with shadows; you can't eliminate shadowing.
- The project could use more revisions and reflect the design feedback received from the Commission at the prior Workshop.

Chair MacLeamy:

- More could be done with the design to mitigate its scale; especially the garage and Dutch gable.
- Would like to see a reduction in site coverage.
- Scale is not in character with existing neighborhood and the revisions have not addressed feedback from neighbors.
- Lack of real change from original plans.
- Shadowing is not a big problem.
- Applicant has the absolute right to develop parcel; however, consideration for the scale of neighboring homes and feedback from the commission needs to be addressed.

Summary of Staff Comments:

The project is subject to discretionary design review which is triggered by the proposed upper

floor habitable space. The project as submitted is consistent with all the development standards for the R1-10 Zoning District. Thus, if the applicant opted to omit the upper floor habitable space from the plans, the project would only be subject to a ministerial building permit.

M/s: Barber/ Radovanovich to continue a decision to a date uncertain on 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, to afford the applicant the opportunity to make further design revisions; motion passed 3-0-2.

**3. P. G. & E. GAS VALVE STATION - FENCE AND LANDSCAPING IMPROVEMENTS (VD)
P2017-093; DESIGN REVIEW
CEQA CATEGORICALLY EXEMPT – SECTION 15303
APN 160-591-70**

Consider taking action for approval on a Design Review application to allow for the installation of new fencing and landscaping, to secure and screen a gas pipeline monitoring facility.

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

The applicant, Marcos Montes representing P.G. & E., presented the overall purpose of the automated gas pipeline system, and also listed the individual mechanical components that are located within the fenced off area

Summary of Public Comments:

Tomi Holt of 1132 Susan Way commented about the immediate view of the project site, and lack of screening. She requested that the applicant consider adding screening and landscaping to the western portion of the project site.

Mary Connolly of 1025 Susan Way had questions on the engineering of the project, she was concerned about the soil stability near the excavated area. She requested that the landscaping fronting onto South Novato Boulevard be brought further out to the edge of curb. She also raised her concerns regarding homelessness in the area, and the proposed landscaping's maintenance.

Marsha Podd of 1108 Susan Way conveyed her concerns about the ongoing construction, and the current view of the construction site. She had questions about soil stability near the excavated area. She was also concerned about her view of exposed dirt, commenting that the landscaping will take years to provide any screening.

Summary of Commissioner's Comments:

Commissioner Barber

- Concerned about the lack of landscaping in the front patch between the two proposed driveways along South Novato Boulevard.

Commissioner Radovanovich

- Generally fine with the overall proposal and in agreement with Commissioner Barber on the landscaping.

Commissioner Maclemy

- Suggested that the applicant works with neighbors to provide meaningful coverage and screening of the project site based off of sight angles.
- Requested that the applicant also consider adding additional trees to the southern portion of the parcel, increasing the tree density between the Hillside Park neighborhood and the project site.

M/s Maclemy/Radovanovich to approve the design of the proposed fencing and landscaping as proposed, with added conditions of approval numbers 4 and 5, which state that the native landscaping be added to the back of curb area between both driveways, parallel to South Novato Boulevard; as well as, for the applicant to work with the Hillside Park residents closes to the project site, and City staff in providing additional screening, where safest, as determined by the Novato Fire District and P.G.& E; motion passed 3-0-2.

1. 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 into 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 plant changes or substitution of materials shall be made without staff approval.
4. Native landscaping shall be installed along the entire project frontage, excluding driveways, between the new fence and the existing back of curb along South Novato Boulevard.
5. The applicant shall coordinate with the Hillside Park residents, City staff, and the Novato Fire District in the placement of trees and any opportunities to provide additional landscape screening (trees and/or shrubs) along the southerly boundary of the project.

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

6. Knox key access shall be installed at the premises conforming to Novato Fire Protection Standard #202.
7. The business shall create and maintain a pre-plan per Fire Protection District ordinance.
8. 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: None

ADJOURNMENT:

M/s: MacLeamy/Barber to adjourn the meeting at 10:00 p.m.; passed (3-0-2)