



# Design Review Commission Meeting

Location: Novato City Hall, 901 Sherman Avenue

THE CITY OF  
NOVATO  
CALIFORNIA

May 2, 2018

## MINUTES

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Novato, CA 94945  
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[www.novato.org](http://www.novato.org)

**Present:** Patrick MacLeamy, Chair  
Michael Barber  
Marshall Balfe  
Joe Farrell

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

**Absent:** Beth Radovanovich

**Staff:** Steve Marshall, Planning Manager  
Hans Grunt, Senior Planner  
Vivek Damodaran, Planner I

City Manager  
Regan M. Candelario

### CALL TO ORDER / ROLL CALL:

The meeting was called to order

### APPROVAL OF FINAL AGENDA:

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

PUBLIC COMMENT: None

### CONSENT CALENDAR:

1. APPROVAL OF MINUTES OF FEBRUARY 21, 2018 (MBar,JF, PM,BR)

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

### PUBLIC HEARING:

CONTINUED ITEMS: None

## **NEW ITEMS:**

### **2. FIRST AND GRANT MIXED USE (HG) P2017-092; DESIGN REVIEW APN 141-282-04 & -07; 1107 GRANT AVE.**

**Conduct a public hearing and consider making a formal recommendation to the Novato Planning Commission regarding the site design, conceptual architecture, and landscape plans for the development of a three story mixed use commercial and residential building including. 13,317 SF of ground floor commercial space and 32 residential units, on the second and third floors; 47 parking spaces are provided for the residential units and five (5) off street spaces along Industrial Way. For the commercial space, the applicant is seeking approval of a downtown parking waiver to utilize on-street parking. The parking waver will be considered by the Planning Commission and is not the purview of the Design Review Commission.**

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 make a formal recommendation on the project's design to the Planning Commission; noted additional comment letters are provided to the Commissioners – both in hard copy this evening and emailed to the Commissioners; Senior Planner Grunt concluded with a staff recommendation that the Commission take action to recommend, to Planning Commission, approval of the project's design based on the staff analysis, findings and conditions contained in staff's report to the Commission.

Architect Dan Macdonald, with the aid of computer generating graphics and plans described the project in detail, including exhibits that depicted the proposed building in relation to surrounding commercial development and homes across Industrial Way; including privacy/sight lines resulting from the upper floors of the proposed building.

#### **Public Comments (summary)**

Jack Marshall expressed opposition to the project and upper story windows on the south elevation facing homes on Mirabella Ave.; questioned when the applicant is going to directly respond to neighbor concerns.

Sherri Richardson Jacobs noted she is a 4yr resident of Novato; supports the proposed project inclusive of housing; believes it will add vibrancy to the commercial downtown and offers a beautiful "look"; glad the Novato Chamber supports the project.

Rick Wernick sits on the Novato Chamber of Commerce, Board of Directors and believes the design is smartly sensitive to surrounding development; good amenities e.g. ground level plaza etc.; believes the design is a "home run".

John Williams noted he is a 40yr resident of Novato; is the real estate agent that sold the project site to the most recent owner/seller; was following the City Council's decision to adopt current height limits (45') for the Downtown and recalls that the basis for the height provisions was to specifically support projects like this i.e. residential above commercial; believes this project is the right size and right mix for the property and this area of Downtown.

Jennifer Robinson noted she has lived in Novato since 2000; has desired opportunities to visit the Downtown and that not until recently commercial activity has started picking up more to give reason to come; believes this project, with both commercial and residential uses, will bring further life and vibrancy to Downtown; supports the project.

Vera Lainte stated she generally likes the project but concerned with privacy impacts on homes on Mirabella Ave., and parking congestion; questioned the need for redevelopment on West Grant if East Grant is booming.

Kevin Morrison asked what the Commission could do to effect added privacy measures into the design for residents on Mirabella Ave.

Michelle Derviss asked if story poles will be erected for the proposed project. Senior Planner Grunt noted that at the design workshop hearing, the Commission did not request that story poles be erected, however, Commissioner MacLeamy did request that the applicant's architect include additional cross sections and elevation exhibits to provide more information regarding the mass, height and scale of the proposed building in context with surrounding development, which are now included in the project plans.

### **Commission Questions and Comments**

Commissioner Farrell: Expressed belief that the project, as designed, is a perfect catalyst for incentivizing redevelopment along west Grant Ave.; a very nice site and architecture design with retail on Grant Ave., parking screened in the rear; feels the design is "spot on"; feels the relief in massing from homes on the opposing side of Industrial Way (homes fronting Mirabella Ave.) that is created by the 2<sup>nd</sup> level courtyard is very effective; likes the finish materials, complimentary but not mimicking existing buildings in the area; glad to see the planter along the southerly boarder of the 2<sup>nd</sup> level courtyard is increased to 5' in height for better privacy screening from opposing homes along Mirabella Ave.; indicated he is ready to recommend approval of the design.

Commissioner Barber: believes the architect, through design revisions, addressed the Commission comments offered at the prior workshop very well; really pleased with the overall massing and fenestration; appreciates the design and likely function of the upper courtyards; perfect window and balcony alignment; with the revisions incorporated, sees no further refinements needed.

Commissioner Balfe: Agrees with other Commissioners comments; in total support of the project's design.

Commission Chair MacLeamy: Sees this project as posing a pivotal moment in time for redevelopment in Downtown Novato, particularly the west end of Grant Ave.; a much needed infill that will fill what has been a big hole in the streetscape for far too long; a good, bold design; appreciates the neighboring concerns – namely privacy, but believes the design addresses those concerns very well; appreciates concerns regarding adequate commercial parking in the Downtown, but note that it is a matter for the Planning Commission and the City to take

up; believes this is a very well-crafted project design and congratulates the design team; ready to take action on the design recommendation.

**M/s, Farrell/Barber 4-0-1 (Radovanovich absent) to recommend approval to the Planning Commission of the site design, conceptual architecture and landscaping for First and Grant as presented on the plans prepared by Daniel Macdonald AIA Architects dated April 10, 2018, and landscape plans as presented on the plans prepared by SW Design, Landscape Architecture dated April 20, 2018, based on the findings and conditions of approval below as supported by the facts discussed in the staff analysis and design review findings analysis sections of the Commission’s report dated May 2, 2018.**

## **FINDINGS**

2. In accordance with Section 19.42.030.F. of the Novato Municipal Code and based on the discussion in the staff analysis section of this report and the project plans, the Design Review Commission finds that:
  - a. The design, layout, size, architectural features and general appearance of First and Grant 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. First and Grant 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. First and Grant 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 Design Review Commission shall review the final details of the site design, architecture, and landscaping for First and Grant if the project’s entitlements are approved by the Novato Planning Commission. The Design Review Commission’s review of the project’s final design shall include, but is not limited to:
  - a. Architectural detailing e.g. window/door frame material, final siding specifications, trim depth and/or details, balcony railing, exterior lighting.;
  - b. Exterior building colors;
  - c. Tree and plant species and planting locations within the defined planter areas;
  - d. Location and design of a public art component, if proposed, as required by Novato Municipal Code Division 19.21, Art Program.

- e. The applicant shall work with City Planning staff to locate/install a bicycle rack(s) for a minimum of six (6) bicycles.

**3. SATRAP RESIDENCE ADDITION & LOT LINE ADJUSTMENT (VD)  
P2018-006; DESIGN REVIEW  
P2018-007; LOT LINE ADJUSTMENT  
APN 160-364-04 & 14; 9 THUNDERBIRD DRIVE**

**Consider taking action to approve a Lot Line Adjustment (lot merger) and Design Review application for 9 Thunderbird Drive (APN 160-364-04 & -14) resulting in consolidation of two separate parcels under one ownership into one parcel and approximately 1,000 square-foot of net new floor area added to the existing residence, as well as various site improvements (pool and patios) and landscaping changes.**

Planner I, Vivek Damodaran presented the staff report and gave an overview of the project's scope. Staff explained that a concerned neighbor submitted a request for a formal hearing due to concerns related to the project's removal of several redwood trees. Staff described the entitlement process and the need for the Design Review Commission to take action on both the design review and lot line adjustment entitlements for this project. Staff recommended that the Commission take approval of the project.

The applicant and homeowner, Jordan Satrap, gave a brief overview of the project's scope and the purpose of the proposal. Mr. Satrap noted that he also voluntarily reached out to his neighborhood prior to formally submitting his application. Mr. Satrap also described revised portions of the landscaping plan to address concerns relating to screening.

**Public Comment (summary)**

Michael Pringle, 5 Thunderbird: Conveyed safety concerns due to the trees located on/near the property line, identified for removal, and fear of trees falling on his home. He requested what the total lot size was and also requested that story poles be installed at the project site. Mr. Pringle expressed that he had viewed several multi-trunk redwood trees throughout Novato that had not failed. He requested that another arborist be brought to the site for another report, and stated that it was known that red tailed hawks inhabit trees of a similar characteristic. He opposes the removal of the trees.

Michael Wood, 11 Thunderbird: Observed that the existing home is very outdated, the proposed tree removal is not viewed as hazardous, and he supported the project.

Paul Winterhalder, 10 Thunderbird: Explained that has lived in the area for over 40 years and supports the project, he was in favor of the removal of the trees because they impede upon his views.

Ed Evans, Project's Licensed Arborist: Stated that the grouped planting, and cuts made to the trees they had developed defective multi-stem traits. The multi-stem trees share a common root cluster, which could lead to structural failure.

Pete Pedersen, Project's Landscape Architect: Stated that redwood trees are typically solitary trees, and the compounded multi-trunk trait is typically not naturally occurring. Considering these trees are also not irrigated on a daily basis, removing some of the defective trees will improve the environment for the remaining trees. The added shrubbery in this location will help address any privacy concerns.

### **Commissioner Questions and Comments**

#### Commissioner MacLeamy:

- Asked the applicant that if he removes the trees identified, whether or not he will maintain the existing trees.
- The applicant responded by stating yes, they will maintain the trees; he also affirmed that he is concerned about the trees stability, and his own family's safety.
- Privacy concerns are addressed by the fencing and the *Pittosporum* landscaping

#### Commissioner Barber:

- Based on the arborist report, removal of the trees identified as a risk is an important safety solution.
- The 6-foot fencing and the upright shrubs of *Pittosporum* 'Silver Sheen' will adequately address privacy screening.
- Saw this project as something that they would be able to approve

#### Commissioner Balfe:

- No issues.

**M/s, MacLeamy/Barber 3-0-2 to approve the project the proposed lot line adjustment, the proposed home additions, and site improvements at 9 Thunderbird Court pursuant to the plans prepared by Farrell Architecture, White and Prescott, and Pedersen Associates, dated February 25, 2018.**

### **FINDINGS**

1. In accordance with the California Subdivision Map Act and based on the discussion in the staff analysis section of this report and the project plans, the Design Review Commission finds that:
  - a. The proposed lot line adjustment at 9 Thunderbird Drive is consistent with the General Plan, Zoning Ordinance, and any master plan or precise development plan adopted thereto.
2. In accordance with Section 19.42.030.F of the Novato Municipal code and on the basis of the facts presented in the staff analysis portion of the staff report and the project plans, 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 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 or future developments and does not create potential traffic, pedestrian or bicycle hazards.
3. In accordance with Section 19.26.060 of the Novato Municipal Code, and on the basis of the facts presented in the staff analysis portion of the staff report, and the project plans, the Design Review Commission finds:
- a. The design, scale, massing, height and siting of development is compatible with the character and scale of the surrounding developed neighborhood.
  - b. The design and site layout of the hillside project is respectful of and protects the natural environment to the maximum extent feasible.
  - c. Site grading has been designed to be as minimal as possible to achieve sensitive hillside design, minimize tree removal, and provide safe site access and required parking.
  - d. The hillside project is designed and sited to screen development to the extent feasible, through clustering and/or avoiding of highly visible hillsides, ridgelines, and knolls.

### **CONDITIONS OF APPROVAL**

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

1. The lot line adjustment shall be recorded with the Marin County Recorder prior to issuance of a building permit.
2. 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.
3. 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.
4. The Lot Line Adjustment shall expire two (2) years from the date of approval unless

within that time a Parcel Map is submitted to the City Engineer for review and recordation, or unless a map extension is requested by the applicant in a timely manner and granted thereafter.

5. Construction associated with this approval shall conform to NMC Section 19.22.070 – *Noise and Construction Hours*
6. 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 based fee system. Failure to pay said fees may results in the City withholding issuance of related building permit, certificate of occupancy, recordation of final maps or other entitlements.
7. To ensure the preservation of redwood trees to be retained at the project site, the removal of the redwoods identified on the project plans shall be conducted under the supervision and direction of a licensed arborist with attention given to utilizing practices and procedures to avoid damaging or otherwise impairing the health, vigor, or structural stability of remaining trees.

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

8. Automatic residential fire sprinkler system is required per NFPA 13D if the addition exceeds 50 percent of the total existing floor area (Reference Standard #401).
9. The existing fire hydrant nearest the structure and located by the Fire Marshall shall have the body upgraded to have at least one (1) 4-inch, one (1) ½-inch, one (1) 2 ½-inch outlet. Installation shall conform to the specifications of the North Marin Water District.
10. ‘Knox’ key access shall be installed at the premises conforming to Novato Fire Protection Standard #202. ‘Knox’ key switch for the electronic gate is required.
11. Vegetation Management Plan (VMP) – Fuels Management Plan required. An irrigated greenbelt VMP Fuels Management Plan conforming to the standards of the Novato Fire District shall be prepared and implemented at the site. The VMP-Fuels Management Plan shall conform to Novato Fire Protection Standard #220. The plan shall be incorporated into the landscape plan for the project, and submitted to the Fire Marshall for review prior to implementation. The plan shall be implemented prior to building final.
12. Project in a Wildland-Urban Interface (WUI) Area. This project is located in a WUI area and must meet all applicable California Building Code (CBC) requirements. (Reference CBC Chapter 7A).

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

13. North Marin Water District (NMWD) 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](http://www.nmwd.com).

14. Cross-Connection and Backflow Protection. Installation of an above-ground, reduced pressure principle (RPP) backflow prevention device at the meter is required in accordance with the NMWD's Regulation 6, and California Department of Health Regulations (Title 17). Upon installation, an inspection report (device testing) must be completed and returned to the NMWD prior to the commencement of business activities.

The following conditions shall be met to the satisfaction of the *Novato Engineering Division*:

15. City of Novato Approval of Lot Line Adjustment form shall be completed and provided to the Engineering Division.
16. Closure calculations shall be provided for the parcels involved in the lot line adjustment.
17. On the legal description, for the lot line adjustment, the 'Basis of Bearing' shall be provided.
18. On the Lot Line Adjustment plat map the 'Basis of Bearing' shall be shown.
19. Show monuments on the plat map where applicable.
20. Clearly show in the notes that the Access Easements are existing, and provide their record document numbers, and record documents. State these easements are to remain.

### **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:** The meeting was adjourned at 10 P.M.