



Design Review Commission Meeting

Location: Novato City Hall, 901 Sherman Avenue*

July 3, 2019 – 7:00 p.m.

THE CITY OF
NOVATO
CALIFORNIA

MINUTES

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

City Manager
Regan M. Candelario

Present: Michael Barber, Chair
Patrick MacLeamy
Michael Edridge

Absent: Beth Radovanovich
Joe Farrell

Staff: Steve Marshall, Planning Manager
Brett Walker, Senior Planner

CALL TO ORDER / ROLL CALL

The meeting was called to order at 7:00 p.m.

APPROVAL OF FINAL AGENDA:

M/s: MacLeamy/Edridge; (3-0-2) to approve the Final Agenda.

PUBLIC COMMENT:

Dr. Lois Moore stated that the City has a limit to fence height in the front yard, and that the City should consider an ordinance to limit the height of other things, such as art work, in the front yard. Chair Barber asked Steve Marshall if he could respond. Marshall responded.

CONSENT CALENDAR:

1. APPROVAL OF MINUTES OF MAY 15, 2019 (MB, PM, BR, ME)

M/s: Edridge/MacLeamy; (3-0-2) to approve the Minutes.

PUBLIC HEARINGS:

CONTINUED ITEMS: NONE

NEW ITEMS:

**2. LANDING COURT HOMES (HG)
P2018-038; DESIGN REVIEW
APN 153-162-70
AFFORDABLE HOUSING OPPORTUNITY SITE NO. 2**

Conduct a public hearing and make a recommendation to the Novato Planning Commission regarding the site design, building massing/height, building architecture, and landscaping design for Landing Court Homes (“Project”), consisting of 32 three-story, attached, for-sale townhomes on an approximately 2.0 acre site at Landing Court; Assessor’s Parcel No. 153-162-70. Twenty percent (20%) of the homes (seven units) will be reserved as affordable housing.

Steve Marshall, Planning Manager, presented the staff report, including the project history, site design, and referenced the conditions of approval.

Commissioner MacLeamy requested that staff clarify the process of approval. Marshall responded.

Erick Mikiten, project architect, presented the project, including the site design, open space, building colors and materials, building heights and design, and landscaping.

Commissioner Edridge stated that regarding surface colors, more similarity may be better, and asked the Mikiten regarding the lifespan of stabilized decomposed granite. Mikiten responded.

Commissioner MacLeamy asked questions regarding the landscape plan, including the paving plans for the paths and the fence materials. Regarding the driveways, he asked where the asphalt stops and the concrete for the garages starts. MacLeamy stated that he prefers a straight line instead of a varying border between the drive aisle paving material and the garage floor.

Chair Barber asked Mikiten if he agrees with staff’s recommended condition of approval regarding glass in the garage doors. Mikiten responded that one concern is regarding safety and stated that he designed the garage doors with the intent that they don’t look like garage doors. Mikiten referenced the proposed materials on the garage doors and materials on other portions of the buildings.

SUMMARY OF PUBLIC COMMENT

NUMBER OF SPEAKERS: 3

Joe Dorsey stated that he likes the reduced building height and building materials, but questioned the 3-story height given the one-story homes surrounding the project site. Dorsey also asked if Building No. 5 can be split into two buildings.

Ben Oyle stated that he is impressed by the progression of the project. He recommended that Building No. 5 be split into two buildings.

Emily Larsen stated that she likes the changes but thinks more can be done. She stated that she is comfortable with the Landing Court setback.

SUMMARY OF COMMISSION COMMENTS:

Commissioner MacLeamy asked what outreach was made to the Clausing Court neighbors. Steve Marshall and Erick Mikiten responded. MacLeamy asked for the distance between Building No. 5 and 80 Clausing Court and the distance between Building Nos. 3 and 4 to the homes. Mikiten responded approximately 80 feet for Building No. 5 and approximately 35 feet for Building Nos. 3 and 4 to the nearest homes. MacLeamy made a comment regarding garage doors. MacLeamy stated that the project has been in progress for a long time and that there are limits on the DRC given state laws. He stated that it is a

magnificent project and agrees with staff regarding the garage doors. He thinks building No. 5 is sufficiently setback for its mass and that he is prepared to support the project with two conditions: 1) regarding the garage doors, and 2) regarding the driveway edge line.

Commissioner Edridge stated that he concurs with Patrick.

Chair Barber stated that he likes the project and agrees with staff regarding light in the garage doors. He stated that he does not need to see the project again for a Final Design Review.

The commissioners and staff discussed potential changes to Condition of Approval No. 3 and a new condition of approval regarding driveway edge lines, as suggested by Commissioner MacLeamy.

Moved: MacLeamy; Second: Edridge

That the Design Review Commission recommend approval of the site design, building height/mass, architectural design, and landscaping design for the Project as presented on the plans prepared by Mikiten Architecture, dated May 28, 2019, based on the finding below and as listed and supported by analysis in the staff report, and subject to the conditions below with the following modifications.

Condition of Approval No. 3 be modified to stated “The final townhome designs shall include a garage door types(s) that have an upper panel that is transparent or translucent to allow for the penetration of natural light; and

An additional condition of approval as follows:

Condition of Approval No. 5: The transition between the drive aisles and the garage finished floors shall be delineated with a straight line, as opposed to a varying line. The transition shall be delineated by a change in material (i.e. asphalt to concrete), a change in texture, a change in color, and/or widened control joint.

Commission Action: Vote to recommend approval: Ayes: 3; Noes: 0; Abstain: 0; Absent: 2.

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 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 applicant shall comply with Novato Municipal Code Division 19.21 (Art Program) prior to issuance of a building permit.
2. Subsequent to a City Council decision regarding the project entitlements, the applicant shall submit the following final design details to the Planning Division 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; trimming of existing trees; 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 Sheet A7.0.0, with any amendments by DRC at the May 1, 2019, DRC hearing;
 - g. Design of all exposed retaining walls; and
 - h. Type, size, appearance, and location of all signage.
3. The final townhome designs shall include a garage door type(s) that have an upper panel that is transparent or translucent to allow for the penetration of natural light.
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 in no. 3 or 4 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.
5. The transition between the drive aisles and the garage finished floors shall be delineated with a straight line, as opposed to a varying line. The transition shall be delineated by a change in material (i.e. asphalt to concrete), a change in texture, a change in color, and/or widened control joint.

GENERAL BUSINESS: NONE

ADJOURNMENT: The meeting was adjourned at 7:53 p.m.