



# Design Review Commission Meeting

Location: Novato City Hall, 901 Sherman Avenue\*

September 4, 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

Acting City Manager  
Adam McGill

**Present:** Michael Barber, Chair  
Joseph Farrell, Vice Chair (Arrived at 7:26 PM)  
Patrick MacLeamy  
Michael Edridge

**Absent:** Beth Radovanovich

**Staff:** Hans Grunt, Senior Planner  
Brett Walker, Senior Planner

### **CALL TO ORDER / ROLL CALL**

The meeting was called to order at 7:00 PM.

### **APPROVAL OF FINAL AGENDA:**

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

### **PUBLIC COMMENT:**

None

### **CONSENT CALENDAR:**

#### **1. APPROVAL OF MINUTES OF JUNE 5, 2019 (MB, JF, ME)**

M/s: Farrell/Edridge (3-0-1-1) to approve the Minutes.

#### **2. APPROVAL OF MINUTES OF JULY 3, 2019 (MB, PM, ME)**

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

### **PUBLIC HEARINGS:**

### **CONTINUED ITEMS: NONE**

**NEW ITEMS:**

**3. DOWNTOWN CENTER PAD BUILDING (BW)  
P2018-033; DESIGN REVIEW AND USE PERMIT  
CEQA EXEMPTION – SECTIONS 15061(B)(3) AND 15303  
APN 141-201-54; 1727 GRANT AVE (7<sup>TH</sup> STREET FRONTAGE SOUTH OF CVS)**

Conduct a design review hearing regarding site design, building massing/scale, building design, and landscaping for the development of a 3,370-square-foot, 28-foot tall, one-story building with two restaurant/cafe tenant spaces, including a drive-through for one of the tenant spaces.

Brett Walker, Senior Planner presented the staff report, including the project history, site design, and referenced the conditions of approval.

Commissioner MacLeamy asked a question regarding the process and entitlements. Walker responded.

Chair Barber asked if the applicant's architect, Dan MacDonald, would describe the meetings with the subcommittee.

Dan MacDonald, architect, presented the project, including the results of the meetings with the subcommittee. MacDonald described the site design, outdoor seating, materials, and other design aspects of the project.

Commissioner Farrell asked if there is any functionality of the towers or if they are purely aesthetic. MacDonald responded that they are mainly aesthetic, but do provide a space for tenant signs.

Chair Barber asked a questions regarding the use of decomposed granite. The applicant's representative responded that pavers will be used instead of decomposed granite.

Commissioner MacLeamy asked a question regarding the design thought behind the building. MacDonald responded that he is using horizontal lines mixed with some vertical elements.

**SUMMARY OF PUBLIC COMMENT**

**NUMBER OF SPEAKERS: 0**

None.

**SUMMARY OF COMMISSION COMMENTS:**

Chair Barber commented regarding proposed landscaping choices, made comments regarding the tower element roof overhangs, stated his concerns regarding the drive-through and the proximity to the seating area, and stated that he wishes the landscaping could better separate the drive-through and seating.

Commissioner Farrell stated that he likes everything but the flat roof elements that top the towers. He stated that is a vast, sharp improvement from what was originally proposed. Michael Mossman, applicant, spoke regarding the need for the towers and that he is willing to modify the tower roof elements to get a recommendation of approval. Ferrell stated that he wished the building was designed without a drive-through and that the building open up to the park with outdoor seating. He referenced roll-up doors at Gott's in Greenbrae.

Commissioner Edridge made comments regarding color relief on the tower elements, stated that windows that are vertical instead of horizontal may be a better design, and stated that some vegetation, such as vines may be a good addition to the tower elements.

Commissioner MacLeamy stated that he wishes the drive-through was not included as the site would be better suited for an outdoor use being next to the creek with a wonderful public pathway e.g. a beer garden would be a preferred use. He believes that when the project is built, the tower roof overhangs will not look as good as they do on the design renderings. He stated that he is recommending they be removed.

The commissioners discussed the project, especially regarding the tower roof overhangs.

MacDonald stated that he looked at the tower elements with both the overhangs as presented and without overhangs. He stated that he believes the overhangs are a better design. He stated that he would be willing to remove the overhangs, but that if they are removed he does not want any type of cap feature at the top of the towers.

**Moved: MacLeamy; Second: Farrell**

That the Design Review Commission recommend approval of the site design, massing/scale, architecture, and landscape plan for the project, with the revised conditions of approval listed below, detailed on the plans by Daniel MacDonald Architects, dated July 25, 2019, based on the following findings as more specifically discussed in the staff analysis section of the Commission's report and subject to the conditions of approval below.

**Commission Action: Vote to recommend approval: Ayes: 4; Noes: 0; Abstain: 0; Absent: 1.**

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 the project is consistent with the general plan and with the development standards, design guidelines and all applicable provisions of this code.
  - 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. The overhangs on the two towers shall be eliminated.
3. 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.

**GENERAL BUSINESS: NONE**

**ADJOURNMENT:** The meeting was adjourned at 7:54 PM.