



DESIGN REVIEW COMMISSION STAFF REPORT

DATE: October 7, 2020

STAFF: Brett Walker, Senior Planner
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SUBJECT: **COSTCO FUEL FACILITY**
P2020-025; DESIGN REVIEW AND USE PERMIT
APN 153-340-36; 300 VINTAGE WAY

REQUESTED ACTION

Conduct a public hearing and make a recommendation to the Novato Planning Commission and City Council regarding site design, building massing and height, architecture, and landscaping for the Costco Fuel Facility, a 28-fueling position gas station, proposed at 300 Vintage Way (“Project”) (APN 153-340-36).

PROJECT HISTORY

The Project was presented to the Design Review Commission on August 19, 2020. The August 19, 2020, DRC staff report is available here: [DRC Staff Report, 8/19/2020](#). At that meeting, the DRC voted to continue the item with requests for revisions and additional information. Revisions were requested to the landscape plan, a request for additional information regarding vehicle queuing in the parking lot and on Vintage Way was made, concerns regarding the canopy scale and design were expressed, and concerns regarding tanker truck fueling safety were stated.

COSTCO PLAN REVISIONS AND SUPPLEMENTAL MATERIALS

Landscaping: Costco has submitted a revised landscape plan based on DRC feedback and public comments. The revised Landscape Plan is available here: [Landscape Plan \(09/24/20\)](#), and a description of the revisions is available here: [Tree Replacement/Selection Narrative \(09/24/20\)](#).

Queuing and Circulation: In response to commissioner comments, questions, and concerns regarding the adequacy of gas station queuing capacity, Costco has submitted additional information regarding the proposed queuing capacity and drafted a queuing management plan. The queuing memo is available here: [Vehicle Queuing and Circulation Memo \(09/24/20\)](#).

Canopy Scale and Design: In response to commission comments regarding canopy scale and design, Costco has submitted two additional site perspective renderings, included on pages 8 and 9 of the site plan set, available here: [Site Plan and Architecture Plan Set \(09/24/2020\)](#). Sheet P34-04 includes a perspective from the southerly portion of the site, near the parking lot landscaping median between the parking stalls and southerly parking lot entrance, south of the tire center. Sheet P35-04 includes a perspective from the access point near the gas station entrance. The two perspectives are intended to provide additional visuals that show the scale of the canopy in relation to the Costco store.

Tanker Truck Fueling Safety: In response to commissioner comments, Costco has included Sheet P32-04 ([Site Plan Set](#), Page 3;) to depict tanker truck parking, parking lot vehicle movements, and fuel offloading safety measures that will be implemented at the site.

ROWLAND BOULEVARD IMPROVEMENTS

During the August 19, 2020, DRC hearing, staff mentioned a nearby traffic calming and parking improvement project the City is considering on Rowland Blvd. The City has drafted conceptual plans of those improvements, which are available here: [Rowland Blvd Plans \(10/01/20\)](#).

The project would reconfigure Rowland Blvd, with the addition of a 10-foot wide two-way multi-use path on the east side of the street, which would replace existing Class II bicycle lanes; a 4-foot wide pedestrian area adjacent to the bicycle path; northbound diagonal parking immediately west of the multi-use path and pedestrian area; one northbound and one southbound vehicle travel lane; street trees; crosswalks; and pedestrian bulb-outs at the east side of the crosswalks.

The roadway improvement project is a collaboration between the ownership of Vintage Oaks at Novato and the City to improve the appearance of this stretch of Rowland Blvd, reduce speeding, enhance bicycle safety, and provide parking for employees of Vintage Oaks. With respect to parking, the intent is to direct employees to park along Rowland Blvd., thereby allowing patrons to have greater access to on-site parking closest to business entries.

The Rowland Blvd. project is not on the Design Review Commission agenda for consideration, and no decisions will be made regarding the project. The Rowland Blvd project design is being provided to the DRC for informational purposes only.

BACKGROUND

Property Owner: JCC Cal Properties LLC
Applicant: Barghausen Consulting Engineers (representing Costco)
Assessor's Parcel No.: 153-340-36
Property Size: 9± acre portion of Vintage Oaks; Project Site: 1±-acre
General Plan Designation: General Commercial (CG)
Zoning Classification: Planned District (PD)
Existing Use: Shopping Center Parking Lot

Adjacent Land Use/Zoning/Uses:

| | |
|-----------------|---|
| North/Northwest | General Commercial (CG); Planned District (PD); Shopping Center; |
| South | General Commercial (GC) and Open Space (OS); Bank, Beverly Ereth Ecological Preserve, and Hanna Ranch properties; |
| West/Southwest | General Commercial (CG); Planned District (PD); US Hwy 101; |

East

Open Space (OS); Wetlands beyond Rowland Blvd and SMART tracks;

Figure 1: Aerial image of site with approximate project area in yellow



REQUIRED DEVELOPMENT APPROVALS & PROCESS

The following development approvals are required for the Project:

- Design Review - Approval is required for new commercial buildings/projects;
- Use Permit – The Vintage Oaks Precise Development Plan requires use permit approval for gas stations.

The Design Review Commission is tasked with providing a recommendation to the Planning Commission and City Council regarding the design aspects of the submitted plans. The Planning Commission will provide a recommendation to the City Council regarding the design review and use permit application, and proposed CEQA determination. The City Council will consider and take action on the entirety of the Project.

As a reminder, the DRC is not tasked with making a land use recommendation regarding the merits of a gas station at this location, the number of fueling positions, the operational aspects of the gas station, or required levels of parking. These matters are the purview of the Planning Commission and City Council.

ENVIRONMENTAL ASSESSMENT

An environmental assessment is not required to provide a design review recommendation. The City will complete the appropriate level of environmental review pursuant to the California Environmental Quality Act (CEQA) before the Project is scheduled for a Planning Commission hearing.

STAFF ANALYSIS

The following is an analysis of the Project regarding consistency with applicable design-related provisions of the General Plan, Novato Municipal Code (NMC), and Vintage Oaks Precise Development Plan. The DRC's recommendation regarding the Project must be based on affirmative findings required for design review action, as specified in NMC [§19.42.030.F](#).

To assist the DRC in making its recommendation to the Planning Commission, the discussion below lists each design review finding and describes the Project's conformity thereto. As previously stated, the project site is designated General Commercial (CG) in the 1996 General Plan and in draft General Plan 2035. Due to the anticipated timeline of General Plan 2035 approval, staff has included an analysis of both the 1996 General Plan and draft General Plan 2035.

DESIGN REVIEW FINDINGS

Design Review Finding No. 1: 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 [zoning] code, including this title and any approved master plan and precise development plan.

Discussion/Analysis: This Project is considered to conform with Design Review Finding No. 1 as follows:

1996 Novato General Plan / Draft Novato General Plan 2035

The 1996 Novato General Plan is currently the operative policy document for new development proposals pending approval of draft General Plan 2035 (GP 2035). These policies serve as a basis to assess whether public and private development proposals are consistent with the General Plan. In this instance, the Design Review Commission should consider the Project's design in light of the design related policies of the Novato General Plan included in **Attachment 1**. A discussion of the Project's compliance with each applicable design-related policy is provided in the last column of Attachment 1. Since GP 2035 may be approved before a City Council hearing for this Project, a consistency review with GP 2035 is also included for informational purposes.

Vintage Oaks Precise Development Plan

The Vintage Oaks Precise Development Plan (PDP), was approved by the City Council (Resolution 128-90) on December 11, 1990. Gas stations are allowed in Vintage Oaks with an approved use permit, pursuant to Section 7, Condition of Approval No. 2, of the PDP resolution.

The PDP does not include typical development standards, such as minimum setbacks, maximum building heights, and parking ratios. As result, these items are governed by the standards of CG zoning district as discussed in the section below.

The Design Review Commission approved a [Design Manual](#) for Vintage Oaks on March 6, 1991. The Design Manual is not intended to mandate a precise architectural style. However, each building design should be conceived as an integral part of the overall shopping center theme. The objective of the Design Manual is to create buildings that contribute to the overall design continuity of the development, while maintaining their own sense of individuality. The Design Review Commission is tasked with reviewing building design to ensure compatibility.

The structures associated with the fuel facility include materials and colors that are complementary to those of the Costco store. Both the *Mesa Gray* and *Sandalwood* paint colors are primary colors of the Costco store, and the metal columns and fascia are consistent with the warehouse-style architecture of the main store. The proposed gooseneck sign lighting is consistent with the store sign lighting. Based on a review of the submitted plans, staff believes the Project is compatible and consistent with the design guidelines of the PDP.

Novato Zoning Ordinance

As noted earlier, the project site is currently zoned Planned District (PD). Under current zoning provisions, the purpose of the PDP, which is required in the PD zone, is to establish the minimum lot size and site coverage requirements, minimum setback requirements and structure height limits, off-street parking requirements, landscaping requirements, and other site planning, development standards, and special provisions and requirements as deemed necessary by the review authority. Since the Vintage Oaks PDP was adopted prior to current zoning provisions it does not include development standards. In such instances, the Zoning Ordinance permits application of development standards from the zoning district that would otherwise apply to the project site. In this instance, the development standards of the CG Zoning District apply and are provided for comparison with the proposed development.

The DRC previously commented on the level of parking at Vintage Oaks with the Project. As a reminder, the required level of on-site parking for new development is established in the Zoning Ordinance by uniform parking ratios. Accordingly, the required amount of parking is not a matter of DRC discretion. For information, the parking ratio for shopping centers with over 30,000 square feet of floor area is 1 parking space per 300 square feet (1:300) of gross floor area (NMC Section 19.30.040, Table 3-7). Currently, there are 2,586 parking spaces for 620,226 square feet of building area at Vintage Oaks, a ratio of 1 parking space per 240 square feet. With the removal of 119 parking spaces, as proposed for the Project, a total of 2,469 parking spaces would remain, or 1 space per 252 square feet. With the Project, Vintage Oaks would remain consistent with the City's parking ratio for shopping centers.

For reference, the City is also considering a proposal to replace the former Chevy's restaurant (Pad W) at Vintage Oaks, which was recommended for approval by the DRC on August 19, 2020. The proposed replacement building at Pad W would remove some existing parking. Cumulatively, with the Pad W project and Fuel Center, the total parking count would be reduced to 2,455 spaces, or 1

space per 253 square feet. Vintage Oaks would remain compliant with applicable parking regulations with both projects.

Table 1. Development Standards

| | Max. Height | Minimum Setbacks | | | Building Coverage* | Floor Area Ratio* |
|--------------------|-------------|------------------|-----------|-----------|--------------------|-------------------|
| | | Front | Side | Rear | | |
| General Commercial | 35 feet | 0 feet | 0 feet | 0 feet | 40% | 0.4 |
| Proposed | 18.5 feet | 45 feet | 100+ feet | 100+ feet | < 30% | < 0.3 |

* Building coverage and floor area ratio calculations based on the shopping center area bound by Rowland Blvd and Vintage Way.

The Project meets all applicable development standards as taken from the CG zoning district.

Design Review Finding No. 2: 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.

Discussion/Analysis: The Project’s design is considered to conform with, and advance Design Review Finding No. 2 as follows:

The new structures associated with the Project are designed to complement the adjacent Costco Wholesale store. The colors and materials selected for the Project match those of the main store. The height of the canopy is largely a function of minimum vehicle clearance requirements for gas stations and is within the height limit applicable to the site and lower than the Costco warehouse. The footprint of the canopy is sized to shelter the fueling positions proposed in the Project. This footprint area, approximately 10,000 sq. ft., is considered by staff to be an insignificant addition to Vintage Oaks considering the size of the project area, the building footprints existing at the shopping center, and the significant expanses of open parking lot that would remain with the Project. Accordingly, the fuel canopy would not be a dominant feature detracting from the character of Vintage Oaks. In addition, the Project’s landscaping is consistent with the existing landscaping at Vintage Oaks and the original landscape plan approved by the Design Review Commission and will serve to enhance the appearance of the Project, while also adhering to North Marin Water District standards for water efficiency.

Overall, the Project is considered a harmonious and orderly design that will not deter from the character of Vintage Oaks and will not result in a less desirable place for the City’s residents and visiting public.

Design Review Finding No. 3: 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.

Discussion/Analysis: The Project is considered to conform with, and advance Design Review Finding No. 3 as follows:

The Project plans were referred to public agencies responsible for reviewing new development proposals, including the Novato Public Works Department, Novato Fire Protection District, North Marin Water District, and Novato Sanitary District. These agencies have submitted comments addressing such matters as emergency vehicle access, the location of utilities, and drainage and circulation infrastructure. These agencies did not identify any issues indicating the Project's design represents a threat to the public health, safety, and welfare in terms of providing service to both the Project and to the larger surrounding neighborhood. Based on City staff and other agency review of the plans, the Project's site design, architecture, and landscaping would a) maintain the public health, safety, and welfare; b) avoid damage to nearby improvements (public and private) and interference with the use and enjoyment of neighboring properties; and c) maintains traffic, pedestrian, or bicycle safety.

Please note the operational components of the Project, including the design of the underground fuel storage and dispensing system, will be addressed through the use permit process and are matters outside the scope of design review.

RECOMMENDATION

Staff recommends the Design Review Commission recommend approval of the site design, building mass/scale and height, architecture, and landscaping design for the Project as presented on the plans prepared by MG2 Architects, dated October 7, 2020, DB+A Landscape Architects, dated September 16, 2020, and by Kier + Wright Engineers, dated July 2020, based on the findings discussed in the staff analysis section of this report above and subject to the conditions below.

ALTERNATIVES

1. Recommend approval of the site design, building mass/scale and height, architecture, and landscaping design for the Project as designed; or
2. Recommend approval of the site design, building mass/scale and height, architecture, and landscaping design for the Project with recommended revisions; or
3. Do not recommend approval of the site design, building mass/scale and height, architecture, and landscaping design; or
4. Continue the public hearing with direction to staff and the applicant.

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 pay the art in-lieu fee, consistent with Novato Municipal Code Division 19.21 (Art Program), prior to issuance of a building permit.
2. No deviation from approved plans, including color changes or substitution of materials, shall be made without City approval. Minor alterations can be considered by Planning Division staff. Significant design revisions shall be returned to the Design Review Commission for consideration.
3. Final design for building permit issuance and construction shall be in conformance with all City ordinances, including, but not limited to, development and building standards.

Novato Fire Protection District Conditions of Approval

4. Roadways and driveways shall have a minimum clearance of not less than 20 feet horizontal by 14 feet vertical clearance. No object shall encroach into this horizontal and vertical plane.
5. All driveways and parking areas shall accommodate Novato Fire District apparatus turning radius per NFD standards.
6. ‘No parking fire lane’ curbs and signs shall be installed in accordance with NFD Standard #204, as required by the Fire Marshal.
7. A business shall create and maintain a pre-plan per Fire Protection District ordinance.
8. Traffic calming devices, such as speed bumps, are prohibited. Any request for traffic calming devices within the parking lot shall be submitted to NFD for consideration.
9. The address shall be posted clearly visible from the street with numerals illuminated and contrasting color to their background conforming to Novato Fire Protection Standard #205.

10. A Hazardous Materials Management Plan and Chemical Inventory Statement shall be submitted to the Fire Marshal for review. This review shall be for the purpose of determining code requirements pursuant to the California Fire Code.
11. NFPA 704 placards shall be installed conforming to Fire District Standard #309. The numerical ranking on the placards shall be in accordance with the highest hazard material as noted by the MSDS in each category as approved by the Fire Marshal.
12. The facility and improvements shall comply with the California Building Code and State Fire Marshal building standards and regulations.
13. Portable fire extinguishers shall be installed and maintained in accordance with California Fire Code Chapter 9.
14. It is highly recommended that a back-up generator be installed for public safety and power shutdown events.

North Marin Water District Conditions of Approval

15. The project must conform to District Regulation 15 – Mandatory Water Conservation Measures.
16. Installation of an above-ground, reduced pressure principle (RPP) backflow prevention device at the meter is required in accordance with the District’s Regulation 6 and CA Department of Health Regulations (Title 17).
17. 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. a or b 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.

FURTHER ACTION

The Project will be presented to the Planning Commission and City Council at future public hearings for consideration.

ATTACHMENTS

- 1. General Plan Policy Consistency Table

AVAILABLE FOR DIGITAL DOWNLOAD

- 1. [Site Plan and Architecture Plan Set \(09/24/20\)](#)
- 2. [Landscape Plan \(09/24/20\)](#)
- 3. [Tree Replacement/Selection Narrative \(09/24/20\)](#)
- 4. [Vehicle Queuing and Circulation Memo \(09/24/20\)](#)
- 5. [Vintage Oaks Design Manual](#)
- 6. [Civil Plan Set \(08/07/2020\)](#)