

DESIGN REVIEW MINUTES EXCERPT

PUBLIC HEARING

E. CONTINUED ITEMS

E.1. COSTCO FUEL FACILITY P2020-025; DESIGN REVIEW AND USE PERMIT APN 153-340-36; 300 VINTAGE WAY

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 to be located at 300 Vintage Way ("Project") (APN 153-340-36).

Planner Brett Walker presented the staff report, describing the proposed project, location, and past DRC meeting. Walker introduced Public Works Director Chris Blunk, and stated that Blunk is going to provide an overview of the City's Rowland Blvd project adjacent to Vintage Oaks.

Blunk described the existing conditions, project iterations, and currently proposed project.

Commissioner Barber asked if the Rowland improvements would require a retaining wall. Blunk responded that it would not require a retaining wall.

Commissioner MacLeamy stated that he likes the project, stated that the views are spectacular to the east, and that it is a home run.

Walker completed his staff report presentation, describing the entitlements required for the project, changes that have been made to the plans since the August meeting, additional information and materials provided by the applicant, and staff's recommendation regarding the project.

Commissioner MacLeamy asked for clarification on the review process subsequent to DRC. Walker responded.

Joseph Welch, applicant's architect, made a presentation, describing the site, tank location, and tanker safety.

Amy Lopez, applicant's transportation planner, described the anticipated queuing at the site, site circulation, and queuing management plan.

Welch concluded the applicant's presentation.

Commissioner Barber asked if the fueling tankers will conflict with the proposed trees in the vicinity. Welch responded that the trees will be 25-gallon trees and will need to be properly pruned until they are tall enough to clear the fuel tanker height.

Commissioner Edridge (who joined the meeting after roll call) asked about construction timing. Blunk responded that the City would complete the Rowland improvements prior to Costco constructing the gas station.

SUMMARY OF PUBLIC COMMENT NUMBER OF SPEAKERS: 1

Carter Hemming, Crosspoint Realty, discussed the project in the context of the improvements planned at Vintage Oaks.

SUMMARY OF COMMISSION COMMENTS

Commissioner MacLeamy stated his support for the project and is even more in favor of the project now that he has seen the City's Rowland project. He stated that the fuel canopy will be a good foil for the larger Costco store.

Commissioner Edridge stated that he has no comments.

Commissioner Barber stated that he had no comments regarding architecture. He stated that the two substitute trees are fine, and that the traffic report and Rowland improvements satisfy his previous comments.

Commissioner Studer stated that she has no comments.

Commissioner Farrell stated that he supports the project.

M/S Barber/MacLeamy

Approve the project as submitted with the two replacement tree types.

Motion carried.

Vote: 5-0-0-0

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 Fore 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.