

PLANNING COMMISSION STAFF REPORT

MEETING

DATE: October 14, 2019

STAFF: Brett Walker, Senior Planner
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**SUBJECT: 7711 REDWOOD BLVD RESIDENCES; FILE: P2018-085
PUBLIC HEARING AND POSSIBLE ACTION TO ADOPT
RESOLUTIONS REGARDING RECOMMENDATIONS FOR: (1) AN
ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE
HOUSING ELEMENT; (2) GENERAL PLAN (MAP) AMENDMENT TO
ADJUST THE BOUNDARY OF THE APPROXIMATELY 4 ACRE
AFFORDABLE HOUSING OPPORTUNITY (AHO) OVERLAY
DESIGNATION SURROUNDING THE SITE; (3) ZONING MAP
AMENDMENT (REZONE) TO ADJUST THE BOUNDARY OF THE AHO
ZONING DISTRICT FOR THE SAME AREA; (4) TENTATIVE
SUBDIVISION MAP; (5) LOT LINE ADJUSTMENT; AND (6) DESIGN
REVIEW; FOR A PROPOSED 80 UNIT RESIDENTIAL DEVELOPMENT
PROPOSED TO BE LOCATED AT 7711 REDWOOD BLVD.
APN 125-580-16 AND -17; 7711 REDWOOD BOULEVARD
AFFORDABLE HOUSING OPPORTUNITY SITE NO. 3 AND ADJACENT
LANDS**

REQUESTED ACTION

Conduct a public hearing to consider and adopt:

- (1) A Resolution of the Planning Commission recommending the City Council adopt an addendum to the Environmental Impact Report for the 2007-2014 Housing Element;
- (2) A Resolution of the Planning Commission recommending the City Council adopt a general plan map amendment to adjust the boundary of the Affordable Housing Opportunity (AHO) Overlay designation surrounding the site;
- (3) A Resolution of the Planning Commission recommending the City Council adopt a zoning map amendment (rezone) to adjust the boundary of the AHO Overlay zoning district for the same area;
- (4) A Resolution of the Planning Commission recommending the City Council approve a tentative subdivision map;

- (5) A Resolution of the Planning Commission recommending the City Council approval a lot line adjustment; and
- (6) A Resolution of the Planning Commission recommending the City Council approve the design review.

EXECUTIVE SUMMARY

Campus Properties (“Property Owner”) and Landsea Homes (“Applicant”) submitted applications to develop the 7711 Redwood Blvd (“Project”), including requests to approve development entitlements to allow the construction and operation of an 80-unit townhome-style residential condominiums project. Entitlements include a General Plan Amendment and Zoning Map Amendment to adjust the boundary of the Affordable Housing Opportunity (AHO) Overlay, a tentative subdivision map to create 80 condominium units and 8 common-ownership lots, design review for the design aspects of the project, and a lot line adjustment to conform the property line to the AHO overlay boundary. The project includes 16 affordable for-sale units split between the low and very low income categories.

The project includes 14 buildings that house between 2 and 7 dwelling units per building. A total of 179 vehicle parking spaces are provided, including 150 garage parking spaces and 29 surface parking spaces are provided. Additionally, up to 20 on-street parking spaces would be striped with the proposed project. The building site coverage is 30 percent and open space is equal to 31 percent of the site. The proposed buildings are approximately 43 feet in height.

The Project’s plans can be viewed and downloaded at: www.novato.org/7711Redwood
Existing Site Conditions: The project site is located on the west side of North Redwood Blvd., and also west of US Hwy 101. The development site is a nearly level 4-acre site that is approximately 3 to 5 feet higher than the surrounding landscape and 10 feet lower than Redwood Blvd. Fill was previously introduced on the site, resulting in the elevated pad.

Development Entitlements: The applicant is requesting the following approvals associated with the Project:

- *CEQA Determination:* Adoption of a CEQA Addendum to the Environmental Impact Report for the Novato General Plan 2007-2014 Housing Element EIR;
- *General Plan Amendment:* Amend the General Plan Land Use Map to adjust the approximately 4-acre boundary of the Affordable Housing Opportunity (AHO) overlay;
- *Zoning Map Amendment:* Amend the zoning map to adjust the approximately 4-acre boundary of the AHO overlay to conform with the General Plan Land Use map;
- *Tentative Subdivision Map:* Create 80 residential condominium units (air space rights) and 8 common interest lots;

- *Lot Line Adjustment*: Proposed lot line adjustment to reconfigure the outside boundary of the project site to remove jurisdictional wetlands from the project site. The reconfigured lot would be consistent with the amended AHO overlay boundary detailed above;
- *Design Review*: Approve the Project's design aspects, including site design, landscaping, and building architecture.

The project and its associated entitlement actions were reviewed against applicable policies of the Novato General Plan, applicable submittal requirements for a general plan amendment, zoning map amendment (rezone), tentative subdivision map, lot line adjustment, design review, and the required findings of approval specified in Chapter 19, Zoning, of the Novato Municipal Code. In all instances, the project and its associated entitlement actions were found to meet the applicable policies, standards, and findings. Therefore, staff is recommending the Planning Commission recommend approval of the CEQA Addendum and the requested entitlements for the project.

BACKGROUND

Property Owner:	WCJA LP (Campus Properties)
Applicant:	Landsea Homes
Assessor's Parcel No.	125-580-16 and -17 (Development site)
Property Size:	4-acre AHO site; 36-acre site associated with Lot Line Adjustment
General Plan Designation:	Business and Professional Office (BPO); Affordable Housing Opportunity (AHO) overlay
Current Zoning:	Planned District (PD); San Marin Business Park MP/PDP
Existing Use:	Vacant
Adjacent Land Use/Zoning/Uses:	
North:	Light Industrial/Office (LIO) & Research/Education – Institutional (REI); Planned District (PD); single-family residence and the Buck Institute for Research in Aging
South:	Business and Professional Office (BPO); Planned District (PD); undeveloped
East:	Redwood Boulevard/U.S.101 with Light Industrial/Office (LIO) further east
West:	Business and Professional Office (BPO) & Low Density Residential (R1); Planned District (PD); undeveloped/single-family residences (Partridge Knolls II)

SITE CHARACTERISTICS AND PROJECT DESCRIPTION

Project Site

The project site is located on the west side of Redwood Blvd., and is also west of State Hwy 101. Access to the site is approximately one-quarter mile north of Wood Hollow Drive and one-half mile north of San Marin Drive. The 4-acre area proposed for development is relatively flat, was previously filled with imported soils, and is elevated 3 to 5 feet above the surround area; this area was previously part of a larger 40-acre property commonly referred to as the San Marin Business Park. The remaining 36 acres extends west up into the hills with native trees, open grasslands, and seasonal drainage courses and wetlands. The site is undeveloped and has been continuously used for cattle grazing. Two natural gas transmission pipelines, owned and maintained by Pacific Gas & Electric (PG&E), border and cross the proposed project site boundaries to the west. Vehicle access to the site is via an existing intersection with Redwood Blvd. Sidewalks along the west side of Redwood Blvd. provide pedestrian access and Class II bicycle lanes are located along Redwood Blvd. north and south of the site, but not directly adjacent to the site. Additionally, there is a County-owned lot (APN 125-202-19) located between the project site and Redwood Blvd.

Project Description

The Project includes 14 buildings that house between 2 and 7 dwelling units per building. A total of 179 vehicle parking spaces are provided, including 150 garage parking spaces and 29 surface parking spaces. The building site coverage is 30 percent and open space is equal to 31 percent of the site. The proposed buildings are approximately 43 feet in height. A total of 80 units are proposed at a density of 20 units/acre. Sixteen of the units (20 percent) will be affordable. Total habitable residential floor area equates to approximately 125,184 square feet, not including garage space.

Table 1. Four floor plans are proposed, as follows:

Number of Units	Plan Number	Bed/Bath Count	Unit Size (SF)	Parking (Garage)
10	Plan 1	2/1.5	1114	1-car
19	Plan 2	3/3	1385	2-car tandem
25	Plan 3	3/3	1645	2-car
26	Plan 4	3/2.5	1754	2-car
80	Total Units			

The 36-acre portion of the site is included for the purposes of the proposed lot line adjustment. The purpose of the lot line adjustment is to reconfigure the two lots to remove a jurisdictional wetland area from the existing 4-acre AHO site and allow construction of a surface parking lot on unconstrained land currently outside of the property. Similarly, the General Plan Amendment and Zoning Map Amendment would reconfigure the approximately 4-acre AHO overlay boundary to remove the wetland area from the project site and add, in-kind, unconstrained land for development of a surface parking lot to serve the project. A tentative subdivision map is proposed to create 80 condominium air space units and 8 common interest lots.

Two heritage oak trees, 34 inches and 48 inches in diameter are located on the 4-acre site; both are to remain on the site. The drip-line of a third heritage oak tree extends onto the 4-acre site. No special status-plant species were identified at the 4-acre site. Cattle fencing, that would be removed for the proposed development, is also located at the site.

Figure 1. Approximate Existing Property Lines (White – right-of-way; Yellow – development area; Red – 36-acre portion)



The following development entitlements have been requested for the Project:

General Plan Amendment: As noted above, the project site is designated Business and Professional Office (BPO), and a portion of the site includes the Affordable Housing Opportunity (AHO) Overlay No. 3. The applicant has requested the general plan amendment to reconfigure the 4-acre AHO boundary to remove jurisdictional wetlands from the AHO site and add, in-kind, unconstrained land for development of a surface parking lot to accommodate development of the site at the 20 units per acre minimum required by the AHO designation.

Zoning Map Amendment (Rezone): The project site is zoned Planned District (PD), and a portion of the site includes the Affordable Housing Opportunity (AHO) Overlay No. 3. The proposed rezone would be consistent with the general plan amendment described above.

Tentative Subdivision Map: The applicant is requesting that a tentative map be approved to create 80 condominium units, along with common areas within the reconfigured 4-acre AHO site described above.

Lot Line Adjustment: The proposed lot line adjustment would reconfigure the two existing lots to conform to the boundary of the reconfigured AHO site, as described above. Subsequent to City Council approval, the lot line adjustment documents would be recorded, and the tentative subdivision map boundary would be based on the reconfigured lots.

Design Review: Design review is required for multi-family residential projects. The project was presented to the Design Review Commission (DRC) at a public hearing. The DRC recommended that the Planning Commission and City Council approve the design aspects of the project.

AFFORDABLE HOUSING OVERLAY ZONING DISTRICT

The project site is one of five sites in the City zoned with the *Affordable Housing Opportunity* Overlay (AHO). The AHO designation is intended to allow housing development to meet the City's Regional Housing Needs Allocation (RHNA) as assigned by the Association of Bay Area Governments (ABAG). The project site is designated *AHO Site No. 3* in the Housing Element and its certified environmental impact report (EIR).

Sites assigned the AHO designation are subject to the development standards and review procedures specified in Novato Municipal Code Section 19.16.070. According to this Section, housing projects must meet two key requirements:

1. Achieve a residential density of 20 to 23 units per acre; and
2. Provide ten percent of the total units for low-income households and ten percent for very low-income households.

This Project must provide 80 residential units based on a 4-acre parcel size and provide 16 affordable units (8 low-income and 8 very low-income). The Project design meets both of these requirements.

Section 19.16.070 is available to view and download at [NMC Section 19.16.070](#).

HOUSING ACCOUNTABILITY ACT & STATE DENSITY BONUS REQUEST

State Density Bonus Law

The Applicant has requested the City grant a density bonus pursuant to California Government Code §65915 (State Density Bonus Law). In this instance, the Project qualifies as a "housing

development” and provides a sufficient number of affordable housing units to be eligible to receive the benefits offered by State Density Bonus Law, including consideration of requests for “concessions or incentives” and “waiver or reductions” related to City-imposed development standards.

State Density Bonus Law compels a local agency (City of Novato) to grant a specific number of concessions or incentives where doing so would result in identifiable cost reductions to a project in support of the provision of affordable housing. Similarly, a local agency is obliged to grant waivers to and reductions of development standards (e.g., setback, height limit, etc.) where it can be shown that such standards would prevent development of a housing project at the density levels prescribed by State Density Bonus Law. Generally, there are limitations on the ability of a local agency to deny concessions, incentives, waivers, and reduction requests.

The Applicant’s density bonus request is not to increase the number of dwelling units in the Project, but to receive relief from specific development standards. The request is to allow development of the site at the density levels prescribed in State Density Bonus Law and reduce costs to the Project in support of the provision of affordable housing units. The Applicant has requested relief from the following:

- a. Allow the placement of improvements within a 50-foot wetland buffer applicable to jurisdictional wetlands adjacent to the project site, as established by Novato Municipal Code Division 19.36, *Wetland Protection and Restoration*. Improvements (retaining wall) would be as close as 4.5 feet to jurisdictional wetlands;
- b. Allow building heights exceeding the 35-foot height limit of the AHO overlay district (NMC Section 19.16.070), and the 42-foot height limitation (NMC Section 19.20.070) allowed through design review approval. The applicant is proposing 43 feet tall buildings; and
- c. Allow reduced building setbacks. The AHO district minimum setbacks are: 20-foot front yard; 10-foot side yard; and 15-foot rear yard. The applicant has proposed buildings as close as 7 feet to the front property line, 3.5 feet from the side property line, and 4 feet to the rear property line; and
- d. Allow the parking lot to be developed without trees due to PG&E’s gas line easement. Novato Municipal Code Section 19.30.070.H, requires trees to be planted in planter strips between parking aisles, planted in planter areas at the end of parking aisles, and in the finger planters between parking spaces. The surface parking lot in the west/southwest portion of the project site is located on top of a PG&E easement. Gas transmission pipelines are located in said easement. Since tree roots can potentially damage PG&E’s underground infrastructure, the applicant has requested a waiver of development standard regarding the placement of trees in the parking lot landscape fingers and at the ends of the parking lot aisles.

The purpose of the four waivers of development standards listed above is to facilitate development at the site at the density levels required by the Novato General Plan and Zoning Code, while also

providing on-site amenities, such as adequate off-street parking and open space, for the future residents of the proposed housing. The wetland buffer and setback reductions will facilitate the construction of 80 units at the site by providing sufficient net developable land area to site the units and all necessary on-site circulation improvements. The one-foot building height allowance (43 feet vs. 42 feet) will allow for roof-top decks, which is considered private outdoor open space, for many of the dwelling units. The waiver of tree planting requirement in and around the surface parking lot is to allow for adequate on-site parking for residents and their guests.

Government Code Section 65915(e)(1) states that a city shall not apply any development standard that will have the effect of physically precluding construction of a development that qualifies for a Density Bonus. The City may only deny the above-requested waivers or reductions if the waivers or reductions would have a specific, adverse impact upon the health, safety, or physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

Staff has reviewed the applicants requested waiver or reductions in development standards, along with the application materials, including those submitted to comply with the Housing Element EIR Mitigation Monitoring and Reporting Program (MMRP), and did not identify any specific, adverse impact upon the health, safety, or physical environment that would result from the proposed waivers or reductions of development standards.

ENVIRONMENTAL ASSESSMENT

Pursuant to the California Environmental Quality Act (CEQA) and the City of Novato Environmental Guidelines, an Addendum to the Environmental Impact Report (EIR) for the Novato General Plan 2007-2014 Housing Element (SCH No. 2013032070) had been prepared for the proposed Project. CEQA Guidelines Section 15164(a) states that a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but no major revisions of the previous EIR are necessary. Staff has reviewed this development project and determined that, in light of the entire record, there are no substantial changes proposed in the project which will require major revisions of the Housing Element EIR due to the involvement of new significant environmental effects, that substantial changes have not occurred, that there is not an increase in the severity of previously identified significant effects, and that no new information of substantial importance has been identified indicating the potential for a new significant impact or intensification of a previously identified significant impact.

CEQA Guidelines Section 15162 includes a list of circumstances when a subsequent EIR would be required. This project has been reviewed to determine if any of the circumstances listed in Section 15162 are applicable to the proposed project. The Addendum, included as an exhibit to the CEQA Resolution, includes findings of fact regarding said circumstances. Staff has concluded the proposed project does not include substantial changes, and there is no new information of substantial importance that would require a subsequent EIR. In conclusion, City staff is recommending the Planning Commission recommend the City Council make the following findings:

1. There are no substantial changes proposed in the project which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental document was certified as complete or was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous environmental document;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous environmental document;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous environmental would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

NEED FOR PLANNING COMMISSION ACTION

The development entitlements requested for the Project require the Planning Commission to review and provide a recommendation to the City Council. The Planning Commission will conduct a public hearing regarding the Project and consider the staff report, resolutions, CEQA Addendum, and public comments prior to making a recommendation to the City Council. The Planning Commission's review and recommendation will be based on the findings required to approve a general plan amendment, zoning map amendment, tentative subdivision map, lot line adjustment, and design review.

STAFF ANALYSIS

General Plan Consistency

The Project Site is assigned the Business and Professional Offices (BPO) and Affordable Housing Opportunity (AHO) Overlay land use designation of the 1996 Novato General Plan. The BPO designation permits various office uses, hotels/motels, and ancillary commercial and service establishments. The AHO overlay allows for residential uses at a density of 20-23 dwelling units per acre. The applicant is requesting a general plan amendment to reconfigure the boundary of the AHO overlay. The purpose of the amendment is to remove jurisdictional wetlands from the AHO site and add, in-kind, unconstrained land for development of a surface parking lot to facilitate development at the minimum density range required by the AHO overlay. The size of the overlay would not change, the amendment would simply reconfigure the approximately 4-acre overlay area. No change in allowable land uses or density would result from the proposed general plan amendment.

Development Intensity

The AHO designation addresses development intensity via dwelling units per acre. The acceptable density range of the AHO is 20-23 units per acre. The applicant has proposed 80 units on the 4-acre site, equal to 20 units per acre.

General Plan Amendment

The proposed general plan amendment (GPA) is to reconfigure the 4-acre Affordable Housing Opportunity (AHO) Overlay. The GPA would not change the allowable land uses or density at the site.

The findings of Novato Municipal Code Section 19.56.070.A must be made to approve the proposed general plan amendment for the Project. These findings are listed below for Planning Commission reference.

1. The proposed amendment is internally consistent with the General Plan;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
3. The proposed amendment would further the goals, objectives, policies and programs of the General Plan;
4. The site is physically suitable (including consideration of physical constraints, access, compatibility with adjoining land uses, and provisions of utilities) for the requested/anticipated land use.

The proposed AHO boundary amendment has been reviewed in light of the required findings above. In all instances, the proposed amendment is considered to meet the findings above. The specific facts and findings to support this recommendation are provided in the resolution recommending approval of the proposed GPA presented as Attachment No. 2.

If the Planning Commission should recommend denial of the proposed land use map amendment and the City Council were to take such an action, the applicant has the option of modifying the project and focusing development on the AHO Site No. 3 as it currently exists. This means the applicant could submit a request for a parking reduction under the provisions of state density bonus law and additional parking may not be provided for the project.

Zoning Map Amendment

Similar to the proposed GPA described above, the applicant has requested a zoning map amendment to reconfigure the boundary of the Affordable Housing Opportunity (AHO) Overlay zoning district.

The findings of Novato Municipal Code Section 19.56.070.C must be made to approve the proposed zoning map amendment for the Project. These findings are listed below for Planning Commission reference.

1. The proposed amendment is consistent with the General Plan;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
3. The proposed project has been reviewed in compliance with the provision of the California Environmental Quality Act (CEQA), and the Novato Environmental Review Guidelines;
4. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provisions of utilities) for the requested zoning designations and anticipated land uses/developments.

The Project has been reviewed to determine whether the proposed zoning map amendment would meet the noted findings of approval. Based on the observations of the Design Review Commission, the analysis contained in the Addendum, and a review of all submitted application materials, the Project is considered to meet the findings required to amend the Novato Zoning Map. The specific facts and findings to support this recommendation are provided in the resolution recommending approval of the zoning map amendment for the Project presented as Attachment No. 3.

If the Planning Commission should recommend denial of the proposed zoning map amendment and the City Council were to take such an action, the applicant has the option of modifying the project and focusing development on the AHO Site No. 3 as it currently exists. This means the applicant could submit a request for a parking reduction under the provisions of state density bonus law and additional parking may not be provided for the project.

Tentative Subdivision Map

As discussed earlier, the applicant has requested the approval of a tentative subdivision map (TSM) to subdivide the site into 80 condominium (air space rights) units and 8 common area lots. The TSM depicts the infrastructure and public utilities/easements required to serve the Project.

In accordance with Section 9-7.002.e.2, the following findings must be made to approve a VTM:

- a) The proposed subdivision, together with the provisions for its design and improvement is consistent with the Novato General Plan and any specific plans.
- b) The proposal is consistent with the Zoning Ordinance and any master plan or precise development plan adopted pursuant thereto.
- c) The effect of the approval on the housing needs of the region has been considered and balanced against the public service needs of the residents of Novato and available fiscal and environmental resources.
- d) The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

The TSM for the Project has been reviewed by the Novato Public Works Department pursuant to Chapter 5, *Development Standards*, and Chapter 9, *Land Subdivision*, of the Novato Municipal Code relating to: drainage, streets design, driveways, grading, pedestrian circulation, solid waste disposal, street lighting, and common utilities. A similar review was performed by the Novato Fire Protection District, North Marin Water District and Novato Sanitary District relative to the services they provide at the site and to the community. In all instances the Project's design, as represented by the TSM, was found to comply with the development standards of the Novato Municipal Code. Conditions of approval relating the construction detail design of the subdivision improvements for the Project, as recommended by City staff are included. Similarly, the noted special service districts confirmed their ability to serve the Project and requested, as necessary, conditions of approval related to the construction detail design of the Project.

Based on the observations above, the Project's TSM is considered to be consistent with the findings necessary to approve a tentative map. Additional facts and findings supporting this recommendation are provided in the resolution recommending approval of the Project's TSM presented as Attachment No. 4.

Lot Line Adjustment

The California Subdivision Map Act specifies the criteria local agencies are to consider when reviewing lot line adjustment requests involving four or fewer parcels, which do not create any new parcels. Local agencies are limited to reviewing and making a determination regarding whether or not the parcel(s) resulting from the proposed lot line adjustment conform(s) to the local

General Plan, any applicable specific plan, and zoning and building ordinances. Accordingly, the City's review of the proposed Lot Line Adjustment focuses on determining if the parcel resulting from the adjustment conforms to the Novato General Plan and Zoning Ordinance.

The proposed LLA is planned to occur immediately after action by the City Council assuming approval of the LLA and balance of the development entitlements. This action is intended to support the applicant's desire to formally close escrow on the transfer ownership of the project site from the current property owner to the applicant. A final map would be processed and recorded later, which would affect subdivision of the property. For clarity, the LLA does not result in subdivision of the property.

The proposed LLA is considered to be consistent with the General Plan and Zoning Code. Additional facts and findings supporting this recommendation are provided in the resolution recommending approval of the Project's LLA presented as Attachment No. 5.

Design Review

Design Review is required for new multi-family residential development proposals. Accordingly, the Project has been reviewed by the DRC, first at a public workshop and subsequently at a public hearing, to make a formal recommendation to the Planning Commission and City Council regarding the project. The intent of the DRC's review and recommendation is to assist the Planning Commission and City Council's consideration of whether the project is compatible with the Project Site and surrounding area, with a focus on objective design criteria applicable to the proposed project.

Section 19.42.030.F. of the Novato Municipal Code specifies the following findings for Design Review applications:

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 code, including this title and any approved master plan and precise development plan.
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.
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.

The Design Review Commission recommended approval of the Project's design, based on the findings above. Based on the recommendation of the Design Review Commission, the Project is considered to meet the findings required for Design Review. The specific facts and findings

supporting this recommendation are provided in the resolution recommending approval of the design aspects (Attachment 6).

COMMISSION ALTERNATIVES

1. Adopt resolutions recommending the City Council adopt a CEQA Addendum and approve the requested General Plan Amendment, Zoning Map Amendment, Tentative Subdivision Map, Lot Line Adjustment, and Design Review for the Project by adoption of the attached resolutions; or
2. Modify any of the proposed resolutions and recommend adoption of a CEQA Addendum and approval of the requested General Plan Amendment, Zoning Map Amendment, Tentative Subdivision Map, Lot Line Adjustment, and Design Review for the Project by adoption of the attached resolutions; or
3. Recommend additional environmental review be completed prior to making a recommendation to the City Council regarding the requested General Plan Amendment, Zoning Map Amendment, Tentative Subdivision Map, Lot Line Adjustment, and Design Review; or
4. Recommend the City Council not adopt a CEQA Addendum and deny the requested General Plan Amendment, Zoning Map Amendment, Tentative Subdivision Map, Lot Line Adjustment, and Design Review; or
5. Continue the public hearing with direction to staff.

RECOMMENDATION

Adopt the following resolutions:

1. A Resolution of the Planning Commission recommending the City Council adopt an addendum to the Environmental Impact Report for the 2007-2014 Housing Element;
2. A Resolution of the Planning Commission recommending the City Council adopt a general plan map amendment to adjust the boundary of the Affordable Housing Opportunity (AHO) Overlay designation surrounding the site;
3. A Resolution of the Planning Commission recommending the City Council adopt a zoning map amendment (rezone) to adjust the boundary of the AHO Overlay zoning district for the same area;
4. A Resolution of the Planning Commission recommending the City Council approve a tentative subdivision map;
5. A Resolution of the Planning Commission recommending the City Council approval a lot line adjustment; and

6. A Resolution of the Planning Commission recommending the City Council approve the design review.

FURTHER ACTION

The Planning Commission's recommendation regarding the Project will be forwarded to the City Council for consideration at a future public hearing.

ATTACHMENTS

1. Resolution – CEQA Addendum
2. Resolution – General Plan Amendment
3. Resolution – Zoning Map Amendment
4. Resolution – Tentative Subdivision Map
5. Resolution – Lot Line Adjustment
6. Resolution – Design Review

DOCUMENTS AVAILABLE FOR DIGITAL DOWNLOAD

1. [Design Review Commission Minutes, dated May 1, 2019](#)
2. [Design Review Commission Staff Report, dated May 1, 2019](#)

The following Project documents are available for download at: www.novato.org/7711Redwood

1. Project Plan Set, dated June 10, 2019
2. Housing Element Final EIR & Draft EIR
3. U.S. Army Corps of Engineers Jurisdictional Wetland Delineation, 7711 Redwood Boulevard
4. Biological Assessment, 7711 Redwood Boulevard

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 2019-_____

RESOLUTION OF THE NOVATO PLANNING COMMISSION RECOMMENDING THE NOVATO CITY COUNCIL ADOPT A CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ADDENDUM TO THE NOVATO GENERAL PLAN 2007-2014 HOUSING ELEMENT CERTIFIED EIR (“CERTIFIED EIR”) FOR THE 7711 REDWOOD BLVD RESIDENCES GENERAL PLAN (MAP) AMENDMENT, ZONING MAP AMENDMENT, TENTATIVE SUBDIVISION MAP, LOT LINE ADJUSTMENT, AND DESIGN REVIEW, AND ADOPTING FINDINGS RELATING THERETO

WHEREAS, the City of Novato (“City”) received applications for a general plan amendment, zoning map amendment, tentative subdivision map, lot line adjustment, and design review for the proposed 7711 Redwood Blvd. Residences project proposed to be located at 7711 Redwood Blvd, APNs 125-580-16 and 125-580-17 (“Project”); and

WHEREAS, the Design Review Commission held a duly noticed public hearing on May 1, 2019, where the Design Review Commission made a recommendation that the Planning Commission and City Council approve the design aspects of the project; and

WHEREAS, the City determined that the Project and its associated actions are subject to the environmental review requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, on November 13, 2013, by the adoption of Resolution 99-13, the City Council certified an EIR for the Novato General Plan 2007-2014 Housing Element (“Certified EIR”); and

WHEREAS, an Addendum was prepared in compliance with the provisions of CEQA and the procedures for review set forth in the City of Novato Environmental Review Guidelines. The Addendum, dated October 2019, was prepared to the Certified EIR , pursuant to CEQA Guidelines Section 15164; and

WHEREAS, public notices describing the Planning Commission public hearing on the proposed Addendum and the Project’s associated actions were sent to all affected property owners within 600 feet of the boundaries of the project site, all public agencies potentially serving the Project or having some oversight of the Project's construction, and all persons requesting notice pursuant to Section 19.58.020 of the Novato Municipal Code, and published in the Marin Independent Journal, a newspaper of local circulation, on October 3, 2019; and

WHEREAS, the Planning Commission held a public hearing on October 14, 2019, and considered all oral and written comments on the Addendum, the Project, and associated actions.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find and recommend as follows:

Section 1. Record

The Record of Proceedings (“Record”) upon which the Planning Commission bases its recommendation includes, but is not limited to: (1) the Addendum, Novato General Plan 2007-2014 Housing Element Certified EIR, and technical reports cited in and/or relied upon in preparing the Initial Study/EIR, (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the EIR and Addendum, the Project, and the Project's associated development entitlement requests (3) the evidence, facts, findings and other determinations set forth in this resolution, (4) the City of Novato 1996 General Plan and its related EIR, 2007-2014 Housing Element and its related EIR, and the Novato Municipal Code, (5) all designs, plans, studies, data and correspondence submitted by the City in connection with the Addendum, the Project, and the Project's associated development entitlement requests (6) all documentary and oral evidence received at public workshops, meetings, and hearings, the Project, and the Project's associated development entitlement requests (7) all other matters of common knowledge to the City decision maker including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas.

The location and custodian of the records is the Novato Community Development Department, 922 Machin Avenue, Novato, California, 94945.

Section 2. Certified EIR and Addendum Considered

Based upon the Record as a whole, the Planning Commission hereby recommends the following:

1. Approval of Addendum to the Environmental Impact Report for the 2007-2014 Housing Element. The Planning Commission recommends the approval of an Addendum to the Certified EIR and the Project's associated development entitlements based on the following:
 - a. The proposed Addendum was prepared because only minor technical changes to the Certified EIR are required due to minor changes to the Project site (Affordable Housing Opportunity Overlay No. 3) and proposed development. None of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a Subsequent EIR or Supplement to the Certified EIR or a negative declaration have occurred as set forth below; and
 - b. The Planning Commission considered the Certified EIR and Addendum before making its recommendation to the City Council; and
 - c. The Addendum reflects the City's independent judgment and analysis as Lead Agency.
 - d. The Certified EIR was a program level EIR that also included project level review for the five Affordable Housing Opportunity (AHO) Overlay sites. The proposed project site is identified as AHO Site No. 3 in the Certified EIR. Therefore, the project site was adequately analyzed in the Certified EIR, and a number of applicable mitigation measures were determined to both reduce impacts to a less than significant level and said mitigation

measures are deemed to be feasible, as set forth in Exhibit B, attached hereto and incorporated by reference.

Section 3. CEQA Findings

The Planning Commission hereby adopts and recommends to the City Council the adoption of the Addendum, dated October 2019, and based thereon and on the Record as a whole, the Planning Commission hereby finds and recommends that the City Council find that none of the circumstances set forth in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 are present as set forth in the Addendum, attached hereto and incorporated herein by reference, all significant environmental effects of the Project and its associated development entitlement actions have been reduced to a less-than-significant level in that all significant environmental effects have been eliminated or substantially lessened as set forth in the Certified EIR and Addendum, and that no new significant impacts were identified as a result of the changes to the project, as described and analyzed in the Addendum, and the circumstances at AHO Site No. 3 and its immediate vicinity. Based upon the foregoing, the Planning Commission finds, determines, and recommends that the City Council approve the Addendum and find and determine that the Project and its associated actions will not have a significant effect upon the environment.

Section 4. Mitigation, Monitoring, and Reporting Program

The Novato General Plan 2007-2014 Housing Element Certified Final Environmental Impact Report (Certified EIR) includes a Mitigation Monitoring and Reporting Program (MMRP) that was approved by the Novato City Council on November 19, 2013. The MMRP includes feasible mitigation measures that are applicable citywide and specifically to AHO Site No. 3. As part of the entitlement and permitting process, the applicable mitigation measures are incorporated into the conditions of approval for the Project. The MMRP is attached hereto in Exhibit B, and incorporated by reference.

Section 5. Indemnity and Time Limitations

- a. The developer, property owner 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 action(s) 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 developer, the property owner, the City, and/or parties initiating or bringing such action.
- b. The developer, property owner 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 developer 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 developer 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 developer 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 developer 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 developer or property owner.
- d. The developer, property owner 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.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the ____ day of _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of the resolution which was adopted by the Planning Commission, City of Novato, County of Marin, State of California, on the _____ day of _____.

Chair

Attachments

- Exhibit A – 7711 Redwood Blvd. Residences CEQA Addendum to the Environmental Impact Report for the Novato 2007-2014 Housing Element EIR
- Exhibit B – 2007-2014 Housing Element Certified EIR Mitigation Monitoring and Reporting Program

DRAFT

EXHIBIT A
ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE
NOVATO GENERAL PLAN 2007-2014
HOUSING ELEMENT EIR

I. Introduction

This document is an Addendum to the Environmental Impact Report (“EIR”) prepared for the Novato General Plan 2007-2014 Housing Element EIR (State Clearinghouse No. 2013032070), which was certified by the City of Novato (“City”) on November 19, 2013 (“Certified EIR”). Subsequently, on November 18, 2014, the City Council determined that, pursuant to CEQA Guidelines Sections 15168 and 15162, the Novato General Plan 2015-2023 Housing Element was consistent with the 2007-2014 Housing Element, and no additional environmental review was necessary.

The City received applications for a general plan amendment, zoning map amendment, tentative subdivision map, lot line adjustment, and design review for the proposed 7711 Redwood Blvd. Residences project proposed to be located at 7711 Redwood Blvd, APNs 125-580-16 and 125-580-17. These actions are collectively referred to herein as the Project as more fully described below.

Potential development of the project site at 7711 Redwood Blvd. was analyzed in the Certified EIR as Affordable Housing Opportunity (AHO) Site No. 3. Potential environmental impacts associated with the development of the 4.0-acre project site for housing under four different density scenarios were analyzed at a project level.

II. CEQA Authority for Addendum

CEQA establishes the type of environmental document required when changes to a project occur after an EIR is certified. Specifically, Section 15164(a) of the CEQA Guidelines states that:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

Section 15162 of the CEQA Guidelines requires a Subsequent EIR when an EIR has been certified and one or more of the following circumstances exists:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant

environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration; or
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR; or
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Likewise, California Public Resources Code (PRC) Section 21166 states that unless one or more of the following events occur, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency:

- a. Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- b. Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- c. New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

III. Overview of the Certified EIR

The Certified EIR evaluated the Citywide 2007-2014 General Plan Housing Element. The project site, identified as Affordable Housing Opportunity (AHO) Overlay Site No. 3, was evaluated at a project level in the EIR for multi-family residential development at the 4-acre project site under four different development scenarios: 1) 20 dwelling units per acre; 80 multi-family residences; 2) 23 dwelling units per acre; 92 multi-family residences; 3) 23 dwelling units per acre plus the maximum allowable state density bonus (35%); 125 multi-family units; and 4) senior housing with a city issued density bonus and maximum allowable state density bonus (35%); 153 multi-family dwelling units. The 4-acre site analyzed is within the boundary of the AHO Overlay, as currently shown on the Novato General Plan Land Use Map and the Novato Zoning Map. The Certified EIR included a number of mitigation measures specific to the 4-acre site. The adopted Mitigation Monitoring and Reporting Program for the Certified EIR is included in Exhibit B herein and provides a description of the impacts and mitigation measures associated with development of the AHO sites as described in the Certified EIR, including the project site and its immediate surroundings.

IV. Project Description/Proposed Modifications to Project

The City has received an application to develop the project site with 80 residential townhome-style condominium units. Requested entitlements include a general plan amendment, zoning map amendment, tentative subdivision map, lot line adjustment, and design review. The purpose of the general plan amendment and zoning map amendment is to reconfigure the boundary of the AHO overlay, as depicted on both the General Plan Land Use Map and Novato Zoning Map, to exclude portions of the project site that contain U.S. Army Corp of Engineers (USACE) jurisdictional wetlands and add unconstrained land area to support construction of a surface parking lot for the Project.

The land swap is approximately 0.63 acres in size. The area removed from the current AHO boundary is on the northern and eastern sides of the AHO site. The area where land would be added to the AHO site is on the west side of the site. As stated above, the area to be removed from the AHO is mostly jurisdictional wetlands, as identified on the *Aquatic Resources Map* submitted for the Project, dated May 22, 2019. The area proposed to be added to the AHO contains no wetlands or any other natural constraints. The overarching goal of the map amendments and the associated lot line adjustment is to remove wetlands from the proposed development site and add unconstrained land to accommodate surface parking spaces for the proposed condominium units. After the land swap the AHO designated area would remain 4.0 acres.

The applicant has requested a state density bonus as offered under California Government Code § 65915. The intent of the density bonus request is to obtain relief from certain development standards to allow development of the property at the density level offered by the Novato General Plan and density bonus law and to reduce costs to the Project to support affordable housing. Specifically, the Applicant has requested:

1. A reduction in the 50-foot wetland buffer required by Novato Municipal Code Division 19.36, *Wetland Protection and Restoration*;
2. A reduction in the required building setbacks from the front, side, and rear property lines codified in Novato Municipal Code Section 19.16.070;
3. Modification of the maximum building height to allow dwelling units exceeding the height limit established in Novato Municipal Code Section 19.16.070 and 19.20.070; and
4. A reduction in the required number of new trees to be planted within the surface parking lot proposed to serve the Project as specified in Novato Municipal Code Division 19.30.

The reductions and modifications described above represent the only changes to the Project from what was analyzed in the Certified EIR. Accordingly, this Addendum analyzes these changes as discussed below.

V. Analysis of Proposed Reductions & Modifications

The Certified EIR analyzed a multi-family residential development in one or more buildings, along with ancillary uses, such as parking and outdoor areas on AHO Site #3. The Certified EIR considered the surroundings immediate to AHO Site #3, including adjacent wetlands. In addition to the 2007-2014 Housing Element text, the Certified EIR also analyzed the AHO Overlay zoning district ordinance, now codified as Novato Municipal Code (NMC) Section 19.16.070. The revised Project conforms to the land use and development intensity analyzed in the Housing Element and as reflected on the General Plan Land Use Map. The revised Project would be developed consistent with the development and use standards prescribed in NMC Section 19.16.070, with exception of the modifications noted above and analyzed below:

1. **Reduced Wetland Buffer.** The applicant has requested a reduced wetland buffer from the 50-foot buffer identified in the City's Wetland Protection and Restoration Ordinance (NMC Division 19.36). The Project would maintain a wetland buffer ranging from 4.5-feet to 18-feet in-lieu of the normally required 50-foot buffer. To support this request and comply with the biological mitigation measures specified in the Certified EIR, the applicant submitted a jurisdictional wetland delineation (2019) certified by the U.S. Army Corps of Engineers. This delineation conclusively locates the boundaries of wetland features meeting the Corps criteria for jurisdictional wetlands. The applicant also submitted a biological study providing an assessment of the characteristics and quality of the jurisdictional wetland areas, including observations about the habitat value of the wetland and surrounding areas. The applicant has presented a Wetlands Management Plan that includes techniques (fencing) and standards to ensure the proposed development will not adversely impact the identified jurisdictional wetlands. The Wetlands Management Plan is a required component of considering and allowing a buffer of less than 50 feet from jurisdictional wetlands as stipulated by Novato Municipal Code Division 19.36.

The biological assessment prepared for the project concludes, in summary, that development of the revised Project will not result in fill or dewatering of any jurisdictional wetland. Further, the project site is characterized as an upland fill pad that does not provide aquatic or summer upland retreat habitat. Accordingly, encroachment into the City's required 50-foot wetland buffer extending into the boundaries of the project site would not have a significant effect on the adjacent, off-site wetlands through either habitat modification or the discharge of polluted storm water run-off. These observations are based on current site conditions, the management techniques presented in the Wetlands Management Plan, and the uniform application of construction and post-construction best management practices under the National Pollution Discharge Elimination System, which prohibit and prevent the discharge of polluted storm water run-off directly into wetland features and other natural drainages.

The revised Project complies with the biological resources mitigation measures assigned to AHO Site No. 3, as recommended in the Certified EIR, by producing documentation confirming development of the site will not result in significant impacts to biological features, such as the wetlands located off-site.

Allowing a reduced wetland buffer *does not* represent a substantial change to the project requiring major revision of the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no evidence, based on the project record, indicating a reduced wetland buffer results in any new significant environmental effect or causes an increase in the severity of an impact identified in the Certified EIR.

The circumstances under which the project is being undertaken *have not changed* in a manner requiring major revisions of the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The jurisdictional wetland delineation and biological assessment prepared for the revised Project did not identify any changes to the project site or area of potential effect that would be indicative of a potentially significant impact resulting from allowing a reduced wetland buffer.

No new information of substantial importance has been identified since certification of the EIR indicating that allowing a reduced wetland buffer will cause new significant impacts or substantially increase the severity of previously identified impacts. All of the new information submitted regarding the revised Project, including the jurisdictional wetland delineation and biological assessment, indicates allowing a reduced wetland buffer will have no environmental impact since development would not occur in sensitive habitat areas or cause the discharge of polluted storm water into off-site wetland areas.

No new information of substantial importance has been identified since certification of the EIR indicating there are infeasible mitigations/alternatives or altered

mitigations/alternatives that would substantially reduce impacts, but the project proponent has declined to adopt the mitigation measure/alternative. All adopted mitigations remain feasible and applicable to the project site and revised Project as recommended in the Certified EIR and adopted with the Housing Element. The revised Project complies with the biological resources mitigation measures assigned to AHO Site No. 3, as recommended in the Certified EIR, by producing documentation confirming development of the site will not result in significant impacts to biological features, such as the wetlands located off-site. The applicant has not declined to implement any mitigations measures and has, in fact, produced technical studies to comply with the mitigation measures addressed to the project site.

2. **Reduced Building Setbacks.** In order to meet the minimum density required by the 2015-2023 Housing Element and AHO zoning district (20 units per acre), the applicant has requested reduced building setbacks. The AHO zoning district minimum setbacks are: 20-foot front yard; 10-foot side yard; and 15-foot rear yard. Buildings are proposed as close as 7 feet to the front property line; as close as 3.5 feet from the side property line; and as close as 4 feet to the rear property line. Regarding the front yard setback encroachment, the area in between the front lot line and Redwood Blvd. includes wetlands, sloped terrain adjacent to the wetlands, and a County-owned lot (APN 125-202-19) originally obtained by the State Department of Transportation for highway right-of-way purposes. The proposed buildings are 80 plus feet from the Redwood Blvd. right-of-way. Regarding the side yard setback (north side of lot) encroachment, the area adjacent to the side property line slopes down to jurisdictional wetlands. The distance between the buildings and the near-side edge of the wetlands is in excess of 10 feet. Regarding the rear yard setback, Building 4 is over 8 feet from the near-side edge of the off-site wetland and the wetland in the area is approximately 40 feet in width.

As revised, development on the project site would remain within the area of potential effect analyzed in the Certified EIR. Specifically, new structures would continue to be located within the upland fill pad area of the project site as was anticipated under the development scenarios analyzed in the Certified EIR and no structures would encroach within any wetland or other natural habitat feature.

Allowing reduced structure setbacks *does not* represent a substantial change to the project requiring major revision of the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no evidence, based on the project record, indicating that allowing reduced setbacks results in any new significant environmental effect or causes an increase in the severity of a significant impact identified in the Certified EIR. The revised Project plans and biological assessment clearly indicate the proposed condominiums will not encroach into sensitive habitat areas if allowed to have reduced setbacks from the property lines of the project site thereby avoiding any significant impacts.

The circumstances under which the project is being undertaken *have not changed* in a manner requiring major revisions of the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The jurisdictional wetland delineation and biological assessment prepared for the revised Project did not identify any changes to the project site or area of potential effect that would be indicative of a potential impact resulting from allowing reduced setbacks.

No new information of substantial importance has been identified since certification of the EIR indicating that allowing reduce setbacks will cause new significant impacts or substantially increase the severity of previously identified impacts. All of the new information submitted regarding the Project, including the jurisdictional wetland delineation and biological assessment, indicates that allowing reduced setbacks will not cause a significant environmental effect or exacerbate a significant impact identified in the Certified EIR. The revised Project complies with the biological resources mitigation measures assigned to AHO Site No. 3, as recommended in the Certified EIR, by producing documentation confirming development of the site, including reduced setbacks, will not result in significant impacts to biological features, such as the wetlands located off-site.

No new information of substantial importance has been identified since certification of the EIR that indicated there are infeasible mitigations/alternatives or altered mitigations/alternatives that would substantially reduce impacts, but the project proponent declines to adopt the mitigation measure/alternative. There were no mitigations rejected at the time of the Certified EIR. Altered mitigations are not required to address allowing reduced structure setbacks since this minor project change does not result in any significant impacts. All adopted mitigations remain feasible and applicable to the project site and revised Project as recommended in the Certified EIR and adopted with the Housing Element. The revised Project complies with the biological resources mitigation measures assigned to AHO Site No. 3, as recommended in the Certified EIR, by producing documentation confirming development of the site will not result in significant impacts to biological features, such as the wetlands located off-site. The applicant has not declined to implement any mitigations measures and has, in fact, produced technical studies to comply with the mitigation measures addressed to the project site.

3. Increased Building Height: The applicant has proposed 43-foot tall buildings pursuant to the reductions and modifications offered under state density bonus law. Only portions of the condominium buildings are proposed for 43 feet - where the staircase shaft is located at those units having rooftop decks. Fifty-one of the 80 units have rooftop decks. The AHO district allows a maximum building height of 35 feet, and, upon design review approval, up to a 20 percent height increase may be permitted allowing a total building height of 42 feet.

The Certified EIR considered a project at the project site consisting of one or multiple buildings at a height of 35-feet. The Certified EIR concluded the project, under any of the four development scenarios analyzed therein, would not result in any significant aesthetic impacts. In particular, the Certified EIR observed the project would not impede views of Mt. Burdell, the natural features of the surrounding area, or the Rush Creek Open Space Preserve to the east.

The applicant submitted renderings depicting the Project's revised appearance with condominiums featuring rooftop stairwells reaching a total height of 43-feet. These renderings indicate the Project would not detrimentally impede views of Mt. Burdell or the slopes of the surrounding private property since these natural areas remain significantly visible from public and private vantage points. In addition, views to the Rush Creek Open Space Preserve would remain available from portions of the Partridge Knolls neighborhood given the significant elevation (150-feet above sea level) of the existing residences in Partridge Knolls versus the project site (12-feet above sea level). The Project remains a foreground feature with the background dominated by views of Mt. Burdell, the natural setting of the surrounding area, and the Rush Creek Open Space Preserve to the east.

The proposed height increase above 35-feet was considered by the Novato Design Review Commission at a public workshop on February 6, 2019, and a public hearing on May 1, 2019. At these meetings, the Design Review Commission was advised of the proposed height increase; the Commission did not express concern about taller structures. In particular, the Design Review Commission recommended approval of the Project's design, including building height and mass, on the basis of findings indicating the design was compatible with the project site and its surrounding context.

The Marin Airport Land Use Commission (ALUC) reviewed the Project and determined there will be no adverse impact to aviation activities at Gness Field Airport, such as visual obstructions to pilots utilizing the airport.

Allowing a building height increase *does not* represent a substantial change to the project requiring major revision of the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no evidence, based on the project plans, indicating that allowing building heights of 43-feet results in any new significant environmental effect or causes an increase in the severity of an identified significant impact. The Project's plans include renderings and elevation data clearly indicating the requested height increase will not result in aesthetic impacts related to a substantial adverse effect on views of Mt. Burdell, the natural setting of the surrounding area, or the Rush Creek Open Space Preserve to the east. This change results in a less than significant environmental impact consistent with the findings of the Certified EIR.

The circumstances under which the project is being undertaken *have not changed* in a manner requiring major revisions of the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The visual characteristics of the project site have not changed since certification of the EIR based on staff visits to the property and review of street view images over time. Therefore, allowing an increased building height results in a less than significant environmental impact consistent with the findings of the Certified EIR.

No new information of substantial importance has been identified since certification of the EIR indicating that allowing building heights of 43-feet will cause new significant impacts or substantially increase the severity of previously identified impacts. As indicated above, site conditions remain generally as found at the time of the Certified EIR.

No new information of substantial importance has been identified since certification of the EIR indicating there are infeasible mitigations/alternatives or altered mitigations/alternatives that would substantially reduce impacts, but the project proponent declines to adopt the mitigation measure/alternative. No mitigations were rejected at the time of the Certified EIR. Altered mitigations/alternatives are not required to address allowing a height increase up to 43-feet since this is a minor project change that does not result in any significant impacts requiring mitigation as discussed above. All adopted mitigations remain feasible and applicable to the project site and revised Project as recommended in the Certified EIR and adopted with the Housing Element.

4. Parking Lot Trees: The surface parking lot in the west/southwest portion of the project site would be located on top of a PG&E natural gas line easement. Natural gas transmission pipelines are located in said easement. Since tree roots can potentially damage PG&E's underground infrastructure, the applicant has requested the City waive the placement of trees in the parking lot landscape fingers and at the ends of the parking lot aisles.

The applicant is proposing a total of 160 trees on the project site outside of any area containing PG&E gas lines, consistent with codified requirements. The absence of the trees in the surface parking lot area does not represent an impact on the environment.

Waiving the placement of trees in the surface parking lot *does not* represent a substantial change to the project requiring major revision of the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no evidence, based on the project plans or conditions at the project site, indicating that waiving the placement of trees in the Project's surface parking lot would cause a physical change to the environment.

The circumstances under which the project is being undertaken *have not changed* in a manner requiring major revisions of the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously

identified significant effects. There is no evidence in the record indicating there have been site changes that could lead to a situation where waiving trees in the surface parking lot would cause a physical change to the environment.

No new information of substantial importance has been identified since certification of the EIR indicating that waiving the placement of trees in the Project's surface parking lot will cause new significant impacts or substantially increase the severity of previously identified impacts. There is no evidence indicating that waiving the placement of trees in the Project's surface parking lot would cause a physical change to the environment. The Certified EIR did not identify any impacts related to landscaping for the Project.

No new information of substantial importance has been identified since certification of the EIR indicating there are infeasible mitigations/alternatives or altered mitigations/alternatives that would substantially reduce impacts, but the project proponent declines to adopt the mitigation measure/alternative. There were no mitigations/alternatives rejected at the time of the Certified EIR. Waiving the placement of trees in the Project's surface parking lot is a minor project change that does not result in any significant impacts requiring mitigation. The applicant has not declined to implement any mitigation measures, and has, in fact, submitted documentation to comply with the mitigation measures applicable to the project site.

5. AHO Boundary Amendment and Lot Line Adjustment: As described above, the applicant is proposing to modify the boundary of AHO overlay and the existing property lines of the project site to include unconstrained land on which surface parking for the Project would be constructed. The land exchange would involve applying the AHO Overlay to 0.63 acres of land from an adjoining property at the west side of AHO Site 3 and removing the same amount of land from the northern and eastern sides of the current AHO site boundary by shifting this area to the adjacent private property via a lot line adjustment. The amendment would remove wetland area from the AHO boundary with the net result being a 4-acre AHO site similar to that examined in the Certified EIR.

The Certified EIR analyzed development of the project site generally as a 4-acre area that was principally located on an upland fill pad within a larger parcel of approximately 34-acres. This analysis accounted for site conditions and potential impacts to the AHO area and its immediate surroundings, including the area proposed to be placed within the AHO overlay and the project site boundaries for the purpose of developing surface parking for the Project.

The area to be added to the AHO overlay and the project site boundaries is not constrained by any natural features, such as a wetlands (as indicated by the most recent wetland delineation for the project area) or cultural resources (as supported by a confidential cultural resources report (February 28, 2019) prepared for the revised project). The Certified EIR did not identify such features in this same area when analyzing the context

of the original project and therefore did not identify any potentially significant environmental effects thereon.

The area to be added to the AHO overlay is encumbered by PG&E natural gas line easements within which are two existing natural gas transmission lines – 021G and 021F. The Certified EIR observed the then contemplated project would not have a direct impact related to hazardous conditions at the project site since the gas lines were located outside the project site and construction activities would not come into direct contact with the noted gas pipelines. In addition, the Certified EIR concluded PG&E implements state and federally mandated gas line inspection and monitoring programs ensuring potential hazardous condition impacts are less than significant.

PG&E was sent a referral regarding the revised Project since it contemplates construction of a surface parking lot over the existing gas lines. In response, PG&E provided the City with its uniform standards regarding construction work within 10-feet of its natural gas pipelines; PG&E does not prohibit construction activities or non-structure improvements within its easements or over existing gas lines. The provisions include having a PG&E gas transmission inspector present during excavation work, limitations on where construction equipment can be placed, and direction on excavation methods (e.g., hand digging within 2-feet of the pipeline). These uniform standards are intended to ensure work conducted near and over existing gas lines is done safely to avoid direct contact with an active gas line. The applicant has acknowledged PG&E's standards for construction and has confirmed by email the Project will implement the standards.

The construction of streets, sidewalks, and parking lots over PG&E easements and natural gas pipelines is not a unique activity and occurs frequently as indicated by PG&E's publishing of uniform construction standards. In this instance, the proposed parking lot improvements are not anticipated to require excavation to a depth close to the existing gas lines and will maintain PG&E's minimum soil cover depths to protect the gas lines. Accordingly, the modifications to the Project resulting in the construction of a parking lot over PG&E's natural gas lines do not represent a significant change in the project analyzed in the Certified EIR since the PG&E gas lines were acknowledged in the EIR as being monitored by PG&E and that such monitoring would ensure pipeline safety. In addition, the proposed project incorporates implementation of PG&E's construction standards thereby committing to conducting construction over the gas lines in a manner avoiding hazardous conditions. Furthermore, PG&E continues to implement state and federally mandated gas line inspection and monitoring programs as indicated by recent correspondence received by the City as indicated in the certified EIR.

Allowing a boundary modification of the AHO Overlay, lot line adjustment, and subsequent construction of a surface parking over PG&E gas lines *does not* represent a substantial change to the project requiring major revision of the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no evidence, based on the project plans, uniform standards, and correspondence referenced above, indicating the

proposed change would result in new significant impacts or intensification of already identified significant impacts. Construction operations over gas line facilities are governed by uniform construction standards issued by PG&E and in this instance are included in the Project by way of a written commitment from the applicant. Given these circumstances, the revised Project is not considered to create a new significant impact or cause the intensification of an already disclosed significant impact since the Project, in and of itself, includes provisions to ensure the public safety related to construction work near and over PG&E gas lines. Furthermore, PG&E continues to monitor its pipelines as required by federal and state law. Potential impacts under hazards and hazardous materials would remain less than significant as determined in the Certified EIR.

The circumstances under which the project is being undertaken *have not changed* in a manner requiring major revisions of the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The proposed Project would modify the limits of development at the Project site, but does so in a manner removing jurisdictional wetlands from the AHO overlay in exchange for land that is not constrained by any natural habitat features or known cultural resources. The change would allow construction of a surface parking lot over PG&E gas lines. However, this change in site condition is not considered significant since construction over natural gas lines is a frequent activity, one that is governed by uniform standards applied by PG&E, and, in this instance, included in the revised Project based on a written commitment by the applicant. Given these circumstances, the revised Project is not considered to create a new significant impact or cause the intensification of an already disclosed significant impact since the Project, in and of itself, includes provisions to ensure the public safety related to construction work near PG&E gas lines. Potential impacts under hazards and hazardous materials would remain less than significant as determined in the Certified EIR.

No new information of substantial importance has been identified since certification of the EIR indicating that modifying the AHO boundary, adjusting the boundaries of the project site, and allowing construction of a surface parking lot on land added to the project site will cause new significant impacts or substantially increase the severity of previously identified significant impact. The applicant supplied a current biological assessment and confidential cultural resources report, neither of which identified the added territory as hosting sensitive biological or cultural resources. The revised Project would allow construction of a surface parking lot over PG&E gas lines. However, there is no new information indicating this change will cause new significant impacts or substantially increase the severity of previously identified significant impact. Construction over natural gas lines is a frequent activity, one that is governed by uniform standards applied by PG&E, and, in this instance, included in the Project based on a written commitment by the applicant. Given this circumstance, the revised Project is not considered to create a new significant impact or cause the intensification of an already disclosed significant impact since the Project, in and of itself, includes provisions to ensure the public safety related to

construction work near PG&E gas lines. Potential impacts under hazards and hazardous materials would remain less than significant as determined in the Certified EIR.

No new information of substantial importance has been identified since certification of the EIR indicating there are infeasible mitigations/alternatives or altered mitigations/alternatives that would substantially reduce impacts, but the project proponent declines to adopt the mitigation measure/alternative. There were no mitigations that were rejected at the time of the Certified EIR. Altered mitigations are not required with respect to the AHO boundary, lot line adjustment, and subsequent construction of a surface parking lot on the territory added to the project site under the revised Project. All adopted mitigations remain feasible and applicable to the project site and revised Project as recommended in the Certified EIR and adopted with the Housing Element. The applicant has not declined to implement any mitigations measures and has, in fact, produced technical studies to comply with the mitigation measures addressed to the project site.

VI. Certified EIR Mitigation Measures

The Certified EIR Mitigation Monitoring and Reporting Program, included as Exhibit B, includes 18 mitigation measures applicable to AHO Site No. 3. The adopted mitigation measures, along with the City's uniformly applied development policies and standards, including but not limited to, ordinances regarding parking, wetland protection and restoration, woodland and tree preservation, landscaping, and general performance standards, and the uniform construction measures required by PG&E for work over natural gas lines will adequately ensure that the revised Project will not: 1) result in new significant environmental effects or result in a substantial increase in the severity of a previously identified significant effect; 2) substantially change the circumstances under which the project is undertaken or require revisions to the Certified EIR; and 3) there is no new information of substantial importance indicating there are infeasible mitigations/alternatives or altered mitigations/alternatives that would substantially reduce impacts, but the project proponent declines to adopt the mitigation measure/alternative.

VII. Conclusions

Based on the analysis detailed above, and in light of the entire record, pursuant to Sections 15162 and 15164 of the CEQA Guidelines, the City has determined the following:

1. There are no substantial changes proposed in the project which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental document was certified as complete or was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous environmental document;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous environmental document;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous environmental would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Based upon a review of the revised Project, none of the situations described in Sections 15162 and 15164 of the State CEQA Guidelines apply in this instance. There are no substantial changes to the project (Certified EIR), no substantial changes in circumstances have occurred, and no new information of substantial importance has manifested, that would result in new significant or substantially increase adverse significant impacts as a result of the project. Therefore, this Addendum has been prepared in accordance with Section 15164 of the CEQA State Guidelines.

Attachments

Exhibit B: 2007-2014 Housing Element Certified EIR Mitigation Monitoring and Reporting Program

EXHIBIT "B"

**NOVATO HOUSING ELEMENT 2007- 2014
RELATED PROGRAMS & LEGISLATIVE AMENDMENTS
FINAL ENVIRONMENTAL IMPACT REPORT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p>Mitigation Measure 3.2-1: <i>As part of the City's design review and entitlement process, the City shall require future development plans for Sites 1 through 5 to implement the following:</i></p> <ul style="list-style-type: none"> • <i>Only natural gas burning fireplaces shall be installed in the housing units to reduce Area Source criteria pollutants.</i> • <i>Only low Volatile Organic Compound paint (150 g/L) (interior and exterior) shall be used on the project site.</i> • <i>The developer shall install high efficiency appliances (refrigerator, fans, washers).</i> • <i>The developer shall install low-flow faucets, toilets, showers.</i> • <i>The developer shall install water-efficient irrigation systems.</i> 	City of Novato	At the time of design review (Sites 1 through 5)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City ensures mitigation measure is added as condition of approval through design review.</p> <p>City ensures construction plans and specifications demonstrate compliance with condition of approval.</p> <p>City conducts inspections for compliance with condition of approval.</p> <p>City ensures installation of proper equipment and fixtures before releasing occupancy.</p>
<p>Mitigation Measure 3.2-2: <i>To reduce construction related emissions, the City shall require future project developers to implement the following measures:</i></p> <ul style="list-style-type: none"> • <i>All active construction areas shall be watered at least two times per day.</i> • <i>All unpaved access roads, parking areas, and staging areas shall be</i> 	City of Novato	At the time of design review (Sites 1 through 5)	<p>During design review</p> <p>Ongoing during construction</p>	City ensures mitigation measure is added as condition of approval through design review.

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>watered at least three times daily or shall have non-toxic soil stabilizers applied.</i></p> <ul style="list-style-type: none"> • <i>All haul trucks transporting soil, sand, or other loose material off-site shall be covered or shall maintain at least two feet of freeboard.</i> • <i>All paved access roads, parking areas, and staging areas, as well as any track-out onto adjacent public roads shall be removed using water street sweepers at least once per day. The use of dry power sweeping is prohibited.</i> • <i>All vehicle speeds on unpaved roads shall be limited to 15 mph.</i> • <i>For all sites with riparian or wetland areas, install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.</i> • <i>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</i> • <i>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</i> • <i>All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</i> • <i>Post a publicly visible sign at the construction site with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The</i> 				<p>City ensures construction plans and specifications demonstrate compliance with condition of approval.</p> <p>City conducts inspections for compliance with condition of approval.</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>Bay Area Air Quality Air District's phone number shall also be visible to ensure compliance with applicable regulations.</i></p> <ul style="list-style-type: none"> • <i>All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour or wind gusts exceed 25 miles per hour.</i> • <i>Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction.</i> • <i>Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</i> • <i>The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.</i> • <i>All trucks and equipment, including their tires, shall be washed off prior to leaving the site.</i> • <i>Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.</i> • <i>Minimizing the idling time of diesel powered construction equipment to two minutes.</i> • <i>The project developer shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent Nitrogen Oxides reduction and 45 percent Particulate Matter reduction compared to the most recent California Air Resources Board fleet average.</i> 				

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.</i></p> <ul style="list-style-type: none"> • <i>Use low Volatile Organic Compound (i.e., Reactive Organic Gases) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).</i> • <i>Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of Nitrogen Oxides and Particulate Matter.</i> • <i>Requiring all contractors use equipment that meets the California Air Resources Board's most recent certification standard for off-road heavy duty diesel engines.</i> 				
<p>Mitigation Measure 3.2-3: <i>As part of the City's design review and entitlement process for Sites 2, 3, and 4, the project applicant shall retain a qualified professional to perform a health risk assessment to determine potential impacts associated with exposure to Toxic Air Contaminants.</i></p> <p><i>If Toxic Air Contaminant exposure levels exceed acceptable levels or indicate a significant increase in cancer risk, the health risk assessment shall identify measures that the development project will implement to reduce exposure to acceptable levels. Potential measures include development setbacks (e.g., increased distance from US 101), setbacks of ground floor units (e.g., use ground floor for parking, storage, office space) if upper floor units are at acceptable exposure levels, indoor air filtration equipment, disclosure statements to prospective buyers or renters notifying them of predicted health risks and identifying the importance of maintenance of any specialized</i></p>	City of Novato	At time of design review (Sites 2, 3, and 4)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews health risk assessment and requires appropriate measures, if necessary, as conditions of approval through design review.</p> <p>City ensures construction plans and specifications demonstrate compliance with conditions of approval.</p> <p>City conducts</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<i>equipment and keeping windows and doors shut during peak traffic periods).</i>				inspections to determine compliance with approved construction plans.
<i>Mitigation Measure 3.3-1:</i> <i>As part of the City of Novato's design review and entitlement process for any development on Sites 1, 3, 4, and 5, the project applicant for the particular site shall retain a qualified biologist to perform plant and wildlife field surveys of the site and prepare a site specific biological resource assessment. The field survey(s) shall coincide with the appropriate season (i.e. plants surveys during blooming period) for special status species that are known to occur in the region, and shall be performed in accordance with the specific methodologies outlined by the regulatory agencies. If it is determined that a site(s) contain special status species, the applicant shall seek to avoid the special status plants through the design and site planning. If avoidance of the species cannot be accommodated based on other considerations, then the applicant shall coordinate with the listing regulatory agency or organization to determine the appropriate permits, minimization measures, and compensatory mitigation if necessary. At a minimum, the applicant shall minimize the impact by contracting with qualified botanist with previous experience with the particular species that was discovered to hand excavate and relocate the individuals plants and seed bank to a pre-determined replanting site. The replanting site shall contain similar suitable habitat conditions and shall be protected from livestock or other undesirable wildlife, as well as from human entry. A report summarizing the findings of excavation, and replanting efforts shall be prepared and submitted to the City of Novato and the listing regulatory agency or organization. The replanting area shall be monitored for three years to determine the success of replanting efforts. Success is determined by the number of relocated plants that survive. If the success rate after three years is below 75%, consultation with the listing regulatory agency or organization will be</i>	City of Novato	At time of design review (Sites 1, 3, 4, and 5)	During design review. During construction	<p>City reviews biological resource assessment and requires project modifications and/or applies conditions of approval through the design review process.</p> <p>City ensures construction documents include proper specifications and details demonstrating compliance with project changes and/or conditions of approval, if necessary.</p> <p>City conducts inspections to determine compliance with conditions of approval.</p> <p>City ensures compliance with conditions of approval before releasing occupancy.</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<i>required to develop appropriate remediation plans. The applicant shall be responsible for obtaining permits/authorizations prior to any disturbance. If it is determined that the site(s) do not contain special status species, then no additional action is necessary.</i>				
<p>Mitigation Measure 3.3-2: <i>As part of the City of Novato's design review and entitlement process, any development on the Sites 1 through 5 shall be conditioned as follows:</i></p> <p><i>If project construction activities, including vegetation clearing, are to occur during the nesting season for birds protected under the California Fish and Game Code and Migratory Bird Treaty Act (approximately March 1-August 31) the applicant shall retain a qualified biologist to perform preconstruction surveys for protected birds, including nesting raptors, on the site and in the immediate vicinity. At least two surveys shall be conducted no more than 15 days prior to the initiation of construction activities, including vegetation clearing. In the event that protected birds, including nesting raptors, are found on the project site, offsite improvement corridors, or the immediate vicinity, the project proponent shall:</i></p> <ul style="list-style-type: none"> • <i>Locate and map the location of the nest site. Within 2 working days of the surveys prepare a report and submit to the City and CDFW;</i> • <i>A no-disturbance buffer of 250 feet shall be established;</i> • <i>On-going weekly surveys shall be conducted to ensure that the no disturbance buffer is maintained. Construction can resume when a qualified biologist has confirmed that the birds have fledged.</i> <p><i>In the event of destruction of a nest with eggs, or if a juvenile or adult raptor should become stranded from the nest, injured or killed, the qualified biologist shall immediately notify the CDFW. The qualified biologist shall coordinate with the CDFW to have the injured raptor either transferred to a raptor recovery center or, in the case of mortality, transfer it to the CDFW within 48 hours of notification. If directed/authorized by</i></p>	City of Novato Project Biologist	At time of design review (Sites 1 through 5)	During design review During construction	<p>City ensures mitigation measure is added as condition of approval through design review.</p> <p>Project Biologist performs nesting bird survey prior to construction.</p> <p>Project Biologist advises City of survey findings.</p> <p>Project Biologist implements actions specified in the condition of approval if protected birds are present.</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<i>the CDFW during the notification, the qualified biologist may transfer the injured raptors to a raptor recovery center.</i>				
<p>Mitigation Measure 3.3-3: <i>As part of the City of Novato's design review and entitlement process for any development on Site 1 and Site 5 due their proximity to Novato Creek and Vineyard Creek, respectively, are subject to the policies of the Novato General Plan addressing water resources and Novato Zoning Code Division 19.35, Waterway and Riparian Protection. Accordingly a future multi-family residential project on Site 1 and/or Site 5 would be required to avoid the placement of structures or disturbance of land within the 50-foot stream protection zone required by Division 19.35.</i></p> <p><i>Should a future project contemplate encroachment into the stream protection zone, then the review procedures, documentation, and design standards and criteria of Division 19.35 would be triggered. This would include the need to obtain a use permit to allow development activities in the stream protection zone. With respect to Site 1 specifically, Draft Housing Element Program 9.B establishes a minimum 20-foot setback from the top of bank of Novato Creek. This program requirement is, in part, intended to buffer the riparian habitat along Novato Creek from future development. Accordingly, any future encroachment within the stream protection zone at Site 1 would be limited by Program 9.B.</i></p>	City of Novato	At time of design review (Sites 1 through 5)	<p>During design review</p> <p>During plan check</p> <p>During Construction</p>	<p>City reviews project plans for compliance with HO Program 9.B and Novato Zoning Code Division 19.35 during design review.</p> <p>City confirms compliance with HO Program 9.B and Division 19.35 or requires project changes and/or applies conditions of approval to achieve compliance through design review.</p> <p>City reviews construction plans to ensure compliance with HO Program 9.B and Division 19.35 and any conditions of approval relating thereto applied during design review.</p> <p>City conducts inspections to determine compliance with conditions</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				of approval and approved construction plans.
<p>Mitigation Measure 3.3-4: As part of the City of Novato’s design review and entitlement process, any development on the Site 1 and 5 shall be conditioned as follows:</p> <p>Prior to any ground disturbance, the project applicant shall install orange construction barrier fencing at the limits of the development to identify environmentally sensitive areas around Novato Creek (Site 1) or Vineyard Creek (Site 5) and its associated riparian habitat. Before construction, the contractor shall work with the Design Engineer and qualified biologist to identify the locations for the barrier fencing, and shall place stakes around the sensitive area to indicate these locations. The fencing shall be installed before construction activities are initiated and shall be maintained throughout the construction period. The following paragraph shall be included in the construction specifications:</p> <ul style="list-style-type: none"> The Contractor’s attention is directed to the areas designated as “environmentally sensitive areas.” These areas are protected, and no entry by the Contractor for any purpose will be allowed unless specifically authorized in writing by the City of Novato. The Contractor shall take measures to ensure that Contractor’s forces do not enter or disturb these areas, including giving written notice to employees and subcontractors. <p>Temporary fences around the environmentally sensitive areas shall be installed as the first order of work. Temporary fences shall be furnished, constructed, maintained, and removed as shown on the plans, as specified in the special provisions, and as directed by the Design Engineer. The fencing shall be</p>	City of Novato Contractor	At time of design review (Sites 1 and 5).	<p>During design review</p> <p>Prior to and during construction</p>	<p>City ensures mitigation measure is added as condition of approval through design review.</p> <p>City ensures construction plans demonstrate compliance with condition of approval.</p> <p>Contractor installs fencing prior to construction.</p> <p>City confirms installation of barrier fencing prior to construction.</p> <p>Contractor monitors condition of barrier fencing and makes repairs as necessary.</p> <p>City monitors condition of barrier fencing and directs</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<i>commercial-quality woven polypropylene, orange in color, and at least 4 feet high (Tensor Polygrid or equivalent). The fencing shall be tightly strung on posts with a maximum 10-foot spacing.</i>				contractor to make repairs as necessary.
<p>Mitigation Measure 3.3-5: <i>As part of the City of Novato's design review and entitlement process, any development on the Sites 1, 3, 4, or 5 shall be conditioned as follows:</i></p> <ul style="list-style-type: none"> <i>Prior to any activities that would result in removal, fill, or hydrologic interruption of the hydrologic features on Site 1, 4, or 5, a formal wetland delineation shall be performed by a qualified biologist and submitted to the USACE for verification. If the USACE determines that the hydrologic features are jurisdictional and that the project activities would result in a fill, the applicant shall secure an authorization of the fill through the Section 404 permit process.</i> <i>The USACE has determined that the hydrologic features on Site 3 are jurisdictional. If the design of a future residential project at Site 3 cannot be designed to avoid the abutting jurisdictional hydrologic features and is determined to have project activities that would result in the fill of a jurisdictional wetland, the applicant shall secure an authorization of the fill through the Section 404 permit process.</i> <i>Prior to any activities that would result in removal, fill, or hydrologic interruption of the hydrologic features on Site 1, 3, 4 or 5, the City shall consult with the CDFG to determine if the activities are subject to Section 1601 of the Fish and Game Code. If the CDFG determines that the project activities are subject to these regulations, the applicant shall secure an authorization of the activities through a Streambed Alteration Agreement.</i> 	City of Novato	At time of design review (Sites 1, 3, 4, and 5)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews biological resource assessment and wetland delineation.</p> <p>City requires project modifications or applies conditions of approval through design review as necessary.</p> <p>City ensures applicant obtains proper permits from USACE and CDFW, as necessary.</p> <p>City ensures construction plans demonstrate compliance with conditions of approval related to hydrologic features, if applied.</p> <p>Contractor complies with conditions of approval during construction.</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				City conducts inspections to determine compliance with conditions of approval.
<i>Mitigation Measure 3.3-6: The City of Novato shall require, during the design review and entitlement process, any development proposal to include an arborist report that documents and maps the location and health of trees located on the site. The applicant shall seek to avoid trees on the site to the extent feasible. Trees that must be removed to enable the development shall be conditioned to replace the trees consistent with the Woodland and Tree Preservation Ordinance. The minimum replacement shall be a 3:1 ratio for native trees, replaced on-site.</i>	City of Novato	At time of design review.	During design review During plan check During construction At final occupancy	City reviews arborist report and requires project modifications and/or applies conditions of through design review as appropriate. City ensures construction plans demonstrate compliance with approved design review and/or conditions of approval, if applied. City conducts inspection to determine compliance with approved construction plans.
<i>Mitigation Measure 3.4-1: As part of the City of Novato's design review and entitlement process for any development on AHO Sites 1, 2, 3, 4, and 5 and the emergency shelter site, the project applicant shall have a project-specific cultural resources report prepared by a qualified archaeologist. As part of the cultural resources report, the report preparer shall contact the Federated Indians of</i>	City of Novato Contractor Project Archeologist	At time of design review	During design review During plan check During construction	City reviews cultural resources report and requires project modifications and/or conditions of approval through design

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>the Graton Rancheria to determine if there are any known prehistoric resources of interest to the Graton Rancheria on the site.</i></p> <p><i>If any potentially eligible resources are identified, then the archaeologist shall identify mitigation recommendations. The City and Project applicant shall consider the recommendations and the project applicant shall implement all measures deemed feasible and appropriate by the City and sufficient to reduce the impact to less than significant. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, and other appropriate measures. The implementation of mitigation shall be formally documented in writing and submitted to the City Planning Department as verification that the mitigation has occurred.</i></p>				<p>review, as necessary.</p> <p>City ensures construction plans demonstrate compliance with project modifications and/or conditions of approval, if applicable.</p> <p>Contractor monitors for cultural resources during construction.</p> <p>Project archeologist is contacted if suspected cultural resources are encountered.</p> <p>Project archeologist provides recommendations regarding cultural resources.</p> <p>City ensures contractor implements Project Archeologist's recommendations.</p>
<p>Mitigation Measure 3.4-2: <i>As part of</i></p>	<p>City of Novato</p>	<p>At time of</p>	<p>During design</p>	<p>City reviews</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>the City of Novato's design review and entitlement process for any development on the AHO site containing CA-MRN-678 (formerly CA-MRN-352), the project applicant shall design future development to avoid CA-MRN-678 consistent with General Plan CI Program 30.4.</i></p>		design review	Review During plan check	<p>cultural resources report and requires project modifications and/or applies conditions of approval through design review to avoid CA-MRN-678, as necessary.</p> <p>City ensures construction plans demonstrate compliance with approved design review and/or conditions of approval related to CA-MRN-678, as applicable.</p>
<p>Mitigation Measure 3.4-3: <i>If any cultural resources, including prehistoric or historic artifacts, other indications of archaeological resources, paleontologic resources, or human remains are found during grading and construction activities on any of the five AHO sites or the emergency shelter site, all work shall be halted immediately within a 200-foot radius of the discovery.</i></p> <p>- <i>If cultural resources are identified, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the find(s). Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially</i></p>	<p>City of Novato</p> <p>Contractor</p> <p>Project Archeologist</p>	At time of construction	During construction	<p>Contactor monitors for cultural resources and human remains.</p> <p>Contractor contacts City and Project Archeologist if suspected cultural resources and/or human remains are unearthed.</p> <p>Archeologist notifies County Coroner if suspected</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>significant or eligible for listing on the NRHP or CRHR.</i></p> <ul style="list-style-type: none"> - <i>If a potentially eligible resource is encountered, then the archaeologist shall identify mitigation recommendations. The City and Project applicant shall consider the recommendations and the project applicant shall implement all measures deemed feasible and appropriate by the City. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, and other appropriate measures. The implementation of mitigation shall be formally documented in writing and submitted to the City Planning Department as verification that the provisions in CEQA for managing unanticipated discoveries have been met.</i> - <i>If Native American resources are identified, a Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may also be required and, if required, shall be retained at the Applicant's expense.</i> - <i>If human remains are discovered, all work shall be halted immediately within 200 feet of the discovery, the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.</i> 				<p>human remains are unearthed.</p> <p>Project Archeologist makes recommendations regarding treatment of cultural resources.</p> <p>Project Archeologist, City, and closest descendants coordinate for proper treatment of human remains.</p>
<p>Mitigation Measure 3.10-1: <i>As part of the City's design review and entitlement process, the City shall require the following measures for the five AHO sites: The following measures, when applicable, shall be followed throughout all phases of construction to reduce noise from construction activities and shall be the responsibility of the construction contractor and</i></p>	<p>City of Novato</p> <p>Contractor</p>	<p>At time of design review</p>	<p>During design review</p> <p>During construction</p>	<p>City ensures mitigation measure is applied as condition of approval through design</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>project applicant:</i></p> <ul style="list-style-type: none"> • <i>Construction equipment shall be well maintained and used judiciously to be as quiet as practical. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</i> • <i>Use "quiet" models of air compressors and other stationary noise sources where technology exists.</i> • <i>Locate stationary noise-generating equipment and construction staging areas as far as feasible from sensitive receptors, including neighboring residential uses, when sensitive receptors adjoin or are near a construction area.</i> • <i>Prohibit unnecessary idling of internal combustion engines.</i> • <i>Designate a "construction liaison" who would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.</i> • <i>Hold a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed.</i> 				<p>review.</p> <p>City ensures construction plans demonstrate compliance with condition of approval.</p> <p>Contractor implements noise control measures during construction.</p> <p>Contractor monitors construction to prevent noise issues and addresses complaints regarding construction noise.</p>
<p>Mitigation Measure 3.10-2: <i>As part of the City's design review and entitlement process, the City shall require the following measures for AHO Sites 1 and 2:</i></p> <ul style="list-style-type: none"> • <i>The pre-existing condition of any buildings within 25 feet of any construction activities shall be recorded in order to evaluate damage from project-related construction. Fixtures and finishes within a 25-foot radius of</i> 	<p>City of Novato</p> <p>Contractor</p>	<p>At time of design review</p>	<p>During design review</p> <p>During plan check</p> <p>During construction</p>	<p>City ensures mitigation measure is applied as condition of approval through design review.</p> <p>Contractor</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.</i></p> <ul style="list-style-type: none"> • <i>Should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid any further structural damage.</i> 				<p>documents and submits existing conditions record to the City prior to issuance of building permit.</p> <p>Contractor monitors for damage.</p> <p>Contractor notifies City of and repairs any damage to nearby buildings.</p> <p>Contractor consults qualified engineer if damage continues.</p> <p>Contractor performs repairs and implements measures recommended by the qualified engineer.</p>
<p>Mitigation Measure 3.10-3: <i>As part of the City's design review and entitlement process for AHO Sites 2, 3, 4, and 5, the City shall require forced-air mechanical ventilation for units throughout a multi-family residential project so that windows could be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standard of 45 dBA Ldn. Closed windows typically provide 25 dBA of noise reduction.</i></p>	<p>City of Novato</p> <p>Contractor</p>	<p>At time of design review (Sites 2 through 5)</p>	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final</p>	<p>City ensures mitigation measure is applied as condition of approval through design review.</p> <p>City ensures</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
			occupancy	<p>construction plans demonstrate compliance with condition of approval.</p> <p>Contractor installs forced air mechanical ventilation system.</p> <p>City inspects forced air mechanical ventilation system and confirms compliance prior to final occupancy.</p>
<p>Mitigation Measure 3.10-4: <i>As part of the City's design review and entitlement process for AHO Sites 3, 4, and 5, the City shall require that sensitive exterior areas (patio/balcony) associated with future residential uses be located outside of the 65 dBA Ldn exterior traffic noise contour as shown on Figure 3.10-1. If sensitive receptors are to be located within the 65 dBA Ldn exterior noise contour, outdoor activity areas shall be shielded from the noise source using site design measures such as building orientation or sound walls to maintain a 60 dBA Ldn exterior noise level for recreation areas and 65 dBA Ldn for exterior balconies and porches.</i></p>	City of Novato	At the time of design review (Sites 3, 4, and 5)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City requires design changes to comply with mitigation measure or applies conditions of approval through design review as necessary.</p> <p>City ensures construction plans comply with any project changes and/or conditions of approval</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				<p>applied through design review.</p> <p>City inspects project to ensure compliance with approved project design and/or conditions of approval.</p>
<p>Mitigation Measure 3.10-5: <i>As part of the City's design review and entitlement process for AHO Sites 1, 2, and 5, the City shall require the site design to implement measures to reduce exposure of adjacent uses to noise associated with mechanical equipment and on-site play areas through use of setbacks and/or barriers (e.g., placement of walls, buildings, parapets, or other structures between the noise source and adjacent sensitive receptors) to ensure that mechanical equipment associated with new development on Sites 1, 2, and 5 maintains an exterior noise level of 60 dBA Ldn at on- and off-site recreation and yard areas and a noise level of 65 dBA Ldn for exterior balconies and porches at on- and off-site multi-family units.</i></p>	City of Novato	At time of design review (Sites 1, 2, and 5)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review for location of mechanical equipment.</p> <p>City requires project design changes and/or applies conditions of approval regarding mechanical equipment through design review, if necessary.</p> <p>City ensures construction plans demonstrate compliance with any project changes and/or conditions of approval applied through design review.</p> <p>Contractor</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				<p>constructs project according to approved construction plans.</p> <p>City inspects project to ensure compliance with approved construction plans.</p>
<p>Mitigation Measure 3.10-6: <i>As part of the City's design review and entitlement process for AHO Sites 3 and 4, the City shall require a project applicant to retain a qualified acoustical consultant to participate in the development of the final construction plans to ensure that sensitive residential buildings are designed with appropriate noise-attenuating construction features to maintain an acceptable interior noise level of 45 dBA Ldn at those habitable spaces exposed to exterior noise levels exceeding 65 dBA Ldn due to NCRA and SMART train operations. The acoustical consultant shall perform a detailed acoustical analysis based on latest and best information about NCRA and SMART rail operations to inform the acoustical recommendations for interior noise reduction. Feasible methods to achieve acceptable interior noise levels of 45 dBA Ldn may include various Sound Transmission Class (STC) rated sound dampening techniques, such as the installation of STC-rated windows; or employing the use of double-leaf partitions, noise insulation materials and/or resilient wall channels.</i></p>	City of Novato	At time of design review (Sites 3 and 4)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City ensures mitigation measure is applied to project through design review process.</p> <p>City receives and reviews acoustical study.</p> <p>City ensures construction plans and specifications include design features recommended by acoustical consultant.</p> <p>Contractor installs design features recommended by acoustical consultant.</p> <p>City inspects installation of design features recommended</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				by acoustical consultant.
Mitigation Measure 3.10-7: <i>As part of the City's design review and entitlement process for AHO Site 4, the City shall require the Project Applicant to prepare and distribute a disclosure to all prospective occupants of the project describing the project's proximity to the NCRA and SMART rail line and the potential for train-related noise, including train warning horns: The disclosure shall specifically note that exterior porches and balcony areas on the east side of the project site may be exposed to periodic noise from the SMART and NCRA warning horns.</i>	City of Novato Project Applicant	Prior to release of occupancy	Prior to release of occupancy Ongoing during occupancy	City reviews disclosure statement. Applicant provides approved disclosure to new residents.
Mitigation Measure 3.13-1: <i>As part of the City's design review and entitlement process, the City shall require that any driveway serving Site 1 (1787 Grant Avenue) be located a minimum of 150 feet to the east of Novato Creek, and preferably as a southern leg to the existing intersection at Grant Avenue/8th Street.</i>	City of Novato	At time of design review (Site 1)	During design review During plan check At final occupancy	City reviews project plans through design review. City requires project changes and/or applies condition of approval addressing driveway location through design review. City ensures construction plans comply with required project changes and/or conditions of approval applied through design review. Contractor installs driveway pursuant to the

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				<p>approved construction plans.</p> <p>City inspects installation of driveway to confirm compliance with approved construction plans.</p>
<p><i>Mitigation Measure 3.13-2:</i> <i>As part of the City’s design review and entitlement process, the City shall require that the finished grades of any driveways providing access to Site 3 (Redwood Boulevard/Black John Road) provide a “landing” that is at an elevation similar to the elevation of Redwood Boulevard, enabling drivers stopped on the driveway approach to have clear visibility at least 300 feet to the north and south.</i></p>	City of Novato	At time of design review	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance or requires project changes and/or applies condition of approval addressing driveway location.</p> <p>City ensures construction plans demonstrate compliance with required project changes and/or conditions of approval.</p> <p>Contractor installs driveway pursuant to the approved construction plans.</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				City inspects installation location of driveway to confirm compliance with approved construction plans.
<i>Mitigation Measure 3.13-3: As part of the City's design review and entitlement process, the City shall require that the installation of a left-turn pocket serving northbound left-turn movements from Redwood Boulevard be provided into the driveway of Site 3.</i>	City of Novato	At time of design review (Site 3)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance or requires project changes and/or applies condition of approval addressing left-turn pocket.</p> <p>City ensures construction plans comply with required project changes and/or conditions of approval.</p> <p>Contractor installs left-turn pocket pursuant to the approved construction plans.</p> <p>City inspects installation of left turn pocket to confirm compliance</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				with approved construction plans.
<p><i>Mitigation Measure 3.13-4:</i> <i>As part of the City of Novato's design review and entitlement process, site development plans for each of the housing element and emergency shelter sites shall be reviewed by City Staff to ensure that adequate onsite circulation for pedestrians will be provided, including providing connections between the uses on each site and fronting pedestrian facilities in the public right of way pursuant to the standards of Section 5-34 of the Novato Municipal Code.</i></p>	City of Novato	At the time of design review (Sites 1 through 5 and emergency shelter site)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance with mitigation measure or requires project changes and/or conditions of approval through design review.</p> <p>City ensures construction plans comply with required project changes and/or conditions of approval.</p> <p>Contractor installs pedestrian improvements per the approved construction plans.</p> <p>City inspects installation of pedestrian improvements to confirm compliance with approved construction plans.</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p>Mitigation Measure 3.13-5: <i>As part of the City's design review and entitlement process, the City shall require future development plans for Site 1 (1787 Grant Avenue) to include construction of sidewalks along its frontage of Grant Avenue between Novato Creek and 8th Street, tying into the new sidewalk facilities to be constructed as part of the planned Grant Avenue bridge rehabilitation project to be completed by the City.</i></p>	City of Novato	At time of design review (Site 1)	During design review During plan check During construction At final occupancy	<p>City reviews project plans through design review.</p> <p>City confirms compliance with mitigation measure or requires project changes and/or conditions of approval through design review.</p> <p>City ensures construction plans comply with required changes and/or conditions of approval.</p> <p>Contractor installs pedestrian improvements per the approved construction plans.</p> <p>City inspects installation of pedestrian improvements to confirm compliance with approved construction plans.</p>
<p>Mitigation Measure 3.13-6: <i>As part of the City's design review and entitlement process, the City shall require future development plans for Site 2 to include:</i></p> <ul style="list-style-type: none"> • <i>Construction of sidewalks along the</i> 	City of Novato	At time of design review (Site 2)	During design review During plan	City reviews project plans through design review.

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>frontage of Landing Court.</i></p> <ul style="list-style-type: none"> • <i>Upgrade of the pedestrian pathway between the northeast corner of Landing Court/Redwood Road (eastern frontage road to Redwood Boulevard) and the project site so that a minimum width of five feet exists.</i> • <i>Improvement of the pedestrian ramp at the northeast corner of Landing Court/Redwood Road to achieve ADA accessibility requirements. A curb extension or “bulb out” would create one potential method of achieving the necessary sidewalk width to construct an acceptable curb ramp. Sufficient width exists on Landing Court to construct such a bulbout without adversely affecting traffic safety or operation.</i> 			<p>check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City confirms compliance with mitigation measure or requires project changes and/or conditions through design review.</p> <p>City ensures construction plans comply with required project changes and/or conditions of approval.</p> <p>Contractor installs pedestrian improvements per the approved construction plans.</p> <p>City inspects installation of pedestrian improvements to confirm compliance with approved construction plans.</p>
<p><i>Mitigation Measure 3.13-7:</i> <i>As part of the City’s design review and entitlement process, the City shall require future development plans for Site 3 (Redwood Boulevard/Black John Road) to include:</i></p> <ul style="list-style-type: none"> • <i>Construction of sidewalks along any portion of the site’s Redwood Boulevard frontage where they do not currently exist.</i> • <i>Future frontage improvements that</i> 	City of Novato	At time of design review (Site 3)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance with mitigation measure or requires project</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>result in sufficient width on Redwood Boulevard to implement future on-street bicycle lanes, consistent with the City's bicycle plan.</i></p>			occupancy	<p>changes and/or conditions of approval through design review.</p> <p>City ensures construction plans comply with required changes and/or conditions of approval.</p> <p>Contractor installs pedestrian and bicycle lane improvements per the approved construction plans.</p> <p>City inspects installation of pedestrian and bicycle lane improvements to confirm compliance with approved construction plans.</p>
<p>Mitigation Measure 3.13-8: <i>As part of the City's design review and entitlement process, the City shall require future development plans for Site 4 (7606 Redwood Boulevard – Olive Avenue) to include:</i></p> <ul style="list-style-type: none"> • <i>Construction of sidewalks along the frontage of Olive Avenue.</i> • <i>Construction of a pedestrian connection to the surrounding sidewalk network. This connection could take the form of a new sidewalk on the north side of Olive Avenue between the project site and Redwood Boulevard, which is included in the City's Capital Improvement</i> 	City of Novato	At time of design review (Site 4)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance with mitigation measure or requires project changes and/or conditions of approval through design</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>Program Project 97-001. Alternatively (or in addition), the connection could be established by a new sidewalk on the north side of Olive Avenue between the project site and existing sidewalks on the east side of the Railroad Avenue intersection.</i></p> <p><i>Improvement of, Olive Avenue along the site frontage such that sufficient roadway width can be achieved to implement future Class II bicycle lanes, consistent with the City's bicycle plan.</i></p>				<p>review.</p> <p>City ensures construction plans comply with required project changes and/or conditions of approval.</p> <p>Contractor installs pedestrian and bicycle lane improvements per the approved construction plans.</p> <p>City inspects installation of pedestrian and bicycle lane improvements to confirm compliance with the approved construction plans.</p>
<p>Mitigation Measure 3.13-9: <i>As part of the City's design review and entitlement process, the City shall review site development plans for Sites 1 through 5 and any emergency shelter to determine whether staging and/or construction activities could disrupt circulation, and if necessary, require individual developments to submit a traffic control plan prior to the commencement of construction. Elements of this plan shall be implemented as necessary and appropriate for each phase of construction. The traffic control plan shall include – but not be limited to:</i></p> <ul style="list-style-type: none"> • <i>Identify project construction staging areas;</i> • <i>Provide temporary replacement parking</i> 	City of Novato	At time of design review (Sites 1 through 5)	<p>During design review</p> <p>During plan check</p> <p>During construction</p>	<p>City reviews project plans through design review.</p> <p>City determines whether project should be required to prepare a traffic control plan. If required, the City applies condition of approval through design</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>during the construction period;</i></p> <ul style="list-style-type: none"> • <i>Designate auto, pedestrian, and bicycle detour routes to be used in order to maintain circulation during various phases of the project's construction; and</i> <p><i>Develop and implement procedures for notifying property owners within a surrounding distance set by the City of activities that will affect traffic in the vicinity of the development.</i></p>				<p>review.</p> <p>Applicant submits traffic control plan for review, if required.</p> <p>City reviews traffic control plan.</p> <p>Contractor implements traffic control plan and notification process for neighbors.</p> <p>City monitors project during construction to assure implementation of traffic control plan.</p>

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. _____

RESOLUTION OF THE NOVATO PLANNING COMMISSION RECOMMENDING THE NOVATO CITY COUNCIL APPROVE AN AMENDMENT TO THE NOVATO GENERAL PLAN LAND USE MAP TO AMEND THE BOUNDARY OF THE AFFORDABLE HOUSING OPPORTUNITY (AHO) OVERLAY LAND USE DESIGNATION FOR SITE NO. 3 APPLICABLE TO APNS 125-580-16 AND 125-580-17, LOCATED AT 7711 REDWOOD BLVD

WHEREAS, the Novato General Plan was adopted by the City Council in 1996; and

WHEREAS, the City of Novato ("City") received an application (P2019-032) proposing to amend the General Plan Land Use Map (Land Use Map LU 1) to amend the boundary of the Affordable Housing Opportunity (AHO) Overlay Land Use Designation for Site No. 3 applicable to APNs 125-580-16 and 125-580-17, located at 7711 Redwood Blvd. (hereafter "Amendment"); and

WHEREAS, AHO Overlay at Site No. 3 is a 4-acre overlay, as depicted on the land use map of the Novato General Plan; and

WHEREAS, in addition to the application for a General Plan Amendment, the Applicant has also submitted applications for zoning map amendment, tentative subdivision map, lot line adjustment, and design review; and

WHEREAS, the General Plan Amendment is requested to reconfigure the boundary of the AHO overlay Land Use Designation on the Project site, resulting in an overlay area that is 4 acres in size, as depicted in Exhibit A included herein. The purpose of the amendment is to remove portions of the Project Site from the AHO Overlay Land Use Designation which contain jurisdictional wetlands, and add adjacent lands into the AHO Overlay Land Use Designation resulting in a larger area considered developable to accommodate multi-family residential development and ancillary uses (surface parking) within boundary of the overlay, consistent with the density range permitted by the Novato General Plan and Novato Zoning Code; and

WHEREAS, an Addendum to the Environmental Impact Report for the Novato General Plan 2007-2014 Housing Element ("Certified EIR) was prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA") and the City of Novato Environmental Review Guidelines ("Addendum"). The Addendum analyzed the proposed Project to determine if the changes associated therewith would require the preparation of a Subsequent Environmental Impact Report or Supplement to the Certified EIR; and

WHEREAS, the Addendum did not identify any substantial changes in the project or the circumstances under which the project will be undertaken which will require major revisions of the Certified EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or any new information of substantial importance indicating that the Project will have one or more significant effects not discussed in the Certified EIR, that effects previously examined will be substantially more severe than shown in the Certified EIR, that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, or that mitigation measures or alternatives which are considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment; and

WHEREAS, by separate resolution adopted prior hereto, the Planning Commission did make a recommendation to the City Council regarding the CEQA compliance for the Project and did consider the Certified EIR and the Addendum prior to taking action on the Project; and

WHEREAS, on December 13, 2018, the project applicant hosted a neighborhood meeting to present the Project to and receive feedback from the public. This meeting was noticed and conducted in accordance with the requirements of Novato Zoning Code Section 19.40.070D; and

WHEREAS, on February 6, 2019, the Novato Design Review Commission conducted a publicly noticed workshop to review the design aspects of the Project; and

WHEREAS, on May 1, 2019, the Novato Design Review Commission conducted a publicly noticed hearing to consider providing a recommendation to the Planning Commission and City Council regarding the design aspects of the Project; and

WHEREAS, on May 1, 2019, the Design Review Commission adopted a motion recommending the Planning Commission and City Council approve the design aspects of the Project; and

WHEREAS, public notices describing the Planning Commission's public hearing on the Project, including the General Plan Amendment at issue herein, were sent to all affected property owners within 600 feet of the boundaries of the Project site, all public agencies potentially serving the Project or having some oversight of the Project's construction, all responsible and trustee agencies, and all persons requesting notice pursuant to Section 19.58.020 of the Novato Municipal Code, and published in the Marin Independent Journal, a newspaper of local circulation, on October 3, 2019; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 14, 2019, to consider and receive public testimony on the Project, including the General Plan Amendment at issue herein; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby finds and resolves as follows:

Section 1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

Section 2. Record

The Record of Proceedings ("Record") upon which the Planning Commission bases its decision on the Amendment includes, but is not limited to: (1) the Certified EIR and Addendum; (2) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to the Certified EIR, the Addendum, the General Plan Amendment, the Project and the Project's other associated Project Entitlements; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Novato 1996 General Plan and its related EIR, and the Novato Municipal Code; (5) all designs, plans, studies, data and correspondence submitted to the City in connection with the Certified EIR, the Addendum, the General Plan Amendment, the Project, and the Project's associated Project Entitlements; (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the Certified EIR and Addendum, the General Plan Amendment, the Project, and the Project's associated Project Entitlements; (7) all other matters of common knowledge to the review authority including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas.

The location and custodian of the records is the Novato Community Development Department, 922 Machin Avenue, Novato, California, 94945.

Section 3. Findings

The Planning Commission hereby makes the following findings as required by Section 19.56.070.A. of the Novato Municipal Code with the respect to the Amendment:

1. The proposed amendment is internally consistent with the General Plan;

Facts in Support: The underlying land use designation at the Project site, Business & Professional Office (BPO), would not change. The 4-acre boundary of the Affordable Housing Opportunity (AHO) Overlay would be reconfigured, resulting in a 4-acre AHO Site No. 3. Essentially, the GPA would reconfigure the boundary so that wetlands are not within the overlay, and resulting in more land area that is developable with the proposed multi-family residential project and ancillary improvements, such as parking, landscaping, drive aisles, and stormwater detention.

The Amendment would not conflict with any goal, objective, policy, or program of the Novato General Plan. As set forth below in Finding 3, the Amendment would be consistent with and further applicable policies of the Novato General Plan. Based on these observations, the Amendment is considered to be internally consistent with the Novato General Plan.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city;

Facts in Support: A CEQA Addendum was prepared for the Project to determine if approval of these requests and the subsequent construction and operation of the Project would require the preparation of a Subsequent Environmental Impact Report or a Supplement to the Certified EIR. The analysis concluded that there were no substantial changes in the Project or the circumstances under which the Project will be undertaken which will require major revisions of the Certified EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or any new information of substantial importance indicating that the Project will have one or more significant effects not discussed in the Certified EIR, that effects previously examined will be substantially more severe than shown in the Certified EIR, that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, or that mitigation measures or alternatives which are considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment. Adequate mitigation measures, detailed in the Certified EIR Mitigation Monitoring and Reporting Program (MMRP), will ensure that the project will not adversely impact the environment. Additionally, the City has uniform development policies and standards, including but not limited to, ordinances regarding parking, wetland protection and restoration, woodland and tree preservation, landscaping, and general performance standards, applicable to the site.

Based on the conclusions and recommended mitigation measures referenced in the Addendum and adopted in the Certified EIR, the Project and the subsequent construction and operation of the Project would not be detrimental to the health, safety, convenience, or welfare of the public, including future occupants, nearby residents and workers, and the City's residents at large.

3. The proposed amendment would further the goals, objectives, policies and programs of the General Plan;

Facts in Support: The General Plan Amendment proposed as part of the Project would support the construction and operation of the Project, which has been reviewed against applicable policies of the Novato General Plan. Based on this review, the General Plan Amendment is considered to be consistent with and advance all applicable policies of the General Plan, as documented in Exhibit B, attached hereto and incorporated herein by reference. Exhibit B lists each applicable policy of the General Plan and details facts supporting the Project's consistency therewith, including the General Plan Amendment at issue herein.

4. The site is physically suitable (including consideration of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated land use.

Facts in Support: The Project was presented to the Novato Design Review Commission on February 6, 2019, and May 1, 2019. The purpose of their review was to provide a recommendation to the Planning Commission and City Council regarding whether the Project's anticipated use and associated design components would be compatible with the Project site and its surrounding context. The Design Review Commission's recommendation is intended to inform the Planning Commission and City Council's consideration of the Project, including the General Plan Amendment at issue herein.

On May 1, 2019, the Design Review Commission adopted a motion recommending the Planning Commission and City Council approve the site design, massing, and architecture for the Project. The Design Review Commission recognized the Project for its well resolved site plan, appropriate mass/scale, and acceptable architecture. The Design Review Commission's recommendation was based on the required findings for Design Review, including applicable design related policies of the Novato General Plan.

The Parcel and Project would receive water service from the North Marin Water District and sewer service from the Novato Sanitary District. Both Districts' were sent a referral describing the proposed Amendment and the accompanying Project, including plan documents. The Districts' indicated they have the ability and capacity to serve the Project.

A CEQA Addendum was prepared for the Project, including the General Plan Amendment at issue herein and the other development entitlements required for the Project. This analysis included a review of the proposed project with the 2007-2014 General Plan Housing Element Certified EIR. The analysis determined that only minor changes or additions to the EIR were necessary, but no conditions that would require the preparation of a subsequent EIR or supplement to the Certified EIR. In no instance did the Addendum identify any new significant impacts associated with the Project.

Based on the facts discussed above, the portion of the Parcel to which the General Plan Amendment would apply is considered to be physically suitable to support the Project.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission recommends that the City Council hereby approves the General Plan Amendment as set forth in Exhibit A, attached hereto and incorporated herein by reference, to reconfigure the boundary of the AHO Overlay Land Use Designation for Site No. 3 assigned to APN 125-580-16 and 125-580-17, subject to the following conditions of approval.

Section 4. Indemnity and Time Limitations

1. Indemnity and Time Limitations

- a. The developer, property owner 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 action(s) 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 developer, the property owner, the City, and/or parties initiating or bringing such action.
- b. The developer, property owner 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 developer 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 developer 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 developer 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 developer 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 developer or property owner.
- d. The developer, property owner 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.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the _____ day of _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of the resolution which was adopted by the Planning Commission, City of Novato, County of Marin, State of California, on the ____ day of _____.

Chair

Attachments

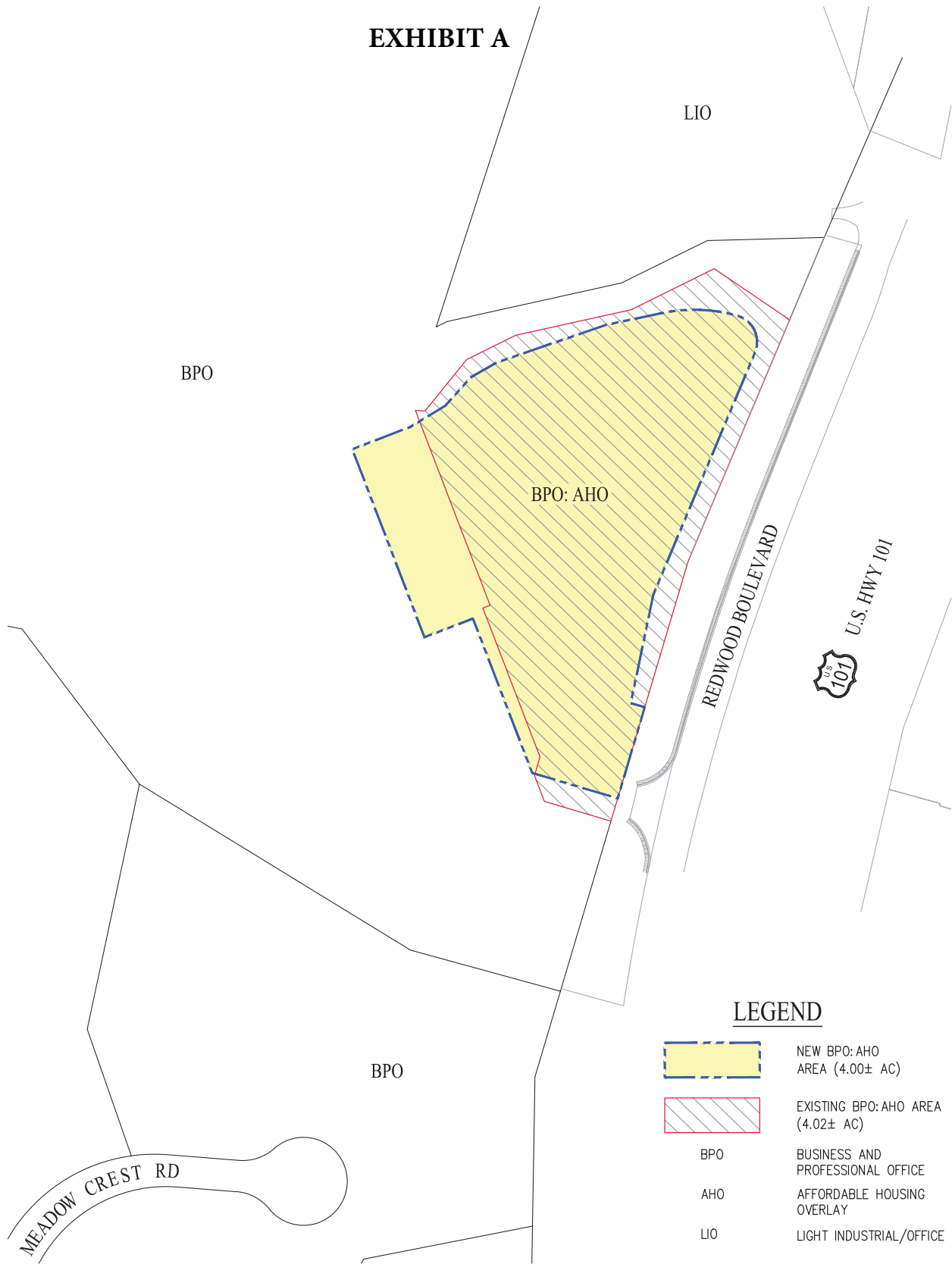
Exhibit A – General Plan Land Use Map Amendment, 7711 Redwood Blvd., APN 125-580-16 and 125-580-17

Exhibit B – General Plan Consistency Findings



Reference: P2019-032

DRAFT

EXHIBIT A



LEGEND

-  NEW BPO: AHO AREA (4.00± AC)
-  EXISTING BPO: AHO AREA (4.02± AC)
- BPO BUSINESS AND PROFESSIONAL OFFICE
- AHO AFFORDABLE HOUSING OVERLAY
- LIO LIGHT INDUSTRIAL/OFFICE

GENERAL PLAN MAP AMENDMENT

7711 REDWOOD BLVD

CITY OF NOVATO MARIN COUNTY CALIFORNIA

DATE: APRIL 2019 SCALE: 1"=120'



SAN RAMON (925) 866-0322
SACRAMENTO (916) 375-1877
WWW.CBANDG.COM

CIVIL ENGINEERS • SURVEYORS • PLANNERS

4/10/2019 10:52 AM

EXHIBIT B

7711 REDWOOD BLVD RESIDENCES

NOVATO GENERAL PLAN CONSISTENCY FINDINGS

The Planning Commission hereby finds that the proposed Project is consistent with the Novato General Plan, including, but not limited to, the following applicable General Plan policies:

1996 NOVATO GENERAL PLAN

LAND USE CHAPTER

LU Policy 1 Implementation of Land Use Map. Implement the Land Use Designations Map by approving development and conservation projects consistent with the land use definitions, densities and intensities indicated in LU Table 2. Ensure consistency between the General Plan, the Zoning Ordinance, and other land use regulations.

LU Policy 2 Development Consistent with General Plan. Allow development at any density within the range shown by the Land Use Designations Map provided applicable objectives, policies and programs of all chapters of the General Plan are met. Maximum densities (top of stated density range applied to total gross acreage) may in some cases be achieved, but there is no guarantee of achieving the maximum density.

Facts in Support: The Project includes a general plan amendment to reconfigure the 4-acre boundary of the Affordable Housing Opportunity (AHO) Overlay Land Use Designation for Site No. 3. This action would simply reconfigure the existing 4-acre overlay and would not change the land use or allow for additional development at the site. The Project also includes a zoning map amendment to conform to the general plan amendment.

Based on the facts set forth above and the Record as a whole, the Planning Commission finds the Project to be consistent with and advance LU Policies 1 and 2.

LU Policy 7 Growth Management. Recognize the available and planned capacity of infrastructure and public services when considering proposals for development.

Facts in Support: The Project was referred to the Novato Public Works Department, Novato Sanitary District, North Marin Water District, and the Novato Fire Protection District. These government entities are responsible for ensuring the provision of adequate infrastructure for water, sewer, emergency medical/fire, and stormwater control. Each agency provided draft conditions of approval intended to ensure the Project provides adequate infrastructure. These conditions of approval are to be adopted for the Project and implemented through the construction design and

physical construction phases of the Project. These agencies did not identify any constraints relating to service of the Project on an individual or cumulative basis.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with LU Policy 7.

HOUSING ELEMENT

HO Policy 3.2 Design that Fits into the Neighborhood Context. It is the City's intent that neighborhood identity and sense of community will be enhanced by designing all new housing to have a transition of scale and compatibility in form to the surrounding area.

Facts in Support: The Project site is in area that is relatively undeveloped, although both residential, commercial, and institutional development is located nearby and visible from the Project site. The applicant has designed the project buildings, including landscaping, in a manner intended to soften the appearance of the Project improvements from surrounding areas. The project includes pedestrian paths and outdoor areas for the future residents' enjoyment, and will connect to existing pedestrian and bicycle facilities on Redwood Blvd.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with HO Policy 3.2.

HO Policy 3.3 Housing Design Principles. The intent in the design of new housing is to provide stable, safe, and attractive neighborhoods through high quality architecture, site planning, and amenities that address the following principles:

- a. Reduce the perception of building bulk. In multi-unit buildings, encourage designs that break up the perceived bulk and minimize the apparent height and size of new buildings, including, for example, the use of upper story stepbacks and landscaping. Application of exterior finish materials, including siding, trim, windows, doors and colors, are important elements of building design and an indicator of overall building quality.
- b. Recognize existing street patterns. Where appropriate, encourage transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Design new housing so that, where appropriate, it relates to the existing street pattern.
- c. Enhance the "sense of place" by incorporating focal areas where appropriate. Design new housing around natural and/or designed focal points, emphasized through pedestrian/pathway or other connections.
- d. Minimize the visual impact of parking areas and garages. Discourage home designs in which garages dominate the public façade of the home (e.g. encourage driveways and garages to be located to the side or rear of buildings,

or recessed, or along rear alleyways or below the building in some higher density developments).

Facts in Support: The project includes 80 residential units in 14 buildings. The buildings are designed with wall and roof articulations, a variety of colors, materials, and finishes with the intent of reducing their perceived bulk while adding overall design interest. The proposed perimeter and internal circulation provides coordinated access to and through the site. The project is designed with pedestrian corridors and outdoor space for resident enjoyment. All of the units have garage parking for two vehicles. Additional uncovered parking is located in the western portion of the site away from the residential buildings.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with HO Policy 3.3.

ENVIRONMENT

EN Policy 9 Determination of Wetlands. Recognize the US Army Corps of Engineers (ACE) as the designated permitting agency that regulates wetlands. In regulating wetland activities, the ACE consults with other agencies and organizations, including but not limited to the US Fish and Wildlife and State Department of Fish and Game.

EN Policy 10 Wetlands Ecology. Preserve and enhance wetlands.

Facts in Support: The applicant has obtained a preliminary jurisdictional wetlands determination from the USACE. The proposed project does not encroach on any wetlands. The applicant has submitted a Wetlands Management Plan, consistent with the Novato Municipal Code. The Wetlands Management Plan analyzed whether the project would have adverse impacts on the identified wetlands, and it was determined that the project would not adversely impact the identified wetlands adjacent to the project site. Therefore, the reduced setback request will not cause any specific, adverse impact upon the health, safety, or physical environment that would result from the proposed reduced wetlands setback.

EN Policy 18 Species Diversity and Habitat. Protect biological resources that are necessary to maintain a diversity of plant and animal species.

Facts in Support: The applicant has submitted a Biological Resources Analysis that analyzed the proposed project to identify any impacts that the project would have on biological resources from the construction and operation of the proposed project. The analysis concluded that the proposed project would not have an adverse impact on biological resources based on existing Mitigation Measures applicable to the project site and development standards required by the Novato Municipal Code.

EN Policy 23 Native Woodlands. Maintain age and species diversity of native woodlands, and preserve the health of trees and other vegetation wherever feasible.

Facts in Support: There are not native woodlands on the 4-acre site proposed for development. There are three oak trees located on or adjacent to the project site. The applicant has submitted a tree protection plan to ensure that the project will not have an adverse impact on the three oak trees.

EN Policy 26 Trees in New Development. Require that the site planning, construction and maintenance of development preserve existing healthy trees and native vegetation on site to the maximum extent feasible. Replace trees and vegetation not able to be saved.

Facts in Support: The project will retain the three existing trees that are on or adjacent to the site. Additionally, the project includes over 160 additional trees.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with EN Policy 26.

EN Policy 39 On-Site Recycling Areas. Require on-site areas for recycling in commercial/retail, office and multi-family residential developments as required by State law.

Facts in Support: The proposed floor plans include area for three trash/recycling bins in each garage. Additionally, a large trash enclosure would accommodate large recycling bins.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with EN Policy 39.

COMMUNITY IDENTITY

CI Policy 1 Compatibility of Development with Surroundings. Ensure that new development is sensitive to the surrounding architecture, topography, landscaping, and to the character, scale, and ambiance of the surrounding neighborhood. Recognize that neighborhoods include community facilities needed by Novato residents as well as homes, and integrate facilities into neighborhoods.

Facts in Support: The project site is located below a hillside on a relatively flat parcel. Above the project site on the hillsides to the west and northwest are existing residences within the Partridge Knolls subdivision, and commercial-type buildings that comprise the Buck Institute. The project's architecture, finish materials and colors are sensitive to the setting while achieving the minimum density. Additionally, a significant numbers of trees, grasses, bushes, and shrubs are incorporated with the landscape plan that will serve to screen the project from Redwood Blvd. and US Highway 101. The requested waiver of development standards, including those for height, building setbacks, wetland setback reduction, and tree plantings, have been reviewed for consistency with general plan policies, and it is determined that the requested waiver of development standards will not result in any specific, adverse impact upon the health, safety, or physical environment.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with CI Policy 1.

CI Policy 3 Variety in Design. Discourage sameness and repetitive designs.

Facts in Support: The project includes building articulation, a multi-color palette for building facades, and a variety of finish materials to add design interest to the proposed project.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with CI Policy 3.

CI Policy 14 Open Areas and Landscaping. Require provision of adequate landscaped, open areas in project design.

Facts in Support: The project includes extensive areas of landscaping, including trees, bushes, and shrubs, and grasses.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with CI Policy 14.

CI Policy 15 Pedestrian Paths. Provide for maximum feasible pedestrian circulation.

Facts in Support: The project includes pedestrian pathways throughout the project site and connects to the existing sidewalks on Redwood Blvd.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with CI Policy 15.

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. _____

RESOLUTION OF THE NOVATO PLANNING COMMISSION RECOMMENDING THE NOVATO CITY COUNCIL APPROVE AN AMENDMENT TO THE NOVATO ZONING MAP TO AMEND THE BOUNDARY OF THE AFFORDABLE HOUSING OPPORTUNITY (AHO) OVERLAY LAND USE DESIGNATION FOR HOUSING ELEMENT OPPORTUNITY SITE NO. 3 APPLICABLE TO APNS 125-580-16 AND 125-580-17, LOCATED AT 7711 REDWOOD BLVD

WHEREAS, the City of Novato ("City") received an application (P2019-033) proposing to amend the Zoning Map to amend the boundary of the Affordable Housing Opportunity (AHO) Overlay Land Use Designation and Zoning for Site No. 3 applicable to APNs 125-580-16 and 125-580-17, located at 7711 Redwood Blvd. (hereafter "Amendment"); and

WHEREAS, in addition to the application for a Zoning Map Amendment, the Applicant has also submitted applications for general plan map amendment, tentative subdivision map, lot line adjustment, and design review.

WHEREAS, AHO Overlay zoning district at Site No. 3 is currently applicable to a 4-acre area of the subject parcel, as depicted on the Novato Zoning Map; and

WHEREAS, the Zoning Map Amendment is requested to reconfigure the boundary of the AHO overlay zoning district, resulting in an overlay area that is 4 acres in size, as depicted in Exhibit A included herein. The purpose of the amendment is to remove portions of the subject property which contain wetland areas from the overlay and replace them with an equal portion of property not containing wetland features, resulting in area considered developable to accommodate multi-family residential development and ancillary uses (surface parking) within the boundary of the overlay, consistent with the density range permitted by the Novato General Plan and Novato Zoning Code, and conform the zoning map with the concurrent general plan map amendment request; and

WHEREAS, an Addendum to the Environmental Impact Report for the Novato General Plan 2007-2014 Housing Element ("Certified EIR) was prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA") and the City of Novato Environmental Review Guidelines ("Addendum"). The Addendum analyzed the proposed Project to determine if the project changes associated therewith would require the preparation of a Subsequent Environmental Impact Report or Supplement to the Certified EIR; and

WHEREAS, the Addendum did not identify any substantial changes in the project or the circumstances under which the project will be undertaken which will require major revisions of the Certified EIR due to new significant environmental effects or a substantial increase in the

severity of previously identified significant effects, or any new information of substantial importance indicating that the Project will have one or more significant effects not discussed in the Certified EIR, that effects previously examined will be substantially more severe than shown in the Certified EIR, that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, or that mitigation measures or alternatives which are considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment; and

WHEREAS, by separate resolution adopted prior hereto, the Planning Commission did make a recommendation to the City Council regarding the CEQA compliance for the Project and did consider the Certified EIR and the Addendum prior to taking action on the Project; and

WHEREAS, on December 13, 2018, the project applicant hosted a neighborhood meeting to present the Project to and receive feedback from the public. This meeting was noticed and conducted in accordance with the requirements of Novato Zoning Code Section 19.40.070D; and

WHEREAS, on February 6, 2019, the Novato Design Review Commission conducted a publicly noticed workshop to review the design aspects of the Project; and

WHEREAS, on May 1, 2019, the Novato Design Review Commission conducted a publicly noticed hearing to consider providing a recommendation to the Planning Commission and City Council regarding the design aspects of the Project; and

WHEREAS, on May 1, 2019, the Design Review Commission adopted a motion recommending the Planning Commission and City Council approve the design aspects of the Project; and

WHEREAS, public notices describing the Planning Commission's public hearing on the Project, including the Zoning Map Amendment at issue herein, were sent to all affected property owners within 600 feet of the boundaries of the Project site, all public agencies potentially serving the Project or having some oversight of the Project's construction, all responsible and trustee agencies, and all persons requesting notice pursuant to Section 19.58.020 of the Novato Municipal Code, and published in the Marin Independent Journal, a newspaper of local circulation, on October 3, 2019; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 14, 2019, to consider and receive public testimony on the Project, including the Zoning map Amendment at issue herein; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby finds and resolves as follows:

Section 1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

Section 2. Record

The Record of Proceedings ("Record") upon which the Planning Commission bases its decision on the Amendment includes, but is not limited to: (1) the Certified EIR and Addendum; (2) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to the Certified EIR, the Addendum, the Zoning Map Amendment, the Project and the Project's other associated Project Entitlements; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Novato 1996 General Plan and its related EIR, and the Novato Municipal Code; (5) all designs, plans, studies, data and correspondence submitted to the City in connection with the Certified EIR, the Addendum, the Zoning Map Amendment, the Project, and the Project's associated Project Entitlements; (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the Certified EIR and Addendum, the Zoning Map Amendment, the Project, and the Project's associated Project Entitlements; (7) all other matters of common knowledge to the review authority including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas.

The location and custodian of the records is the Novato Community Development Department, 922 Machin Avenue, Novato, California, 94945.

Section 3. Findings

The Planning Commission hereby makes the following findings as required by Section 19.56.070.C. of the Novato Municipal Code with the respect to the Amendment:

1. The proposed amendment is consistent with the General Plan;

Facts in Support: The underlying land use designation at the Project site, Business & Professional Office (BPO), would not change. The 4-acre boundary of the Affordable Housing Opportunity (AHO) Overlay would be reconfigured, resulting in a 4-acre AHO Site No. 3. Essentially, the zoning map amendment would reconfigure the boundary so that wetlands are not within the overlay, and resulting in more land area that is developable with the proposed multi-family residential project and ancillary improvements, such as parking, landscaping, drive aisles, and stormwater detention. The proposed zoning map amendment would conform the AHO boundary with the general plan land use map.

The Amendment would not conflict with any goal, objective, policy, or program of the Novato General Plan. As set forth in Exhibit B, attached hereto and incorporated herein by reference, the Amendment would be consistent with and further applicable policies of the Novato General Plan. Based on these observations, the Amendment is considered to be internally consistent with the Novato General Plan.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city;

3. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA), and the Novato Environmental Review Guidelines;

Facts in Support: A CEQA Addendum was prepared for the Project to determine if approval of these requests and the subsequent construction and operation of the Project would require the preparation of a Subsequent Environmental Impact Report or a Supplement to the Certified EIR. The analysis concluded that there were no substantial changes in the Project or the circumstances under which the Project will be undertaken which will require major revisions of the Certified EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or any new information of substantial importance indicating that the Project will have one or more significant effects not discussed in the Certified EIR, that effects previously examined will be substantially more severe than shown in the Certified EIR, that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, or that mitigation measures or alternatives which are considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment. Adequate mitigation measures, detailed in the Certified EIR Mitigation Monitoring and Reporting Program (MMRP), will ensure that the project will not adversely impact the environment. Additionally, the City has uniform development policies and standards, including but not limited to, ordinances regarding parking, wetland protection and restoration, woodland and tree preservation, landscaping, and general performance standards, applicable to the site.

Based on the conclusions and recommended mitigation measures referenced in the Addendum and adopted in the Certified EIR, the Project and the subsequent construction and operation of the Project would not be detrimental to the health, safety, convenience, or welfare of the public, including future occupants, nearby residents and workers, and the City's residents at large.

4. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/developments.

Facts in Support: The Project was presented to the Novato Design Review Commission on February 6, 2019, and May 1, 2019. The purpose of their review was to provide a recommendation to the Planning Commission and City Council regarding whether the Project's anticipated use and associated design components would be compatible with the Project site and its surrounding context. The Design Review Commission's recommendation is intended to inform the Planning Commission and City Council's consideration of the Project, including the Zoning Map Amendment at issue herein.

On May 1, 2019, the Design Review Commission adopted a motion recommending the Planning Commission and City Council approve the site design, massing, and architecture for the Project. The Design Review Commission recognized the Project for its well resolved site plan, appropriate mass/scale, and acceptable architecture. The Design Review Commission's recommendation was based on the required findings for Design Review, including applicable design related policies of the Novato General Plan.

The Parcel and Project would receive water service from the North Marin Water District and sewer service from the Novato Sanitary District. Both Districts' were sent a referral describing the proposed Amendment and the accompanying Project, including plan documents. The Districts' indicated they have the ability and capacity to serve the Project.

A CEQA Addendum was prepared for the Project, including the Zoning Map Amendment at issue herein and the other development entitlements required for the Project. This analysis included a review of the proposed project with the 2007-2014 General Plan Housing Element Certified EIR. The analysis determined that only minor changes or additions to the EIR were necessary, but no conditions that would require the preparation of a subsequent EIR or supplement to the Certified EIR. In no instance did the Addendum identify any new significant impacts associated with the Project.

Based on the facts discussed above, the portion of the Parcel to which the zoning Amendment would apply is considered to be physically suitable to support the Project.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission hereby recommends that the City Council approve the Zoning Amendment as set forth in Exhibit A, attached hereto and incorporated herein by reference, to reconfigure the boundary of the AHO Overlay zoning district applicable to housing opportunity Site No. 3 assigned to APN 125-580-16 and 125-580-17, subject to the following conditions of approval.

Section 4. Indemnity and Time Limitations

- a. The developer, property owner 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 action(s) 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 developer, the property owner, the City, and/or parties initiating or bringing such action.
- b. The developer, property owner 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 developer 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 developer 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 developer 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 developer 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 developer or property owner.

- d. The developer, property owner 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.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the ____ day of _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of the resolution which was adopted by the Planning Commission, City of Novato, County of Marin, State of California, on the ____ day of _____.

Chair

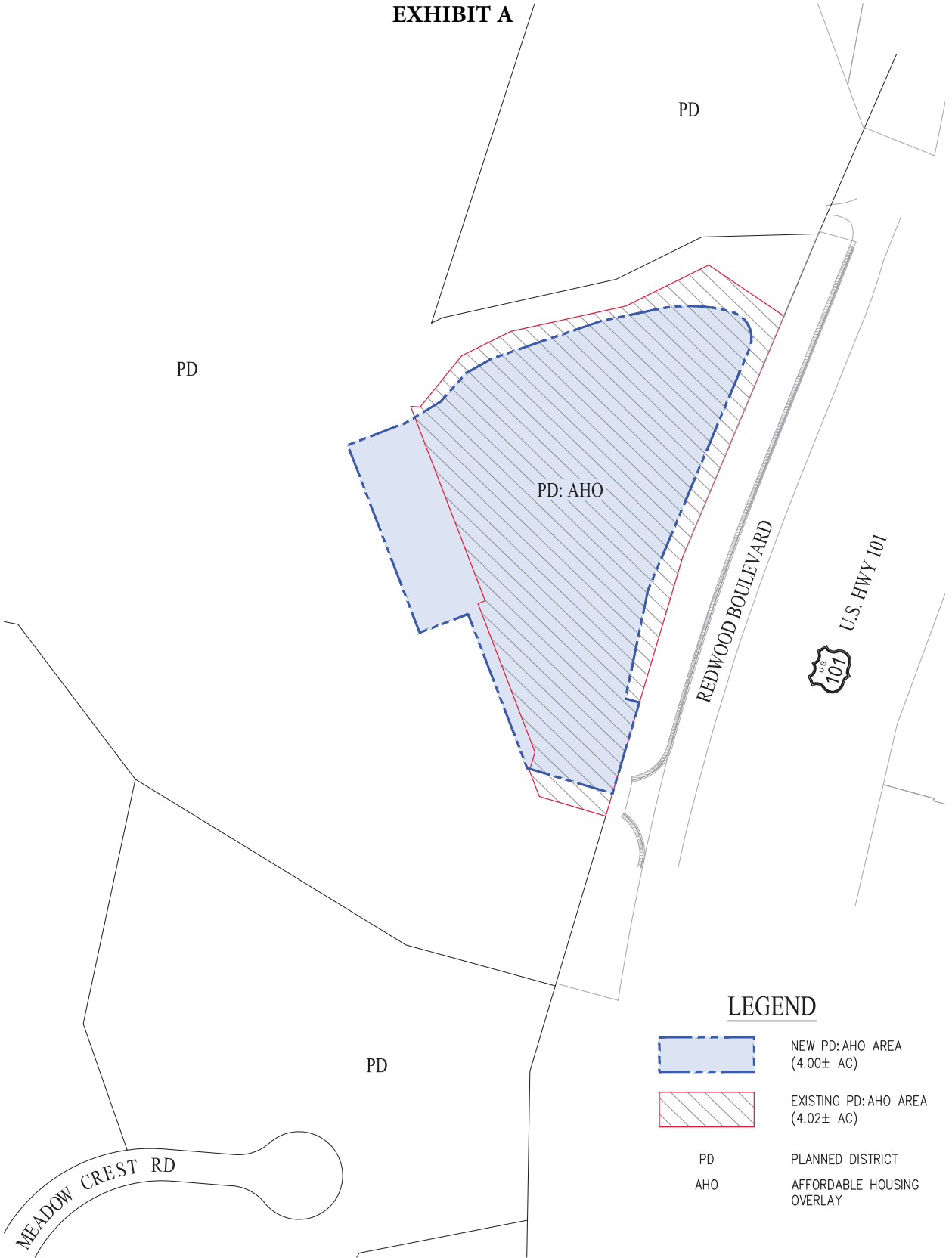
Attachments

Exhibit A – Zoning Map Amendment, 7711 Redwood Blvd., APN 125-580-16 and 125-580-17
Exhibit B – General Plan Consistency Findings



Reference: P2019-033

DRAFT

EXHIBIT A



LEGEND

-  NEW PD: AHO AREA (4.00± AC)
-  EXISTING PD: AHO AREA (4.02± AC)
- PD PLANNED DISTRICT
- AHO AFFORDABLE HOUSING OVERLAY

ZONING MAP
 AMENDMENT
 7711 REDWOOD BLVD

CITY OF NOVATO MARIN COUNTY CALIFORNIA
 DATE: APRIL 2019 SCALE: 1"=120'



cbg
 SAN RAMON (925) 866-0322
 SACRAMENTO (916) 375-1877
 WWW.CBANDG.COM
 CIVIL ENGINEERS • SURVEYORS • PLANNERS

4/10/2019 10:52 AM

EXHIBIT B

7711 REDWOOD BLVD RESIDENCES

NOVATO GENERAL PLAN CONSISTENCY FINDINGS

The Planning Commission hereby finds that the proposed Project is consistent with the Novato General Plan, including, but not limited to, the following applicable General Plan policies:

1996 NOVATO GENERAL PLAN

LAND USE CHAPTER

LU Policy 1 Implementation of Land Use Map. Implement the Land Use Designations Map by approving development and conservation projects consistent with the land use definitions, densities and intensities indicated in LU Table 2. Ensure consistency between the General Plan, the Zoning Ordinance, and other land use regulations.

LU Policy 2 Development Consistent with General Plan. Allow development at any density within the range shown by the Land Use Designations Map provided applicable objectives, policies and programs of all chapters of the General Plan are met. Maximum densities (top of stated density range applied to total gross acreage) may in some cases be achieved, but there is no guarantee of achieving the maximum density.

Facts in Support: The Project includes a zoning map amendment to reconfigure the 4-acre boundary of the Affordable Housing Opportunity (AHO) Overlay Land Use Designation for Site No. 3. This action would simply reconfigure the existing 4-acre overlay and would not change the land use or allow for additional development at the site. The Project also includes a general plan amendment, which this zoning map amendment would conform.

Based on the facts set forth above and the Record as a whole, the Planning Commission finds the Project to be consistent with and advance LU Policies 1 and 2.

LU Policy 7 Growth Management. Recognize the available and planned capacity of infrastructure and public services when considering proposals for development.

Facts in Support: The Project was referred to the Novato Public Works Department, Novato Sanitary District, North Marin Water District, and the Novato Fire Protection District. These government entities are responsible for ensuring the provision of adequate infrastructure for water, sewer, emergency medical/fire, and stormwater control. Each agency provided draft conditions of approval intended to ensure the Project provides adequate infrastructure. These conditions of

approval are to be adopted for the Project and implemented through the construction design and physical construction phases of the Project. These agencies did not identify any constraints relating to service of the Project on an individual or cumulative basis.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with LU Policy 7.

HOUSING ELEMENT

HO Policy 3.2 Design that Fits into the Neighborhood Context. It is the City's intent that neighborhood identity and sense of community will be enhanced by designing all new housing to have a transition of scale and compatibility in form to the surrounding area.

Facts in Support: The Project site is in area that is relatively undeveloped, although both residential, commercial, and institutional development is located nearby and visible from the Project site. The applicant has designed the project buildings, including landscaping, in a manner intended to soften the appearance of the Project improvements from surrounding areas. The project includes pedestrian paths and outdoor areas for the future residents' enjoyment, and will connect to existing pedestrian and bicycle facilities on Redwood Blvd.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with HO Policy 3.2.

HO Policy 3.3 Housing Design Principles. The intent in the design of new housing is to provide stable, safe, and attractive neighborhoods through high quality architecture, site planning, and amenities that address the following principles:

- a. Reduce the perception of building bulk. In multi-unit buildings, encourage designs that break up the perceived bulk and minimize the apparent height and size of new buildings, including, for example, the use of upper story stepbacks and landscaping. Application of exterior finish materials, including siding, trim, windows, doors and colors, are important elements of building design and an indicator of overall building quality.
- b. Recognize existing street patterns. Where appropriate, encourage transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Design new housing so that, where appropriate, it relates to the existing street pattern.
- c. Enhance the "sense of place" by incorporating focal areas where appropriate. Design new housing around natural and/or designed focal points, emphasized through pedestrian/pathway or other connections.
- d. Minimize the visual impact of parking areas and garages. Discourage home designs in which garages dominate the public façade of the home (e.g.

encourage driveways and garages to be located to the side or rear of buildings, or recessed, or along rear alleyways or below the building in some higher density developments).

Facts in Support: The project includes 80 residential units in 14 buildings. The buildings are designed with wall and roof articulations, a variety of colors, materials, and finishes with the intent of reducing their perceived bulk while adding overall design interest. The proposed perimeter and internal circulation provides coordinated access to and through the site. The project is designed with pedestrian corridors and outdoor space for resident enjoyment. All of the units have garage parking for two vehicles. Additional uncovered parking is located in the western portion of the site away from the residential buildings.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with HO Policy 3.3.

ENVIRONMENT

EN Policy 9 Determination of Wetlands. Recognize the US Army Corps of Engineers (ACE) as the designated permitting agency that regulates wetlands. In regulating wetland activities, the ACE consults with other agencies and organizations, including but not limited to the US Fish and Wildlife and State Department of Fish and Game.

EN Policy 10 Wetlands Ecology. Preserve and enhance wetlands.

Facts in Support: The applicant has obtained a preliminary jurisdictional wetlands determination from the USACE. The proposed project does not encroach on any wetlands. The applicant has submitted a Wetlands Management Plan, consistent with the Novato Municipal Code. The Wetlands Management Plan analyzed whether the project would have adverse impacts on the identified wetlands, and it was determined that the project would not adversely impact the identified wetlands adjacent to the project site. Therefore, the reduced setback request will not cause any specific, adverse impact upon the health, safety, or physical environment that would result from the proposed reduced wetlands setback.

EN Policy 18 Species Diversity and Habitat. Protect biological resources that are necessary to maintain a diversity of plant and animal species.

Facts in Support: The applicant has submitted a Biological Resources Analysis that analyzed the proposed project to identify any impacts that the project would have on biological resources from the construction and operation of the proposed project. The analysis concluded that the proposed project would not have an adverse impact on biological resources based on existing Mitigation Measures applicable to the project site and development standards required by the Novato Municipal Code.

EN Policy 23 Native Woodlands. Maintain age and species diversity of native woodlands, and preserve the health of trees and other vegetation wherever feasible.

Facts in Support: There are not native woodlands on the 4-acre site proposed for development. There are three oak trees located on or adjacent to the project site. The applicant has submitted a tree protection plan to ensure that the project will not have an adverse impact on the three oak trees.

EN Policy 26 Trees in New Development. Require that the site planning, construction and maintenance of development preserve existing healthy trees and native vegetation on site to the maximum extent feasible. Replace trees and vegetation not able to be saved.

Facts in Support: The project will retain the three existing trees that are on or adjacent to the site. Additionally, the project includes over 160 additional trees.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with EN Policy 26.

EN Policy 39 On-Site Recycling Areas. Require on-site areas for recycling in commercial/retail, office and multi-family residential developments as required by State law.

Facts in Support: The proposed floor plans include area for three trash/recycling bins in each garage. Additionally, a large trash enclosure would accommodate large recycling bins.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with EN Policy 39.

COMMUNITY IDENTITY

CI Policy 1 Compatibility of Development with Surroundings. Ensure that new development is sensitive to the surrounding architecture, topography, landscaping, and to the character, scale, and ambiance of the surrounding neighborhood. Recognize that neighborhoods include community facilities needed by Novato residents as well as homes, and integrate facilities into neighborhoods.

Facts in Support: The project site is located below a hillside on a relatively flat parcel. Above the project site on the hillsides to the west and northwest are existing residences within the Partridge Knolls subdivision, and commercial-type buildings that comprise the Buck Institute. The project's architecture, finish materials and colors are sensitive to the setting while achieving the minimum density. Additionally, a significant numbers of trees, grasses, bushes, and shrubs are incorporated with the landscape plan that will serve to screen the project from Redwood Blvd. and US Highway 101. The requested waiver of development standards, including those for height, building setbacks, wetland setback reduction, and tree plantings, have been reviewed for consistency with general

plan policies, and it is determined that the requested waiver of development standards will not result in any specific, adverse impact upon the health, safety, or physical environment.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with CI Policy 1.

CI Policy 3 Variety in Design. Discourage sameness and repetitive designs.

Facts in Support: The project includes building articulation, a multi-color palette for building facades, and a variety of finish materials to add design interest to the proposed project.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with CI Policy 3.

CI Policy 14 Open Areas and Landscaping. Require provision of adequate landscaped, open areas in project design.

Facts in Support: The project includes extensive areas of landscaping, including trees, bushes, and shrubs, and grasses.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with CI Policy 14.

CI Policy 15 Pedestrian Paths. Provide for maximum feasible pedestrian circulation.

Facts in Support: The project includes pedestrian pathways throughout the project site and connects to the existing sidewalks on Redwood Blvd.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with CI Policy 15.

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. _____

RESOLUTION OF THE NOVATO PLANNING COMMISSION
RECOMMENDING THE NOVATO CITY COUNCIL APPROVE
A TENTATIVE SUBDIVISION MAP TO CREATE 80
CONDOMINIUM UNITS AND 8 COMMON AREA PARCELS
ON APNS 125-580-16 AND A PORTION OF 125-580-17,
LOCATED AT 7711 REDWOOD BLVD

WHEREAS, the City of Novato ("City") received a tentative subdivision map application (P2019-035) proposing to create 80 condominium units and 8 common area parcels, located at 7711 Redwood Blvd., APNs 125-580-16 and a portion of 125-580-17, (hereafter "Project"); and

WHEREAS, in addition to the application for a Tentative Subdivision Map, the Applicant has also submitted applications for general plan amendment, zoning map amendment, lot line adjustment, and design review; and

WHEREAS, an Addendum to the Environmental Impact Report for the Novato General Plan 2007-2014 Housing Element ("Certified EIR) was prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA") and the City of Novato Environmental Review Guidelines ("Addendum"). The Addendum analyzed the proposed Project to determine if the changes associated therewith would require the preparation of a Subsequent Environmental Impact Report or Supplement to the Certified EIR; and

WHEREAS, the Addendum did not identify any substantial changes in the project or the circumstances under which the project will be undertaken which will require major revisions of the Certified EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or any new information of substantial importance indicating that the Project will have one or more significant effects not discussed in the Certified EIR, that effects previously examined will be substantially more severe than shown in the Certified EIR, that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, or that mitigation measures or alternatives which are considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment; and

WHEREAS, by separate resolution adopted prior hereto, the Planning Commission did make a recommendation to the City Council regarding the CEQA compliance for the Project and did consider the Certified EIR and the Addendum prior to taking action on the Project; and

WHEREAS, on December 13, 2018, the project applicant hosted a neighborhood meeting to present the Project to and receive feedback from the public. This meeting was noticed and conducted in accordance with the requirements of Novato Zoning Code Section 19.40.070D; and

WHEREAS, on February 6, 2019, the Novato Design Review Commission conducted a publicly noticed workshop to review the design aspects of the Project; and

WHEREAS, on May 1, 2019, the Novato Design Review Commission conducted a publicly noticed hearing to consider providing a recommendation to the Planning Commission and City Council regarding the design aspects of the Project; and

WHEREAS, on May 1, 2019, the Design Review Commission adopted a motion recommending the Planning Commission and City Council approve the design aspects of the Project; and

WHEREAS, public notices describing the Planning Commission's public hearing on the Project, including the General Plan Amendment at issue herein, were sent to all affected property owners within 600 feet of the boundaries of the Project site, all public agencies potentially serving the Project or having some oversight of the Project's construction, all responsible and trustee agencies, and all persons requesting notice pursuant to Section 19.58.020 of the Novato Municipal Code, and published in the Marin Independent Journal, a newspaper of local circulation, on October 3, 2019; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 14, 2019, to consider and receive public testimony on the Project, including the General Plan Amendment at issue herein; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby finds and resolves as follows:

Section 1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

Section 2. Record

The Record of Proceedings (“Record”) upon which the Planning Commission bases its recommendation includes, but is not limited to: (1) the Addendum, Novato General Plan 2007-2014 Housing Element Certified EIR, and technical reports cited in and/or relied upon in preparing the Initial Study/EIR, (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the EIR and Addendum, the Project, and the Project's associated development entitlement requests (3) the evidence, facts, findings and other determinations set forth in this resolution, (4) the City of Novato 1996 General Plan and its related EIR, 2007-2014 Housing Element and its related EIR, and the Novato Municipal Code, (5) all designs, plans, studies, data and correspondence submitted by the City in connection with the Addendum, the Project, and the Project's associated development entitlement requests (6) all documentary and oral evidence received at public workshops, meetings, and hearings, the Project, and the Project's associated development entitlement requests (7) all other matters of common knowledge to the City decision maker including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas.

The location and custodian of the records is the Novato Community Development Department, 922 Machin Avenue, Novato, California, 94945.

Section 3. Findings

The Planning Commission hereby makes the following findings as required by Section 9-7.002.e.2 of the Novato Municipal Code with the respect to the tentative subdivision map (TSM):

- a. The proposed subdivision, together with the provisions for its design and improvement is consistent with the Novato General Plan and any specific plans;
- b. The proposal is consistent with the Zoning Ordinance and any master plan or precise development plan adopted pursuant thereto;

Facts in Support: The Project and its accompanying TSM have been reviewed for consistency with applicable General Plan policies and Novato Municipal Code Chapter 19, *Zoning*, Chapter 5, *Development Standards*, and Chapter 9, *Land Subdivision*. Chapter 5 includes development standards for condominiums, lot size and configuration, easements, sewage disposal, solid waste disposal and recycling, street design, utilities, and water conveyance. Chapter 9 includes regulations and standards for access, park dedication, improvement plan requirements, and minimum tentative map submittal requirements. The applicant has submitted sufficient evidence that the TSM complies with said requirements, and the project has been adequately conditioned to ensure that development will occur in conformance with said subdivision requirements. The project has been reviewed for conformance with Chapter 19, *Zoning*, including those standards for lot size and minimum lot dimensions. Based on said analysis and facts, the Planning Commission herein finds the proposed Project and accompanying TSM to be consistent with findings a. and b. above.

- c. The effect of the approval on the housing needs of the region has been considered and balanced against the public service needs of the residents of Novato and available fiscal and environmental resources.

Facts in Support: The Project includes 80 for-sale residential condominium units. The addition of 80 new residential condominiums would incrementally expand Novato's housing stock and meet unmet demand for such units in the community. Notably, the Novato Housing Element anticipates incremental development of housing throughout the City, especially on those sites identified as Affordable Housing Opportunity (AHO) sites like the one herein proposed.

The Project will provide sixteen affordable housing units. These units will incrementally address the critical need for a variety of housing types in Novato, as well as assist the City in meeting its Regional Housing Needs Allocation (RHNA) as determined by the Association of Bay Area Governments.

The service demands of the Project were considered by the Novato Public Works Department, Novato Sanitary District, North Marin Water District, Novato Police Department and the Novato Fire Protection District. These government entities are responsible for ensuring the provision of

adequate infrastructure and service for water, sewer, emergency medical/fire, public safety, and stormwater control for residential subdivisions in Novato. Each agency provided draft conditions of approval, as necessary, to insure the Project provides adequate infrastructure and safety improvements, such as stormwater control measures, fire suppression and rescue features. These conditions of approval are to be adopted for the Project and implemented through the construction design plans and construction phases of the Project. These agencies did not identify any service, fiscal, or resource (e.g., water) constraints that would negatively affect the ability to serve the Project or existing residents in Novato. Based upon the above, the Planning Commission finds that the approval of the proposed Project balances the housing needs of the region against the public service needs of the residents of Novato and available fiscal and environmental resources.

- d. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

Facts in Support: The project is designed, to the extent feasible for passive heating and cooling. Ten of the fourteen units are oriented either south or southwest for sun exposure. Additionally, the buildings are being designed with the ability to incorporate rooftop solar on every unit and 160 on-site trees will provide shading in the summer months.

Based on the facts discussed above, the Planning Commission finds that the design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

Section 4. Tentative Subdivision Map Approval, Conditions of Approval, and Indemnity and Time Limitations

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission recommends that the City Council hereby approve the Tentative Subdivision Map (6 Sheets), prepared by Carlson, Barbee & Gibson, dated June 10, 2019, based on the findings set forth herein and subject to the following conditions of approval and those Conditions of Approval set forth in Exhibit A, attached hereto and incorporated herein by reference:

1. The Tentative Subdivision Map approval is conditioned on the approval of the General Plan Amendment and Zoning Map Amendment associated with the Project.
2. The approval shall expire two years from the date of approval unless a Final Map is submitted for recordation to the satisfaction of the City Engineer.
3. The applicant, or any successor in interest to the Project, shall develop the project in compliance with the applicable Mitigation Measures, as detailed in the Mitigation Monitoring and Reporting Program, as set forth in Exhibit B, attached hereto and incorporated as Conditions of Approval by reference.
4. The Project shall pay all applicable development impact fees prior to issuance of a building permit.

5. The project shall comply with the additional conditions of approval specified in Exhibit A attached hereto and incorporated by reference.
6. Indemnity and Time Limitations
 - a. The developer, property owner 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 action(s) 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 developer, the property owner, the City, and/or parties initiating or bringing such action.
 - b. The developer, property owner 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 developer 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 developer 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 developer 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 developer 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 developer or property owner.
 - d. The developer, property owner 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.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the ____ day of _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of the resolution which was adopted by the Planning Commission, City of Novato, County of Marin, State of California, on the ____ day of _____.

Chair

Attachments

Exhibit A – 7711 Redwood Blvd. Conditions of Approval

Exhibit B – Mitigation Monitoring and Reporting Program (Conditions of Approval)

Reference: P2019-035

EXHIBIT A

7711 Redwood Blvd. Residences

Conditions of Approval

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

1. The applicant, or any successor in interest to the Project, shall develop the project in compliance with the applicable Mitigation Measures, as detailed in the Mitigation Monitoring and Reporting Program, as set forth in Exhibit B, attached hereto and incorporated as Conditions of Approval by reference.
2. No building permit shall be issued, and the Final map shall not be approved until the PG&E easements, recorded in Book 228, Page 412 and Book 228, Page 385, of Marin County Official Records, are vacated, relinquished, quit-claimed, or otherwise eliminated. The City will not assist with the elimination of said easements. Failure to obtain said necessary approvals from PG&E to eliminate the above-referenced easements will necessitate the redesign of the project.
3. The project shall be constructed in accordance with the Tentative Map (6 sheets) prepared by Carlson, Barbee & Gibson dated June 10, 2019 (referred to herein as Tentative Map), prepared for 7711 Redwood Blvd. Residences,
4. The tentative map shall remain valid for 24 months from the date of approval. If the tentative map is granted an extension(s) pursuant to Novato Municipal Code, Division 9-7, the term of said extension(s) shall also apply to the design review approval.
5. 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 result in the City withholding issuance of related building permits, certificate of occupancy, and recordation of final maps or other entitlements.
6. The applicant, or any successor in interest to the Project, shall implement all uniform standards specified for construction work over and near the natural gas transmission lines crossing the project site as specified by Pacific Gas and Electric (PG&E) in its letter to the Community Development Department dated November 20, 2018, and as accepted by the Michael Hooper (representing the applicant) in an email dated May 1, 2019, as a component of the proposed project.

7. The applicant, or any successor in interest to the Project, shall be subject to paying all applicable development impact fees as specified in City Council Resolutions No. 67-02 and 69-02, as subsequently amended from time to time.
8. The project shall comply with Novato Municipal Code Division 19.21, Art Program regarding the payment of an in-lieu fee.
9. Site specific tree protection measures shall be developed and included with construction documents for observance during waterline installation and site development. The tree protection plan shall include measures that protect the root zones and tree crowns specific to individual tree species. A certified arborist or landscape architect shall prepare the plan.
10. The Project shall meet the affordable housing requirements of NMC Section 19.16.070. Pursuant to NMC Section 19.16.070, this development is required to provide a minimum of 10 percent of the proposed residential units, eight units, as affordable to low-income households, and a minimum of 10 percent of the proposed residential units, eight units, as affordable to the very low-income households. The Project ownership shall be required to enter into a housing agreement for the affordable units as prescribed in NMC Section 19.16.070.F.6 and Section 19.24.090. The applicant, or any successor in interest to the Project, shall prepare Codes, Covenants, and Restrictions (CC&R's) addressing the following:
 - a. Provisions for maintenance of structures with common walls and roofs.
 - b. Provisions prohibiting accessory dwelling units, residential accessory structures, or additions to the residential condominiums in the Project.
 - c. Creation of a parking management and enforcement program to ensure the availability of on-site parking for residents and guests, including provisions limiting the use of garages to the parking of vehicles.
 - d. The City shall be noted as a third-party beneficiary to the CC&Rs, providing the right, but not the obligation, to enforce the CC&Rs or select provisions thereof.
 - e. The CC&Rs shall note those sections of the CC&Rs requiring City consent to rescind or amend, including, but not limited to, measures addressing parking management and enforcement.
 - f. The requirement for professional property management for a minimum of 2 years. The CC&Rs shall be submitted to the City Engineer, Community Development Director, and City Attorney for review and approval prior to recordation.

11. 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.

The following conditions of approval shall be met to the satisfaction of the Novato Public Works - Engineering Division, as detailed in the Engineering Division memo dated October 1, 2019:

General Conditions of Approval:

12. Applicant shall design and construct all necessary and required improvements and facilities in accordance with Chapter V – Development Standards of the Novato Municipal Code (NMC) and the Uniform Construction Standards All Cities and County of Marin, unless specific design exceptions have been approved. Approval of a site plan depicting improvements that do not conform to the NMC does not constitute approval of a design exception, unless explicitly stated herein or in another approved City resolution.
13. Applicant shall be responsible for all City plan check, map check and inspection costs. The Applicant shall enter into a Cost Recovery Agreement and deposit funds with the City upon the initiation of plan check services. The amount of the initial deposit shall be determined by the City Engineer. Additional funds may be required based upon actual plan check, map check and inspection costs.
14. Applicant shall submit for review and approval Improvement Plans prepared by a California Registered Civil Engineer for all necessary and required on-site and off-site public and

private improvements. The Improvement Plans shall include all existing and proposed utilities, above and below ground, including water, sanitary sewer, storm sewer, telephone, cable television, electricity, natural gas, transformers, vaults and meters. The final plan set shall include all civil, landscape and joint trench drawings under a single cover sheet. Improvement Plans must be approved by the City Engineer prior to any on-site or off-site construction. An Encroachment Permit is required for any work within City right of way. An Encroachment Permit will not be issued prior to the approval of the Improvement Plans and the execution of an Improvement Agreement.

15. All existing and proposed electrical and communications lines, service cabinets, and devices, both on the site and along its frontages, shall be placed underground at the Applicant's expense. All pull boxes, junction structures, service cabinets, vaults, valves and similar devices shall be installed behind the back edge of walkways within the City right-of-way or within a public utility easement, at locations approved by the City Engineer. If any utility appurtenances are permitted to be above ground, such as vaults and boxes, they shall be painted a color approved by the City. New improvements within existing and proposed utility easements shall be subject to the approval of the appropriate utility company.
16. Unless otherwise explicitly permitted, all existing wells, septic tanks and/or underground fuel storage tanks shall be abandoned under permit and inspection of Marin County Department of Environmental Health Services or other designated agency. If there are none, the project engineer shall provide a letter describing the scope of the search done to make this determination. This condition shall be satisfied prior to approval of the Improvement Plans. No new well or septic systems are permitted on the subject property.
17. A detailed design level Soils Investigation/Geotechnical Report shall be prepared and submitted for review with the initial submittal of the Improvement Plans. The report shall address, at a minimum, potential for liquefaction, R-values, expansive soils and seismic risk. The improvement plans shall incorporate all design and construction criteria recommended in the Geotechnical Report. Prior to City approval of the Improvement Plans, the geotechnical engineer shall sign off on the cover sheet confirming that the plans are in conformance with their recommendations.

If at any time, prior to final acceptance of the project improvements, the City Engineer requests an independent geotechnical investigation and report, then an independent geotechnical engineer, shall be retained by the City at the applicant's expense, to conduct requested investigations.

18. A drainage study prepared by a California Registered Civil Engineer shall be submitted for review with the initial submittal of the Improvement Plans. The report shall include hydrologic and hydraulic calculations, narrative and exhibits to support the design and sizing of all public and private drainage facilities including storm drains and detention facilities. The report shall address existing downstream storm drain facilities and hydraulic conditions which may impact the design of proposed facilities and improvements. This study shall include a hydraulic grade line analysis upstream from the outfall of the existing storm drain into Rush Creek Marsh Wildlife Area. Analyses of the conveyance of onsite and downstream

facilities shall be based on the 25-year storm. The report shall also include an analysis of the 100-year storm overland flow.

19. Applicant shall submit for review and approval a detailed Stormwater Control Plan (SWCP) prepared in accordance with the current Bay Area Stormwater Management Agencies Association (BASMAA) Post Construction Manual. Site improvements shall incorporate Low Impact Design (LID) principles and permanent post-construction storm water pollution BMPs. The Stormwater Control Plan shall be submitted for review with the initial submittal of the Improvement Plans.
20. Prior to the approval of the Improvement Plans and prior to the issuance of a grading permit, the applicant shall obtain all necessary permits, approvals and/or clearances from any other regulatory agencies with jurisdiction over the project, including but not limited to the Marin County Flood Control District, Regional Water Quality Control Board, Novato Fire Protection District, Department of Fish and Game and U.S. Army Corp of Engineers. Proof of approval and/or clearances, including but not limited to, North Marin Water District, and the Novato Sanitary District shall be submitted to the City prior to approval of the improvement plans. A complete set of improvement plans shall be submitted to all agencies, districts, and utilities affected by, or providing service to the development, for review and comment.
21. The Applicant shall obtain written confirmation and approval from Novato Fire Protection District (NFPD) for requirements for emergency vehicular access and appropriate posted signage. Applicant shall locate signs required by NFPD to the satisfaction of the City Engineer.
22. Prior to City approval of the Improvement Plans, Applicant shall obtain signatures from representatives of the Novato Fire Protection District, North Marin Water District and the Novato Sanitary District on the final Improvement Plans acknowledging their review.
23. The Applicant shall design and construct all new pedestrian walkways, ramps and accessible parking spaces to meet current Americans with Disabilities Act Accessibility Guidelines, California Title 24 requirements, and City maximum cross-slopes and grades.
24. All outside garbage facilities shall be designed to be fully covered with a roof meeting Marin County's storm water pollution prevention best management practices.
25. Stenciling shall be provided on curb inlets to prohibit dumping of pollutants. The stencil shall be noted in the improvement plans.
26. Landscape plans shall be submitted with the Improvement Plans and shall meet the requirements of sight distance to the satisfaction of the City Engineer.
27. Prior to the approval of the Improvement Plans, the Applicant shall submit a copy their Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) for coverage under

the State Water Resources Control Board's General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ).

Special Conditions of Approval:

28. The Applicant shall submit Improvement Plans for the entire development, including both onsite and offsite improvements, prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the 7711 Redwood Boulevard AHO Site #3 Tentative Map (6 sheets) prepared by Carlson, Barbee & Gibson dated June 10, 2019 (referred to herein as Tentative Map).
29. All on-site (defined as within the subdivision boundaries) streets, parking lots, sidewalks, streetlights, private sanitary sewer facilities, storm drain facility, stormwater quality facilities and landscaping shall be privately owned and maintained.
30. Applicant shall construct all of the **Public Improvements** generally as shown on the Tentative Map and more specifically described below.
 - a. Install two new directional pedestrian curb ramps (pointing users in the direction of travel of the new crosswalks) at the project entrance on Redwood Boulevard and install a crosswalk between them.
 - b. Restripe Redwood Boulevard along the entire frontage to provide two vehicle travel lanes, two Class II bicycle lanes and one parking lane along the west side. The final widths of these lanes shall be as approved by the City Engineer.
 - c. Restripe Redwood Boulevard south of the project entrance to provide an approximately 100-foot long northbound left turn pocket and restripe the lanes south of that turn pocket as necessary to shift the travel lanes as necessary. The lengths of the tapers shall be designed in accordance with the vehicle design speed.
 - d. Install all necessary offsite public storm drain improvements, if any, in accordance with the final approved drainage study report.
 - e. The existing curb returns at the project entrance shall be removed, along with the adjacent sidewalks, and replaced with new curb returns with maximum radii of 30-feet and adjacent sidewalks as necessary to conform to existing.
 - f. Resurface the entire width of Redwood Boulevard within the longitudinal limits of the utility work using the City's standard scrub seal/micro-surfacing process after all utility work within that section of Redwood Boulevard has been completed.

31. Applicant shall construct all of the **Private Improvements** generally as shown on the Tentative Map and more specifically described below.
 - a. Install onsite storm drain facilities in accordance with the final approved drainage report.
 - b. Construct the permanent on-site private post-construction stormwater treatment facilities in accordance with the approved final SWCP.
 - c. Construct all onsite curbs, gutters, sidewalks, roadway improvements, storm drainage facilities, water facilities, sewer facilities, street lighting, signage, striping, and other utilities in accordance with the approved Improvement Plans.
 - d. Applicant shall install and maintain landscaping within the Redwood Boulevard right-of-way along the back of the sidewalk. Applicant shall enter into a license agreement with the City to authorize those activities within the right-of-way. In the event that the City vacates a portion of the Redwood Boulevard right-of-way fronting this project, the Applicant agrees to accept ownership of said vacated right-of-way and the license agreement will be terminated.
32. Prior to issuance of any building permit, Applicant shall submit for review and approval by the City Engineer, a Post Construction Stormwater Operations and Maintenance Plan that provides a plan sheet showing all storm drain and water quality infrastructure that is to be maintained, along with detailed instructions and schedules for the ongoing maintenance and operation of all post-construction stormwater BMPs. Once approved and prior to issuance of any building permit, the property owner shall enter into a Stormwater Maintenance Agreement with the City that provides the terms, conditions, and security associated with the ongoing requirements of the Post Construction Stormwater Best Management Practices.

Final Map Conditions of Approval:

33. Notwithstanding the note on the Tentative Map indicating that there may be multiple final maps, it is understood that the project will be developed with a single final map.
34. A final map, as defined in the State Subdivision Map Act, shall be prepared by a licensed land surveyor or civil engineer. The Final Map shall show all parcels, rights-of-way, and easement(s), and shall be submitted to the City Engineer for review. The Final Map shall be in substantial conformance with the approved Vesting Tentative Map and all applicable conditions of approval. The Final Map is not valid until it has been approved by the City and recorded. Closure calculations shall be provided at the time of initial Final Map submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the Final Map shall be directly verifiable by information shown on the closure calculation printout. The point(s) of beginning shall be clearly defined. All lot sizes shall be shown on the Final Map and shall be verifiable from

information shown on the closure calculation printout. A current title report (within past 30 days) shall be submitted at the time of initial Final Map submittal.

35. The Applicant shall transmit by certified mail a copy of the conditionally approved Tentative Map together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility that is an easement holder of record.
36. The Final Map will not be approved prior to approval of the Improvement Plans.
37. The project boundary shown on the Tentative Map is as proposed after a lot line adjustment between the subject parcel (APN 125-580-16) and the adjacent parcel (APN 125-580-17). An application for that lot line adjustment is currently being processed. The Final Map will not be approved prior to approval and recordation of that lot line adjustment.
38. On the Final Map, the Applicant shall indicate that all common parcels are or will be dedicated to the Homeowner's Association.
39. On the Final map, dedicate the emergency vehicle access easements, public utility easements and private access easements over the private roadway parcels as shown on the Tentative Map.
40. A proposed private access and utility easement over the adjacent parcel (APN 125-580-17) in favor of the subject development is shown on the Tentative Map. That access and utility easement shall be executed and recorded prior to the approval of Final Map.
41. A private access and utility easement in favor of the adjacent parcel (APN 125-580-17) as shown on the Tentative Map shall be dedicated on the Final Map or by separate instrument. The existing private access and utility easement in favor of the adjacent parcel (APN 125-580-17) shall be quitclaimed in its entirety.
42. Prior to approval of a final map or issuance of a grading permit, the Applicant shall enter into an Improvement Agreement in accordance with NMC Section 9-27 to ensure completion of all onsite and offsite improvements, including but not limited to, grading and construction of any curbs, gutters, sidewalks, roadway improvements, storm drainage facilities, water facilities, sewer facilities, street lighting, signage, striping, and other utilities, to the satisfaction of the City Engineer. The Improvement Agreement shall be secured to guarantee the faithful performance of the agreement in the amount of 100% of the estimated cost of the improvements and for the payment of labor and materials in the amount of 100% of the estimated cost of the improvements. A certificate of occupancy shall not be issued for any structure until required improvements are completed to the satisfaction of the City Engineer.

43. Concurrent with the recordation of the Final Map, the Applicant shall establish a Homeowner's Association (HOA) in accordance with State law with recorded Covenants, Conditions & Restrictions (CC&Rs) to provide long-term and ongoing maintenance of all common onsite improvements. Specifically, the HOA will be responsible for the long-term and ongoing maintenance of all streets, parking lots, sidewalks, streetlights, sanitary sewer facilities, storm drain facilities, stormwater quality facilities, common garbage facilities, landscaping and other improvements within the HOA owned common parcels. The CC&Rs shall be submitted to the City Engineer and City Attorney for review and approval prior to recordation.

The City will have enforcement authority over the HOA's maintenance obligations and the obligation to review and approve proposed changes amendments to the CC&R's. The CC&Rs shall require the HOA to create and maintain a separate maintenance reserve fund in the amount of a percentage of the cost of constructing the HOA maintained improvements listed above.

44. Prior to the approval of the Final Map, the Applicant shall pay fifty percent (50%) of the total Park In-lieu Fees. The remainder of the Park In-lieu Fees shall be paid prior to issuance of Building Permits. The total amount of the Park In-lieu Fees shall be calculated in accordance with NMC 9-20.008.

Construction Conditions of Approval:

45. Construction stormwater pollution prevention measures as indicated in the SWPPP shall be consistent with the details in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Storm Water Quality Handbook Construction Site BMPs Manual. A Qualified SWPPP Practitioner shall be responsible for implementing the measures at the site and performing all required monitoring and inspection/maintenance/repair activities. The project applicant shall also prepare a Rain Event Action Plan (if required based on the determined risk level) as part of the SWPPP.
46. Construction activities shall be limited to the days and hours stipulated in Novato Municipal Code 19.22.070B. City established inspection hours are Monday through Thursdays, and alternating Fridays from 7 a.m. until 4 p.m. except on City recognized holidays. Applicant shall be responsible for the City's additional cost to provide inspection during times not established as regular City inspection hours.
47. A City of Novato Encroachment Permit shall be obtained prior to any grading, trenching, pavement, construction of improvements or any other work in the public right-of-way.
48. If any hazardous materials are encountered during the construction of this project, all work shall be immediately stopped and the Marin County Environmental Health Service Department, the Novato Fire Protection District, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.

49. Upon completion of the project and prior to acknowledgment of completion, all new storm drains 15" in diameter and larger shall be professionally televised and a video of the recording delivered to the City Engineer for review. The video shall indicate the pipe being televised, indicate station points along each pipe, and shall have the bottom of the pipe at the bottom of the monitor when viewed. The televised speed shall be slow enough to enable viewers to ascertain the pipe condition and the speed shall be reduced or paused as necessary at sags, gaps, obstructions and damaged areas of the pipe. Prior to acknowledgment of completion of the project, pipe damage and obstructions shall be repaired to the satisfaction of the City Engineer.
50. The Applicant shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the City Engineer. The Applicant's contractor shall provide dust control seven (7) days a week, twenty-four (24) hours a day and this provision shall be noted on the plans.
51. The following shall be added to the general notes on the civil plans, "All roads used within the City of Novato during construction shall be cleaned daily, or more often as required by the City Engineer, of all dirt and debris spilled or tracked onto the City streets, or private driveways."
52. Prior to final preparation of the subgrade and placement of base materials, all underground utilities shall be installed, and service connections stubbed out behind the sidewalk. Public utilities, Cable TV, sanitary sewers and water lines, shall be installed in a manner that will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.
53. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. Additionally, if field conditions warrant installation of any subdrains, the location, size and construction details must be provided to the City for review and approval prior to construction.
54. Utilities to be abandoned shall be removed, filled with suitable material and/or capped to the approval of the applicable utility agency and to the approval of the City Engineer.
55. Upon completion of the building and site improvements, the Applicant shall clean, repair, or reconstruct the curb, gutter, and sidewalk along the entire frontage of the developed property as may be required by the City Engineer prior to receiving an occupancy permit for the last building. This shall be interpreted to apply only to curb, gutter and sidewalk that was damaged in the course of construction.

Occupancy Conditions of Approval:

56. Prior to occupancy of any building, the Applicant shall submit a certification by the Geotechnical Engineer of Record confirming that all the work has been completed in substantial conformance with the recommendations in Soils Investigation/Geotechnical Report.
57. Prior to occupancy of the last building, the Applicant shall provide a letter from the Civil Engineer of Record certifying that all the site improvements were constructed and inspected in substantial conformance with the approved plans and City Standards.
58. Prior to occupancy of the last building, the applicant shall provide a mylar and digital copy of the Improvement Plans that include all as-built or field changes.

The following conditions of approval shall be met to the satisfaction of the Novato Fire Protection District (NFPD), as detailed in the NFPD letter dated May 8, 2019:

59. An automatic residential fire sprinkler system is required to be installed in all new residences including garages conforming to NFPA Std. 13D, Fire Protection Standard #401, and as modified by the Fire Marshal. Plans and hydraulic calculations shall be submitted to the Fire Marshal for review prior to installation. Contact the North Marin Water District should an upgrade for the domestic water meter be needed. Additional sizing may be required due to available pressures and fire flow. The above requirement may be waived provided the new and existing remodel and addition does not exceed 50% of the total existing floor area. Reference Std. #401. A 13D sprinkler system with a 4 head calculation and fully sprinklered buildings is required in all homes as part of the alternate means request in lieu of full truck access.
60. Fire hydrants capable of supplying 1,500 gallons per minute minimum will be required to be installed so that spacing between hydrants does not exceed 300 feet. The fire hydrants shall be spotted by the Fire Marshal and contact at least one 4 and one half inch and one 2 and one half inch outlets. Installation shall conform to the specifications of the North Marin Water District.
61. Fire hydrants shall be installed in accordance with the applicable standard, tested, and operational prior to framing.
62. Fire hydrants shall be painted Rustoleum high gloss yellow or equal. Hydrants shall have a blue reflective roadway marker installed per NFD Standards.
63. Proposed roads and driveways shall not exceed 18% grade.

64. 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. Due to the height of the proposed residential buildings, NFD truck access is required to all buildings, on the long side of the buildings.
65. All driveways and parking areas shall accommodate Novato Fire District apparatus turning radius per NFD standards.
66. An approved fire gate shall be located by the Fire Marshall, and installed conforming to NFD Standard #221.
67. 'No parking fire lane' curbs and signs shall be installed in accordance with NFD Standard #204, as required by the Fire Marshall.
68. An irrigated greenbelt Vegetation Management Plan (VMP) Fuels Management Plan conforming to the standards of 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 Marshal for review prior to implementation. The plan shall be implemented prior to building final. As a deferred submittal, plans and permit fees shall be submitted directly to NFD for review.
69. This project is located in a wildland-urban interface area and must meet all applicable California Building Code requirements. See CBC Chapter 7A. Due to the proposed housing density in proximity to the wildland, the parcel shall be considered in the WUI and comply with all required WUI construction requirements.
70. Permit application and associated fees shall be submitted with plan submittal package.
71. 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.
72. The facility and improvements shall comply with California Building Code and State Fire Marshall building standards and regulations.
73. Novato Fire District required a dedicated future Emergency Vehicle Access road as shown on the site plan.

The following conditions of approval shall be met to the satisfaction of the North Marin Water District (NMWD), as detailed in the NMWD letter dated March 29, 2019:

74. The applicant must use Zone 1 service and extend Zone 1 was main as applicable.

75. The existing recycled water distribution pipelines located at the Redwood Blvd./Wood Hollow Dr. intersection must be extended to the project and the onsite facilities shall be designed to use recycled water for irrigation. Accordingly, the project will require the installation of both in-track and off-track potable and recycled water mains in compliance with District regulations and standards.
76. The owner must dedicate easements where necessary for District facilities (both potable and recycled) to serve this proposed project.
77. The owner must apply to the District, and enter into an agreement with the District, and complete financial arrangements for the new facilities prior to recording the final map. Occupancy approval shall not be granted until water service installation is complete.
78. The project must conform to District Regulation 15 – Mandatory Water Conservation Measures. Occupancy approval shall not be granted until compliance with water conservation measures, as applicable, can be verified.
79. Installation of an above-ground, reduce 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). Upon installation, an inspection report (device testing) must be completed and returned to the District prior to the commencement of business activities.

The following conditions of approval shall be met to the satisfaction of the Novato Sanitary District, as detailed in a letter dated April 23, 2019:

80. The proposed private sanitary sewer system shall be constructed to District standards. The sewer mains within all of the private driveways shall terminate in the standard manhole, not a rodding inlet.
81. The proposed loft station will be private and be constructed under a District permit and review.
82. The portion of the sanitary sewer residing within the Redwood Blvd. right of way will be a public sewer main and will need to be approved by the District Board prior to construction.
83. The subject property is within a Special Assessment District established to recover the development costs of the public sanitary sewer. Payment of an assessment fee and connection charges will be required prior to the project connecting to the public sewer.

Indemnification and Time Limitations

84. The developer 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 Planning Commission's recommendation to the City Council 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 developer, the City, and/or parties initiating or bringing such action.

85. In accordance with Government Code Section 66474.9, the developer 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 approval 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 developer, the City, and/or parties initiating or bringing such action.
86. The developer 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 developer 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.
87. In the event that a claim, action, or proceeding described in Numbers 82 or 83, above, is brought, the City shall promptly notify the developer 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 developer 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 developer 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 developer.
88. The developer 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.

89. 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.

EXHIBIT "B"

**NOVATO HOUSING ELEMENT 2007- 2014
RELATED PROGRAMS & LEGISLATIVE AMENDMENTS
FINAL ENVIRONMENTAL IMPACT REPORT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p>Mitigation Measure 3.2-1: <i>As part of the City's design review and entitlement process, the City shall require future development plans for Sites 1 through 5 to implement the following:</i></p> <ul style="list-style-type: none"> • <i>Only natural gas burning fireplaces shall be installed in the housing units to reduce Area Source criteria pollutants.</i> • <i>Only low Volatile Organic Compound paint (150 g/L) (interior and exterior) shall be used on the project site.</i> • <i>The developer shall install high efficiency appliances (refrigerator, fans, washers).</i> • <i>The developer shall install low-flow faucets, toilets, showers.</i> • <i>The developer shall install water-efficient irrigation systems.</i> 	City of Novato	At the time of design review (Sites 1 through 5)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City ensures mitigation measure is added as condition of approval through design review.</p> <p>City ensures construction plans and specifications demonstrate compliance with condition of approval.</p> <p>City conducts inspections for compliance with condition of approval.</p> <p>City ensures installation of proper equipment and fixtures before releasing occupancy.</p>
<p>Mitigation Measure 3.2-2: <i>To reduce construction related emissions, the City shall require future project developers to implement the following measures:</i></p> <ul style="list-style-type: none"> • <i>All active construction areas shall be watered at least two times per day.</i> • <i>All unpaved access roads, parking areas, and staging areas shall be</i> 	City of Novato	At the time of design review (Sites 1 through 5)	<p>During design review</p> <p>Ongoing during construction</p>	City ensures mitigation measure is added as condition of approval through design review.

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>watered at least three times daily or shall have non-toxic soil stabilizers applied.</i></p> <ul style="list-style-type: none"> • <i>All haul trucks transporting soil, sand, or other loose material off-site shall be covered or shall maintain at least two feet of freeboard.</i> • <i>All paved access roads, parking areas, and staging areas, as well as any track-out onto adjacent public roads shall be removed using water street sweepers at least once per day. The use of dry power sweeping is prohibited.</i> • <i>All vehicle speeds on unpaved roads shall be limited to 15 mph.</i> • <i>For all sites with riparian or wetland areas, install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.</i> • <i>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</i> • <i>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</i> • <i>All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</i> • <i>Post a publicly visible sign at the construction site with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The</i> 				<p>City ensures construction plans and specifications demonstrate compliance with condition of approval.</p> <p>City conducts inspections for compliance with condition of approval.</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>Bay Area Air Quality Air District's phone number shall also be visible to ensure compliance with applicable regulations.</i></p> <ul style="list-style-type: none"> • <i>All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour or wind gusts exceed 25 miles per hour.</i> • <i>Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction.</i> • <i>Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</i> • <i>The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.</i> • <i>All trucks and equipment, including their tires, shall be washed off prior to leaving the site.</i> • <i>Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.</i> • <i>Minimizing the idling time of diesel powered construction equipment to two minutes.</i> • <i>The project developer shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent Nitrogen Oxides reduction and 45 percent Particulate Matter reduction compared to the most recent California Air Resources Board fleet average.</i> 				

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.</i></p> <ul style="list-style-type: none"> • <i>Use low Volatile Organic Compound (i.e., Reactive Organic Gases) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).</i> • <i>Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of Nitrogen Oxides and Particulate Matter.</i> • <i>Requiring all contractors use equipment that meets the California Air Resources Board's most recent certification standard for off-road heavy duty diesel engines.</i> 				
<p>Mitigation Measure 3.2-3: <i>As part of the City's design review and entitlement process for Sites 2, 3, and 4, the project applicant shall retain a qualified professional to perform a health risk assessment to determine potential impacts associated with exposure to Toxic Air Contaminants.</i></p> <p><i>If Toxic Air Contaminant exposure levels exceed acceptable levels or indicate a significant increase in cancer risk, the health risk assessment shall identify measures that the development project will implement to reduce exposure to acceptable levels. Potential measures include development setbacks (e.g., increased distance from US 101), setbacks of ground floor units (e.g., use ground floor for parking, storage, office space) if upper floor units are at acceptable exposure levels, indoor air filtration equipment, disclosure statements to prospective buyers or renters notifying them of predicted health risks and identifying the importance of maintenance of any specialized</i></p>	City of Novato	At time of design review (Sites 2, 3, and 4)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews health risk assessment and requires appropriate measures, if necessary, as conditions of approval through design review.</p> <p>City ensures construction plans and specifications demonstrate compliance with conditions of approval.</p> <p>City conducts</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<i>equipment and keeping windows and doors shut during peak traffic periods).</i>				inspections to determine compliance with approved construction plans.
<i>Mitigation Measure 3.3-1:</i> <i>As part of the City of Novato's design review and entitlement process for any development on Sites 1, 3, 4, and 5, the project applicant for the particular site shall retain a qualified biologist to perform plant and wildlife field surveys of the site and prepare a site specific biological resource assessment. The field survey(s) shall coincide with the appropriate season (i.e. plants surveys during blooming period) for special status species that are known to occur in the region, and shall be performed in accordance with the specific methodologies outlined by the regulatory agencies. If it is determined that a site(s) contain special status species, the applicant shall seek to avoid the special status plants through the design and site planning. If avoidance of the species cannot be accommodated based on other considerations, then the applicant shall coordinate with the listing regulatory agency or organization to determine the appropriate permits, minimization measures, and compensatory mitigation if necessary. At a minimum, the applicant shall minimize the impact by contracting with qualified botanist with previous experience with the particular species that was discovered to hand excavate and relocate the individuals plants and seed bank to a pre-determined replanting site. The replanting site shall contain similar suitable habitat conditions and shall be protected from livestock or other undesirable wildlife, as well as from human entry. A report summarizing the findings of excavation, and replanting efforts shall be prepared and submitted to the City of Novato and the listing regulatory agency or organization. The replanting area shall be monitored for three years to determine the success of replanting efforts. Success is determined by the number of relocated plants that survive. If the success rate after three years is below 75%, consultation with the listing regulatory agency or organization will be</i>	City of Novato	At time of design review (Sites 1, 3, 4, and 5)	During design review. During construction	<p>City reviews biological resource assessment and requires project modifications and/or applies conditions of approval through the design review process.</p> <p>City ensures construction documents include proper specifications and details demonstrating compliance with project changes and/or conditions of approval, if necessary.</p> <p>City conducts inspections to determine compliance with conditions of approval.</p> <p>City ensures compliance with conditions of approval before releasing occupancy.</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<i>required to develop appropriate remediation plans. The applicant shall be responsible for obtaining permits/authorizations prior to any disturbance. If it is determined that the site(s) do not contain special status species, then no additional action is necessary.</i>				
<p>Mitigation Measure 3.3-2: <i>As part of the City of Novato's design review and entitlement process, any development on the Sites 1 through 5 shall be conditioned as follows:</i></p> <p><i>If project construction activities, including vegetation clearing, are to occur during the nesting season for birds protected under the California Fish and Game Code and Migratory Bird Treaty Act (approximately March 1-August 31) the applicant shall retain a qualified biologist to perform preconstruction surveys for protected birds, including nesting raptors, on the site and in the immediate vicinity. At least two surveys shall be conducted no more than 15 days prior to the initiation of construction activities, including vegetation clearing. In the event that protected birds, including nesting raptors, are found on the project site, offsite improvement corridors, or the immediate vicinity, the project proponent shall:</i></p> <ul style="list-style-type: none"> • <i>Locate and map the location of the nest site. Within 2 working days of the surveys prepare a report and submit to the City and CDFW;</i> • <i>A no-disturbance buffer of 250 feet shall be established;</i> • <i>On-going weekly surveys shall be conducted to ensure that the no disturbance buffer is maintained. Construction can resume when a qualified biologist has confirmed that the birds have fledged.</i> <p><i>In the event of destruction of a nest with eggs, or if a juvenile or adult raptor should become stranded from the nest, injured or killed, the qualified biologist shall immediately notify the CDFW. The qualified biologist shall coordinate with the CDFW to have the injured raptor either transferred to a raptor recovery center or, in the case of mortality, transfer it to the CDFW within 48 hours of notification. If directed/authorized by</i></p>	City of Novato Project Biologist	At time of design review (Sites 1 through 5)	During design review During construction	<p>City ensures mitigation measure is added as condition of approval through design review.</p> <p>Project Biologist performs nesting bird survey prior to construction.</p> <p>Project Biologist advises City of survey findings.</p> <p>Project Biologist implements actions specified in the condition of approval if protected birds are present.</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<i>the CDFW during the notification, the qualified biologist may transfer the injured raptors to a raptor recovery center.</i>				
<p>Mitigation Measure 3.3-3: <i>As part of the City of Novato's design review and entitlement process for any development on Site 1 and Site 5 due their proximity to Novato Creek and Vineyard Creek, respectively, are subject to the policies of the Novato General Plan addressing water resources and Novato Zoning Code Division 19.35, Waterway and Riparian Protection. Accordingly a future multi-family residential project on Site 1 and/or Site 5 would be required to avoid the placement of structures or disturbance of land within the 50-foot stream protection zone required by Division 19.35.</i></p> <p><i>Should a future project contemplate encroachment into the stream protection zone, then the review procedures, documentation, and design standards and criteria of Division 19.35 would be triggered. This would include the need to obtain a use permit to allow development activities in the stream protection zone. With respect to Site 1 specifically, Draft Housing Element Program 9.B establishes a minimum 20-foot setback from the top of bank of Novato Creek. This program requirement is, in part, intended to buffer the riparian habitat along Novato Creek from future development. Accordingly, any future encroachment within the stream protection zone at Site 1 would be limited by Program 9.B.</i></p>	City of Novato	At time of design review (Sites 1 through 5)	<p>During design review</p> <p>During plan check</p> <p>During Construction</p>	<p>City reviews project plans for compliance with HO Program 9.B and Novato Zoning Code Division 19.35 during design review.</p> <p>City confirms compliance with HO Program 9.B and Division 19.35 or requires project changes and/or applies conditions of approval to achieve compliance through design review.</p> <p>City reviews construction plans to ensure compliance with HO Program 9.B and Division 19.35 and any conditions of approval relating thereto applied during design review.</p> <p>City conducts inspections to determine compliance with conditions</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				of approval and approved construction plans.
<p>Mitigation Measure 3.3-4: As part of the City of Novato’s design review and entitlement process, any development on the Site 1 and 5 shall be conditioned as follows:</p> <p>Prior to any ground disturbance, the project applicant shall install orange construction barrier fencing at the limits of the development to identify environmentally sensitive areas around Novato Creek (Site 1) or Vineyard Creek (Site 5) and its associated riparian habitat. Before construction, the contractor shall work with the Design Engineer and qualified biologist to identify the locations for the barrier fencing, and shall place stakes around the sensitive area to indicate these locations. The fencing shall be installed before construction activities are initiated and shall be maintained throughout the construction period. The following paragraph shall be included in the construction specifications:</p> <ul style="list-style-type: none"> The Contractor’s attention is directed to the areas designated as “environmentally sensitive areas.” These areas are protected, and no entry by the Contractor for any purpose will be allowed unless specifically authorized in writing by the City of Novato. The Contractor shall take measures to ensure that Contractor’s forces do not enter or disturb these areas, including giving written notice to employees and subcontractors. <p>Temporary fences around the environmentally sensitive areas shall be installed as the first order of work. Temporary fences shall be furnished, constructed, maintained, and removed as shown on the plans, as specified in the special provisions, and as directed by the Design Engineer. The fencing shall be</p>	City of Novato Contractor	At time of design review (Sites 1 and 5).	<p>During design review</p> <p>Prior to and during construction</p>	<p>City ensures mitigation measure is added as condition of approval through design review.</p> <p>City ensures construction plans demonstrate compliance with condition of approval.</p> <p>Contractor installs fencing prior to construction.</p> <p>City confirms installation of barrier fencing prior to construction.</p> <p>Contractor monitors condition of barrier fencing and makes repairs as necessary.</p> <p>City monitors condition of barrier fencing and directs</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<i>commercial-quality woven polypropylene, orange in color, and at least 4 feet high (Tensor Polygrid or equivalent). The fencing shall be tightly strung on posts with a maximum 10-foot spacing.</i>				contractor to make repairs as necessary.
<p>Mitigation Measure 3.3-5: <i>As part of the City of Novato's design review and entitlement process, any development on the Sites 1, 3, 4, or 5 shall be conditioned as follows:</i></p> <ul style="list-style-type: none"> <i>Prior to any activities that would result in removal, fill, or hydrologic interruption of the hydrologic features on Site 1, 4, or 5, a formal wetland delineation shall be performed by a qualified biologist and submitted to the USACE for verification. If the USACE determines that the hydrologic features are jurisdictional and that the project activities would result in a fill, the applicant shall secure an authorization of the fill through the Section 404 permit process.</i> <i>The USACE has determined that the hydrologic features on Site 3 are jurisdictional. If the design of a future residential project at Site 3 cannot be designed to avoid the abutting jurisdictional hydrologic features and is determined to have project activities that would result in the fill of a jurisdictional wetland, the applicant shall secure an authorization of the fill through the Section 404 permit process.</i> <i>Prior to any activities that would result in removal, fill, or hydrologic interruption of the hydrologic features on Site 1, 3, 4 or 5, the City shall consult with the CDFG to determine if the activities are subject to Section 1601 of the Fish and Game Code. If the CDFG determines that the project activities are subject to these regulations, the applicant shall secure an authorization of the activities through a Streambed Alteration Agreement.</i> 	City of Novato	At time of design review (Sites 1, 3, 4, and 5)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews biological resource assessment and wetland delineation.</p> <p>City requires project modifications or applies conditions of approval through design review as necessary.</p> <p>City ensures applicant obtains proper permits from USACE and CDFW, as necessary.</p> <p>City ensures construction plans demonstrate compliance with conditions of approval related to hydrologic features, if applied.</p> <p>Contractor complies with conditions of approval during construction.</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				City conducts inspections to determine compliance with conditions of approval.
<i>Mitigation Measure 3.3-6: The City of Novato shall require, during the design review and entitlement process, any development proposal to include an arborist report that documents and maps the location and health of trees located on the site. The applicant shall seek to avoid trees on the site to the extent feasible. Trees that must be removed to enable the development shall be conditioned to replace the trees consistent with the Woodland and Tree Preservation Ordinance. The minimum replacement shall be a 3:1 ratio for native trees, replaced on-site.</i>	City of Novato	At time of design review.	During design review During plan check During construction At final occupancy	City reviews arborist report and requires project modifications and/or applies conditions of through design review as appropriate. City ensures construction plans demonstrate compliance with approved design review and/or conditions of approval, if applied. City conducts inspection to determine compliance with approved construction plans.
<i>Mitigation Measure 3.4-1: As part of the City of Novato's design review and entitlement process for any development on AHO Sites 1, 2, 3, 4, and 5 and the emergency shelter site, the project applicant shall have a project-specific cultural resources report prepared by a qualified archaeologist. As part of the cultural resources report, the report preparer shall contact the Federated Indians of</i>	City of Novato Contractor Project Archeologist	At time of design review	During design review During plan check During construction	City reviews cultural resources report and requires project modifications and/or conditions of approval through design

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>the Graton Rancheria to determine if there are any known prehistoric resources of interest to the Graton Rancheria on the site.</i></p> <p><i>If any potentially eligible resources are identified, then the archaeologist shall identify mitigation recommendations. The City and Project applicant shall consider the recommendations and the project applicant shall implement all measures deemed feasible and appropriate by the City and sufficient to reduce the impact to less than significant. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, and other appropriate measures. The implementation of mitigation shall be formally documented in writing and submitted to the City Planning Department as verification that the mitigation has occurred.</i></p>				<p>review, as necessary.</p> <p>City ensures construction plans demonstrate compliance with project modifications and/or conditions of approval, if applicable.</p> <p>Contractor monitors for cultural resources during construction.</p> <p>Project archeologist is contacted if suspected cultural resources are encountered.</p> <p>Project archeologist provides recommendations regarding cultural resources.</p> <p>City ensures contractor implements Project Archeologist's recommendations.</p>
<p>Mitigation Measure 3.4-2: <i>As part of</i></p>	<p>City of Novato</p>	<p>At time of</p>	<p>During design</p>	<p>City reviews</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<i>the City of Novato's design review and entitlement process for any development on the AHO site containing CA-MRN-678 (formerly CA-MRN-352), the project applicant shall design future development to avoid CA-MRN-678 consistent with General Plan CI Program 30.4.</i>		design review	Review During plan check	cultural resources report and requires project modifications and/or applies conditions of approval through design review to avoid CA-MRN-678, as necessary. City ensures construction plans demonstrate compliance with approved design review and/or conditions of approval related to CA-MRN-678, as applicable.
Mitigation Measure 3.4-3: <i>If any cultural resources, including prehistoric or historic artifacts, other indications of archaeological resources, paleontologic resources, or human remains are found during grading and construction activities on any of the five AHO sites or the emergency shelter site, all work shall be halted immediately within a 200-foot radius of the discovery.</i> - <i>If cultural resources are identified, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the find(s). Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially</i>	City of Novato Contractor Project Archeologist	At time of construction	During construction	Contactor monitors for cultural resources and human remains. Contractor contacts City and Project Archeologist if suspected cultural resources and/or human remains are unearthed. Archeologist notifies County Coroner if suspected

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>significant or eligible for listing on the NRHP or CRHR.</i></p> <ul style="list-style-type: none"> - <i>If a potentially eligible resource is encountered, then the archaeologist shall identify mitigation recommendations. The City and Project applicant shall consider the recommendations and the project applicant shall implement all measures deemed feasible and appropriate by the City. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, and other appropriate measures. The implementation of mitigation shall be formally documented in writing and submitted to the City Planning Department as verification that the provisions in CEQA for managing unanticipated discoveries have been met.</i> - <i>If Native American resources are identified, a Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may also be required and, if required, shall be retained at the Applicant's expense.</i> - <i>If human remains are discovered, all work shall be halted immediately within 200 feet of the discovery, the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.</i> 				<p>human remains are unearthed.</p> <p>Project Archeologist makes recommendations regarding treatment of cultural resources.</p> <p>Project Archeologist, City, and closest descendants coordinate for proper treatment of human remains.</p>
<p>Mitigation Measure 3.10-1: <i>As part of the City's design review and entitlement process, the City shall require the following measures for the five AHO sites: The following measures, when applicable, shall be followed throughout all phases of construction to reduce noise from construction activities and shall be the responsibility of the construction contractor and</i></p>	<p>City of Novato</p> <p>Contractor</p>	<p>At time of design review</p>	<p>During design review</p> <p>During construction</p>	<p>City ensures mitigation measure is applied as condition of approval through design</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>project applicant:</i></p> <ul style="list-style-type: none"> • <i>Construction equipment shall be well maintained and used judiciously to be as quiet as practical. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</i> • <i>Use "quiet" models of air compressors and other stationary noise sources where technology exists.</i> • <i>Locate stationary noise-generating equipment and construction staging areas as far as feasible from sensitive receptors, including neighboring residential uses, when sensitive receptors adjoin or are near a construction area.</i> • <i>Prohibit unnecessary idling of internal combustion engines.</i> • <i>Designate a "construction liaison" who would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.</i> • <i>Hold a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed.</i> 				<p>review.</p> <p>City ensures construction plans demonstrate compliance with condition of approval.</p> <p>Contractor implements noise control measures during construction.</p> <p>Contractor monitors construction to prevent noise issues and addresses complaints regarding construction noise.</p>
<p>Mitigation Measure 3.10-2: <i>As part of the City's design review and entitlement process, the City shall require the following measures for AHO Sites 1 and 2:</i></p> <ul style="list-style-type: none"> • <i>The pre-existing condition of any buildings within 25 feet of any construction activities shall be recorded in order to evaluate damage from project-related construction. Fixtures and finishes within a 25-foot radius of</i> 	<p>City of Novato</p> <p>Contractor</p>	<p>At time of design review</p>	<p>During design review</p> <p>During plan check</p> <p>During construction</p>	<p>City ensures mitigation measure is applied as condition of approval through design review.</p> <p>Contractor</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.</i></p> <ul style="list-style-type: none"> • <i>Should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid any further structural damage.</i> 				<p>documents and submits existing conditions record to the City prior to issuance of building permit.</p> <p>Contractor monitors for damage.</p> <p>Contractor notifies City of and repairs any damage to nearby buildings.</p> <p>Contractor consults qualified engineer if damage continues.</p> <p>Contractor performs repairs and implements measures recommended by the qualified engineer.</p>
<p>Mitigation Measure 3.10-3: <i>As part of the City's design review and entitlement process for AHO Sites 2, 3, 4, and 5, the City shall require forced-air mechanical ventilation for units throughout a multi-family residential project so that windows could be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standard of 45 dBA Ldn. Closed windows typically provide 25 dBA of noise reduction.</i></p>	<p>City of Novato</p> <p>Contractor</p>	<p>At time of design review (Sites 2 through 5)</p>	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final</p>	<p>City ensures mitigation measure is applied as condition of approval through design review.</p> <p>City ensures</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
			occupancy	<p>construction plans demonstrate compliance with condition of approval.</p> <p>Contractor installs forced air mechanical ventilation system.</p> <p>City inspects forced air mechanical ventilation system and confirms compliance prior to final occupancy.</p>
<p>Mitigation Measure 3.10-4: <i>As part of the City's design review and entitlement process for AHO Sites 3, 4, and 5, the City shall require that sensitive exterior areas (patio/balcony) associated with future residential uses be located outside of the 65 dBA Ldn exterior traffic noise contour as shown on Figure 3.10-1. If sensitive receptors are to be located within the 65 dBA Ldn exterior noise contour, outdoor activity areas shall be shielded from the noise source using site design measures such as building orientation or sound walls to maintain a 60 dBA Ldn exterior noise level for recreation areas and 65 dBA Ldn for exterior balconies and porches.</i></p>	City of Novato	At the time of design review (Sites 3, 4, and 5)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City requires design changes to comply with mitigation measure or applies conditions of approval through design review as necessary.</p> <p>City ensures construction plans comply with any project changes and/or conditions of approval</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				<p>applied through design review.</p> <p>City inspects project to ensure compliance with approved project design and/or conditions of approval.</p>
<p>Mitigation Measure 3.10-5: <i>As part of the City's design review and entitlement process for AHO Sites 1, 2, and 5, the City shall require the site design to implement measures to reduce exposure of adjacent uses to noise associated with mechanical equipment and on-site play areas through use of setbacks and/or barriers (e.g., placement of walls, buildings, parapets, or other structures between the noise source and adjacent sensitive receptors) to ensure that mechanical equipment associated with new development on Sites 1, 2, and 5 maintains an exterior noise level of 60 dBA Ldn at on- and off-site recreation and yard areas and a noise level of 65 dBA Ldn for exterior balconies and porches at on- and off-site multi-family units.</i></p>	City of Novato	At time of design review (Sites 1, 2, and 5)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review for location of mechanical equipment.</p> <p>City requires project design changes and/or applies conditions of approval regarding mechanical equipment through design review, if necessary.</p> <p>City ensures construction plans demonstrate compliance with any project changes and/or conditions of approval applied through design review.</p> <p>Contractor</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				<p>constructs project according to approved construction plans.</p> <p>City inspects project to ensure compliance with approved construction plans.</p>
<p>Mitigation Measure 3.10-6: <i>As part of the City's design review and entitlement process for AHO Sites 3 and 4, the City shall require a project applicant to retain a qualified acoustical consultant to participate in the development of the final construction plans to ensure that sensitive residential buildings are designed with appropriate noise-attenuating construction features to maintain an acceptable interior noise level of 45 dBA Ldn at those habitable spaces exposed to exterior noise levels exceeding 65 dBA Ldn due to NCRA and SMART train operations. The acoustical consultant shall perform a detailed acoustical analysis based on latest and best information about NCRA and SMART rail operations to inform the acoustical recommendations for interior noise reduction. Feasible methods to achieve acceptable interior noise levels of 45 dBA Ldn may include various Sound Transmission Class (STC) rated sound dampening techniques, such as the installation of STC-rated windows; or employing the use of double-leaf partitions, noise insulation materials and/or resilient wall channels.</i></p>	City of Novato	At time of design review (Sites 3 and 4)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City ensures mitigation measure is applied to project through design review process.</p> <p>City receives and reviews acoustical study.</p> <p>City ensures construction plans and specifications include design features recommended by acoustical consultant.</p> <p>Contractor installs design features recommended by acoustical consultant.</p> <p>City inspects installation of design features recommended</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				by acoustical consultant.
Mitigation Measure 3.10-7: <i>As part of the City's design review and entitlement process for AHO Site 4, the City shall require the Project Applicant to prepare and distribute a disclosure to all prospective occupants of the project describing the project's proximity to the NCRA and SMART rail line and the potential for train-related noise, including train warning horns: The disclosure shall specifically note that exterior porches and balcony areas on the east side of the project site may be exposed to periodic noise from the SMART and NCRA warning horns.</i>	City of Novato Project Applicant	Prior to release of occupancy	Prior to release of occupancy Ongoing during occupancy	City reviews disclosure statement. Applicant provides approved disclosure to new residents.
Mitigation Measure 3.13-1: <i>As part of the City's design review and entitlement process, the City shall require that any driveway serving Site 1 (1787 Grant Avenue) be located a minimum of 150 feet to the east of Novato Creek, and preferably as a southern leg to the existing intersection at Grant Avenue/8th Street.</i>	City of Novato	At time of design review (Site 1)	During design review During plan check At final occupancy	City reviews project plans through design review. City requires project changes and/or applies condition of approval addressing driveway location through design review. City ensures construction plans comply with required project changes and/or conditions of approval applied through design review. Contractor installs driveway pursuant to the

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				<p>approved construction plans.</p> <p>City inspects installation of driveway to confirm compliance with approved construction plans.</p>
<p><i>Mitigation Measure 3.13-2:</i> <i>As part of the City’s design review and entitlement process, the City shall require that the finished grades of any driveways providing access to Site 3 (Redwood Boulevard/Black John Road) provide a “landing” that is at an elevation similar to the elevation of Redwood Boulevard, enabling drivers stopped on the driveway approach to have clear visibility at least 300 feet to the north and south.</i></p>	City of Novato	At time of design review	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance or requires project changes and/or applies condition of approval addressing driveway location.</p> <p>City ensures construction plans demonstrate compliance with required project changes and/or conditions of approval.</p> <p>Contractor installs driveway pursuant to the approved construction plans.</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				City inspects installation location of driveway to confirm compliance with approved construction plans.
<i>Mitigation Measure 3.13-3: As part of the City's design review and entitlement process, the City shall require that the installation of a left-turn pocket serving northbound left-turn movements from Redwood Boulevard be provided into the driveway of Site 3.</i>	City of Novato	At time of design review (Site 3)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance or requires project changes and/or applies condition of approval addressing left-turn pocket.</p> <p>City ensures construction plans comply with required project changes and/or conditions of approval.</p> <p>Contractor installs left-turn pocket pursuant to the approved construction plans.</p> <p>City inspects installation of left turn pocket to confirm compliance</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				with approved construction plans.
<p>Mitigation Measure 3.13-4: <i>As part of the City of Novato's design review and entitlement process, site development plans for each of the housing element and emergency shelter sites shall be reviewed by City Staff to ensure that adequate onsite circulation for pedestrians will be provided, including providing connections between the uses on each site and fronting pedestrian facilities in the public right of way pursuant to the standards of Section 5-34 of the Novato Municipal Code.</i></p>	City of Novato	At the time of design review (Sites 1 through 5 and emergency shelter site)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance with mitigation measure or requires project changes and/or conditions of approval through design review.</p> <p>City ensures construction plans comply with required project changes and/or conditions of approval.</p> <p>Contractor installs pedestrian improvements per the approved construction plans.</p> <p>City inspects installation of pedestrian improvements to confirm compliance with approved construction plans.</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p>Mitigation Measure 3.13-5: <i>As part of the City's design review and entitlement process, the City shall require future development plans for Site 1 (1787 Grant Avenue) to include construction of sidewalks along its frontage of Grant Avenue between Novato Creek and 8th Street, tying into the new sidewalk facilities to be constructed as part of the planned Grant Avenue bridge rehabilitation project to be completed by the City.</i></p>	City of Novato	At time of design review (Site 1)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance with mitigation measure or requires project changes and/or conditions of approval through design review.</p> <p>City ensures construction plans comply with required changes and/or conditions of approval.</p> <p>Contractor installs pedestrian improvements per the approved construction plans.</p> <p>City inspects installation of pedestrian improvements to confirm compliance with approved construction plans.</p>
<p>Mitigation Measure 3.13-6: <i>As part of the City's design review and entitlement process, the City shall require future development plans for Site 2 to include:</i></p> <ul style="list-style-type: none"> • <i>Construction of sidewalks along the</i> 	City of Novato	At time of design review (Site 2)	<p>During design review</p> <p>During plan</p>	City reviews project plans through design review.

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>frontage of Landing Court.</i></p> <ul style="list-style-type: none"> • <i>Upgrade of the pedestrian pathway between the northeast corner of Landing Court/Redwood Road (eastern frontage road to Redwood Boulevard) and the project site so that a minimum width of five feet exists.</i> • <i>Improvement of the pedestrian ramp at the northeast corner of Landing Court/Redwood Road to achieve ADA accessibility requirements. A curb extension or “bulb out” would create one potential method of achieving the necessary sidewalk width to construct an acceptable curb ramp. Sufficient width exists on Landing Court to construct such a bulbout without adversely affecting traffic safety or operation.</i> 			<p>check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City confirms compliance with mitigation measure or requires project changes and/or conditions through design review.</p> <p>City ensures construction plans comply with required project changes and/or conditions of approval.</p> <p>Contractor installs pedestrian improvements per the approved construction plans.</p> <p>City inspects installation of pedestrian improvements to confirm compliance with approved construction plans.</p>
<p><i>Mitigation Measure 3.13-7:</i> <i>As part of the City’s design review and entitlement process, the City shall require future development plans for Site 3 (Redwood Boulevard/Black John Road) to include:</i></p> <ul style="list-style-type: none"> • <i>Construction of sidewalks along any portion of the site’s Redwood Boulevard frontage where they do not currently exist.</i> • <i>Future frontage improvements that</i> 	City of Novato	At time of design review (Site 3)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance with mitigation measure or requires project</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>result in sufficient width on Redwood Boulevard to implement future on-street bicycle lanes, consistent with the City's bicycle plan.</i></p>			occupancy	<p>changes and/or conditions of approval through design review.</p> <p>City ensures construction plans comply with required changes and/or conditions of approval.</p> <p>Contractor installs pedestrian and bicycle lane improvements per the approved construction plans.</p> <p>City inspects installation of pedestrian and bicycle lane improvements to confirm compliance with approved construction plans.</p>
<p>Mitigation Measure 3.13-8: <i>As part of the City's design review and entitlement process, the City shall require future development plans for Site 4 (7606 Redwood Boulevard – Olive Avenue) to include:</i></p> <ul style="list-style-type: none"> • <i>Construction of sidewalks along the frontage of Olive Avenue.</i> • <i>Construction of a pedestrian connection to the surrounding sidewalk network. This connection could take the form of a new sidewalk on the north side of Olive Avenue between the project site and Redwood Boulevard, which is included in the City's Capital Improvement</i> 	City of Novato	At time of design review (Site 4)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance with mitigation measure or requires project changes and/or conditions of approval through design</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>Program Project 97-001. Alternatively (or in addition), the connection could be established by a new sidewalk on the north side of Olive Avenue between the project site and existing sidewalks on the east side of the Railroad Avenue intersection.</i></p> <p><i>Improvement of, Olive Avenue along the site frontage such that sufficient roadway width can be achieved to implement future Class II bicycle lanes, consistent with the City's bicycle plan.</i></p>				<p>review.</p> <p>City ensures construction plans comply with required project changes and/or conditions of approval.</p> <p>Contractor installs pedestrian and bicycle lane improvements per the approved construction plans.</p> <p>City inspects installation of pedestrian and bicycle lane improvements to confirm compliance with the approved construction plans.</p>
<p>Mitigation Measure 3.13-9: <i>As part of the City's design review and entitlement process, the City shall review site development plans for Sites 1 through 5 and any emergency shelter to determine whether staging and/or construction activities could disrupt circulation, and if necessary, require individual developments to submit a traffic control plan prior to the commencement of construction. Elements of this plan shall be implemented as necessary and appropriate for each phase of construction. The traffic control plan shall include – but not be limited to:</i></p> <ul style="list-style-type: none"> • <i>Identify project construction staging areas;</i> • <i>Provide temporary replacement parking</i> 	City of Novato	At time of design review (Sites 1 through 5)	<p>During design review</p> <p>During plan check</p> <p>During construction</p>	<p>City reviews project plans through design review.</p> <p>City determines whether project should be required to prepare a traffic control plan. If required, the City applies condition of approval through design</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>during the construction period;</i></p> <ul style="list-style-type: none"> • <i>Designate auto, pedestrian, and bicycle detour routes to be used in order to maintain circulation during various phases of the project's construction; and</i> <p><i>Develop and implement procedures for notifying property owners within a surrounding distance set by the City of activities that will affect traffic in the vicinity of the development.</i></p>				<p>review.</p> <p>Applicant submits traffic control plan for review, if required.</p> <p>City reviews traffic control plan.</p> <p>Contractor implements traffic control plan and notification process for neighbors.</p> <p>City monitors project during construction to assure implementation of traffic control plan.</p>

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. _____

RESOLUTION OF THE NOVATO PLANNING COMMISSION
RECOMMENDING THE NOVATO CITY COUNCIL APPROVE
A LOT LINE ADJUSTMENT APPLICABLE TO APNS 125-580-
16 AND 125-580-17, LOCATED AT 7711 REDWOOD BLVD

WHEREAS, the City of Novato ("City") received a lot line adjustment application (P2019-034) proposing to adjust the property lines between two existing legal lots, located at 7711 Redwood Blvd., APNs 125-580-16 and 125-580-17, ("LLA"); and

WHEREAS, in addition to the application for the LLA the Applicant has also submitted applications for general plan map amendment, zoning map amendment, tentative subdivision map, and design review (collectively, the "Project"); and

WHEREAS, the Applicant is requesting approval of a lot line adjustment pursuant to Novato Municipal Code Division 9.13 and California Government Code Section 66412(d), which establishes procedures for the review and approval of a lot line adjustment; and

WHEREAS, an Addendum to the Environmental Impact Report for the Novato General Plan 2007-2014 Housing Element ("Certified EIR") was prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA") and the City of Novato Environmental Review Guidelines ("Addendum"). The Addendum analyzed the proposed Project to determine if the changes associated therewith would require the preparation of a Subsequent Environmental Impact Report or Supplement to the Certified EIR; and

WHEREAS, the Addendum did not identify any substantial changes in the project or the circumstances under which the project will be undertaken which will require major revisions of the Certified EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or any new information of substantial importance indicating that the Project will have one or more significant effects not discussed in the Certified EIR, that effects previously examined will be substantially more severe than shown in the Certified EIR, that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, or that mitigation measures or alternatives which are considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment; and

WHEREAS, by separate resolution adopted prior hereto, the Planning Commission did make a recommendation to the City Council regarding the CEQA compliance for the Project and did consider the Certified EIR and the Addendum prior to taking action on the Project; and

WHEREAS, on December 13, 2018, the project applicant hosted a neighborhood meeting to present the Project to and receive feedback from the public. This meeting was noticed and conducted in accordance with the requirements of Novato Zoning Code Section 19.40.070D; and

WHEREAS, on February 6, 2019, the Novato Design Review Commission conducted a publicly noticed workshop to review the design aspects of the Project; and

WHEREAS, on May 1, 2019, the Novato Design Review Commission conducted a publicly noticed hearing to consider providing a recommendation to the Planning Commission and City Council regarding the design aspects of the Project; and

WHEREAS, on May 1, 2019, the Design Review Commission adopted a motion recommending the Planning Commission and City Council approve the design aspects of the Project; and

WHEREAS, public notices describing the Planning Commission's public hearing on the Project, including the General Plan Amendment at issue herein, were sent to all affected property owners within 600 feet of the boundaries of the Project site, all public agencies potentially serving the Project or having some oversight of the Project's construction, all responsible and trustee agencies, and all persons requesting notice pursuant to Section 19.58.020 of the Novato Municipal Code, and published in the Marin Independent Journal, a newspaper of local circulation, on October 3, 2019; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 14, 2019, to consider and receive public testimony on the Project, including the General Plan Amendment at issue herein; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby finds and resolves as follows:

Section 1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

Section 2. Record

The Record of Proceedings ("Record") upon which the Planning Commission bases its decision on the LLA includes, but is not limited to: (1) the Certified EIR and Addendum; (2) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to the Certified EIR, the Addendum, the LLA, the Project and the Project's other associated Project Entitlements; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Novato 1996 General Plan and its related EIR, and the Novato Municipal Code; (5) all designs, plans, studies, data and correspondence submitted to the City in connection with the Certified EIR, the Addendum, the LLA, the Project, and the Project's associated Project Entitlements; (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the Certified EIR and Addendum, the LLA, the Project, and the Project's associated Project Entitlements; (7) all other matters of common knowledge to the review authority including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas.

The location and custodian of the records is the Novato Community Development Department, 922 Machin Avenue, Novato, California, 94945.

Section 3. Findings

The Planning Commission hereby makes the following findings:

- a. No additional lots will be created with the approval of the lot line adjustment; and
- b. The proposed Project, including, but not limited to, the LLA at issue herein is consistent with the Novato 1996 General Plan as set forth in Exhibit A, Attached hereto and incorporated herein by reference.
- c. The proposed Project, including, but not limited to, the LLA at issue herein is consistent with the Novato Zoning Code;

Facts in Support: There are currently two legal lots at the project site, and upon recordation of the lot line adjustment, two lots would exist. The resulting lots are consistent with the development standards of the Novato Zoning Code in that the resultant lot configurations are consistent with the development standards of the NMC Section 19.12.040, Table 2-8, which includes regulations for minimum lot size and lot width and depth standards. The LLA was also reviewed for consistency with the Affordable Housing Opportunity (AHO) Overlay District development standards detailed in NMC Section 19.16.070. In all instances, it was determined that the proposed lot configuration conforms to the Novato General Plan, Novato Zoning Code, and California Building Code.

Section 4. Lot Line Adjustment Approval, Conditions of Approval, and Indemnity and Time Limitations

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission hereby recommends the City Council approve the Lot Line Adjustment, as shown on the plans prepared by CBG, dated July 16, 2019, included herein as Exhibit A, for the Project, based on the findings set forth herein and subject to the following conditions of approval:

1. The approval shall expire two years from the date of approval unless the Lot Line Adjustment is recorded to the satisfaction of the City Engineer.
2. The Grant Deed for the transfer land resulting in the lot line adjustment shall be submitted to the City Engineer for review and approval prior to recordation.
3. The Grant Deed shall be recorded with the Marin County Recorder at the same time as the City Engineer's Lot Line Adjustment Approval Document acknowledging said approval.
4. Indemnity and Time Limitations

- a. The developer, property owner 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 action(s) 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 developer, the property owner, the City, and/or parties initiating or bringing such action.
- b. The developer, property owner 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 developer 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 developer 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 developer 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 developer 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 developer or property owner.
- d. The developer, property owner 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.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the ____ day of _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of the resolution which was adopted by the Planning Commission, City of Novato, County of Marin, State of California, on the ____ day of _____.

Chair

Attachments

Exhibit A – Lot Line Adjustment Map Exhibit

Reference: P2019-034

EXHIBIT A

7/30/2019 4:00 PM

PARTRIDGE KNOLLS
UNIT 2
19 RM 76

THIS EXHIBIT FOR GRAPHIC PURPOSES ONLY
ANY ERRORS OR OMISSIONS ON THIS EXHIBIT
SHALL NOT AFFECT THE DEED DESCRIPTION.

LANDS OF LEXINGTON
WOODHOLLOW
PARCEL 1
(1998 MAPS 37)
APN 125-202-17

LANDS OF GERALD
GHIRARDO
PARCEL 2
24 PM 68
APN 125-202-12

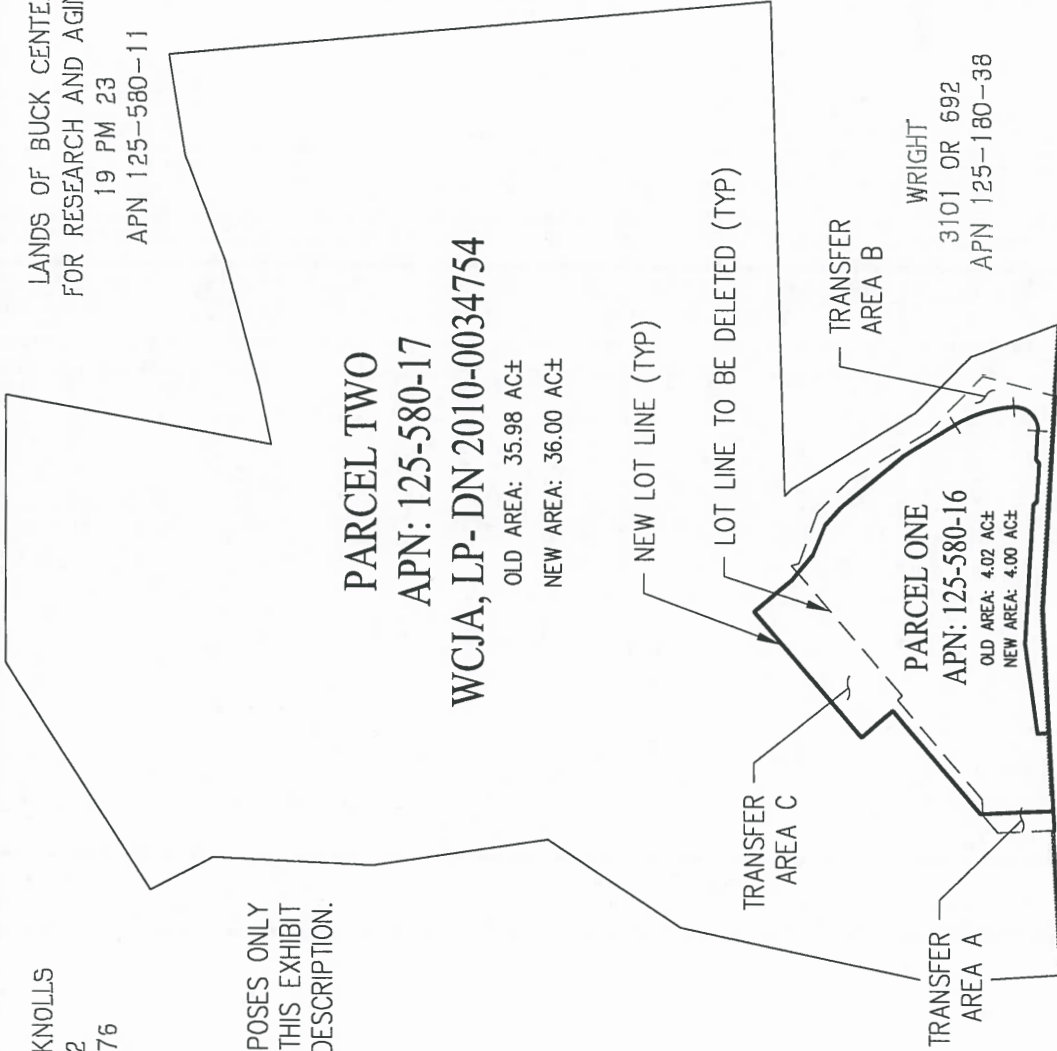
LANDS OF BUCK CENTER
FOR RESEARCH AND AGING
19 PM 23
APN 125-580-11

PARCEL TWO
APN: 125-580-17
WCJA, LP- DN 2010-0034754
OLD AREA: 35.98 AC±
NEW AREA: 36.00 AC±

LANDS OF BUCK CENTER
FOR RESEARCH AND AGING
19 PM 23
APN 125-580-11

PARCEL ONE
APN: 125-580-16
OLD AREA: 4.02 AC±
NEW AREA: 4.00 AC±

WRIGHT
3101 OR 692
APN 125-180-38



SHEET 1 OF 3

REDWOOD BOULEVARD

LOT LINE ADJUSTMENT

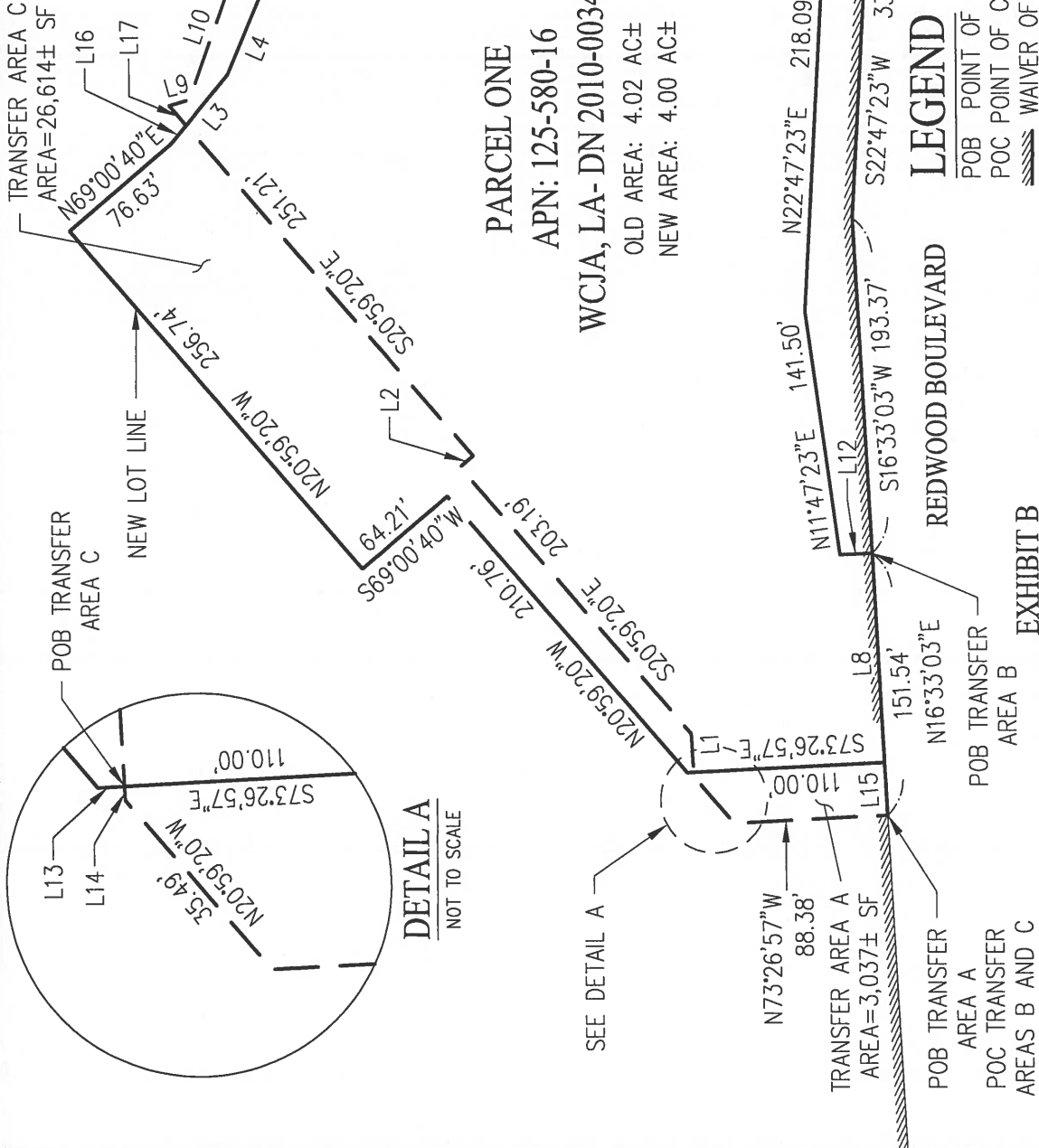
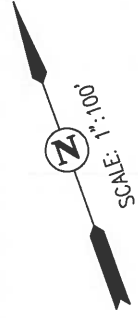
SAN MARIN BUSINESS PARK

CITY OF NOVATO MARIN COUNTY CALIFORNIA
JULY 16, 2019



SAN RAMON (925) 866-0322
SACRAMENTO (916) 375-1877
WWW.CBANDG.COM

CIVIL ENGINEERS SURVEYORS PLANNERS



LOT LINE ADJUSTMENT

SAN MARIN BUSINESS PARK

CITY OF NOVATO MARIN COUNTY CALIFORNIA

JULY 16, 2019



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SACRAMENTO (916) 375-1877
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SHEET 2 OF 3

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. _____

RESOLUTION OF THE NOVATO PLANNING COMMISSION
RECOMMENDING THE NOVATO CITY COUNCIL APPROVE
THE DESIGN OF THE 7711 REDWOOD BOULEVARD
RESIDENCES, LOCATED AT 7711 REDWOOD BLVD; APNS
125-580-16 AND A PORTION OF 125-580-17

WHEREAS, the City of Novato ("City") received a design review application (P2018-085) proposing an 80-unit residential development, located at 7711 Redwood Blvd., APNs 125-580-16 and a portion of 125-580-17, (hereafter "Design Review"); and

WHEREAS, in addition to the application for a Design Review, the Applicant has also submitted applications for general plan map amendment, zoning map amendment, tentative subdivision map, and lot line adjustment (collectively, the "Project"); and

WHEREAS, the Applicant is requesting approval of a design review application pursuant to Novato Municipal Code Section 19.42.030, which establish procedures for the review and approval of a design review application; and

WHEREAS, an Addendum to the Environmental Impact Report for the Novato General Plan 2007-2014 Housing Element ("Certified EIR) was prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA") and the City of Novato Environmental Review Guidelines ("Addendum"). The Addendum analyzed the proposed Project to determine if the changes associated therewith would require the preparation of a Subsequent Environmental Impact Report or Supplement to the Certified EIR; and

WHEREAS, the Addendum did not identify any substantial changes in the project or the circumstances under which the project will be undertaken which will require major revisions of the Certified EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or any new information of substantial importance indicating that the Project will have one or more significant effects not discussed in the Certified EIR, that effects previously examined will be substantially more severe than shown in the Certified EIR, that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, or that mitigation measures or alternatives which are considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment; and

WHEREAS, by separate resolution adopted prior hereto, the Planning Commission did make a recommendation to the City Council regarding the CEQA compliance for the Project and did consider the Certified EIR and the Addendum prior to taking action on the Project; and

WHEREAS, on December 13, 2018, the project applicant hosted a neighborhood meeting to present the Project to and receive feedback from the public. This meeting was noticed and conducted in accordance with the requirements of Novato Zoning Code Section 19.40.070D; and

WHEREAS, on February 6, 2019, the Novato Design Review Commission conducted a publicly noticed workshop to review the design aspects of the Project; and

WHEREAS, on May 1, 2019, the Novato Design Review Commission conducted a publicly noticed hearing to consider providing a recommendation to the Planning Commission and City Council regarding the design aspects of the Project; and

WHEREAS, on May 1, 2019, the Design Review Commission adopted a motion recommending the Planning Commission and City Council approve the design aspects of the Project; and

WHEREAS, public notices describing the Planning Commission's public hearing on the Project, including the Design Review at issue herein, were sent to all affected property owners within 600 feet of the boundaries of the Project site, all public agencies potentially serving the Project or having some oversight of the Project's construction, all responsible and trustee agencies, and all persons requesting notice pursuant to Section 19.58.020 of the Novato Municipal Code, and published in the Marin Independent Journal, a newspaper of local circulation, on October 3, 2019; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 14, 2019, to consider and receive public testimony on the Project, including the Design Review at issue herein; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby finds and resolves as follows:

Section 1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

Section 2. Record

The Record of Proceedings ("Record") upon which the Planning Commission bases its decision on the Amendment includes, but is not limited to: (1) the Certified EIR and Addendum; (2) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to the Certified EIR, the Addendum, the Design Review Application, the Project and the Project's other associated Project Entitlements; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Novato 1996 General Plan and its related EIR, and the Novato Municipal Code; (5) all designs, plans, studies, data and correspondence submitted to the City in connection with the Certified EIR, the Addendum, the Design Review Application, the Project, and the Project's associated Project Entitlements; (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during

the comment period relating to the Certified EIR and Addendum, the Design Review Application, the Project, and the Project's associated Project Entitlements; (7) all other matters of common knowledge to the review authority including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas.

The location and custodian of the records is the Novato Community Development Department, 922 Machin Avenue, Novato, California, 94945.

Section 3. Findings

Pursuant to Novato Municipal Code Section 19.42.030.F, the Planning Commission hereby makes the following 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.

Facts in Support: The proposed Project is consistent with all applicable General Plan policies, as documented in Exhibit A, attached hereto and incorporated herein by reference. Exhibit A lists each applicable policy of the General Plan and details facts supporting the Project's consistency therewith, including the Design Review at issue herein.

Novato Zoning Ordinance

The Project site is located in the AHO overlay zoning district. As such, a housing project at the project site is subject to the development standards of Zoning Ordinance Section 19.16.070, barring the granting of concessions, waivers, or reductions under State Density Bonus Law to provide relief from such standards. With the exception of the requested waivers or reductions of development standards, the project conforms to the City's development standards. The following table lists key development standards applicable to the Project and where a waiver or reduction to said standard is requested.

Development Feature	Zoning Development Standards	Preliminary Project Compliance Condominiums w/o Individual Lots
Minimum/Maximum density	20 to 23 units per acre; 80/93 units	Yes; 80-units
Front	20 ft.	No; encroachment at BLDG's 8, 9, 10, 11, 12, and 13; Subject to density bonus request for a waiver or reduction of development standards.

Sides	10 ft.	No; encroachment at BLDG's 5, 6, and 7; Subject to density bonus request for a waiver or reduction of development standards.
Rear	20 ft.	No; encroachment at BLDG 4; Subject to density bonus request for a waiver or reduction of development standards.
Building Coverage	40%	Yes; Approximately 30%
Height limit	35 ft./up to 42-feet with Design Review approval.	No; ±36 feet to ±43 feet; Subject to density bonus request for a waiver or reduction of development standards.
Landscaping	As required by Division 19.28 (Landscaping).	Yes.
Parking Lot Landscaping	As required by Division 19.30.070.H (Landscaping)	No; Subject to density bonus request for a waiver or reduction of development standards.
Parking	As required by Division 19.30 (Parking and Loading)	Yes; 160 required – 177 provided.
Open Space	150 square feet of usable open space per unit; may be a combination of private and common open space; balconies and decks with no dimension of less than 6-feet.	Yes; 940 sq. ft. per dwelling
Wetland Buffer	50-feet from edge of wetland as delineated by Army Corps of Engineers; reduced buffer may be considered.	No. Buffer of 6 ft. to 32 ft. provided. Subject to density bonus request for a waiver or reduction of development standards.
Trash & Recycling	As required by Section 19.20.120. Min. 384 sq. ft. trash enclosure	Yes; 625 sq. ft. trash enclosure proposed.

Based on the facts discussed above, the design of the Project is consistent with the applicable General Plan policies and Novato Zoning Code regulations.

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.

Facts in Support: The Design Review Commission reviewed the Project for consistency with Finding No. 2, and recommended that the Planning Commission recommend that the City Council

approve the design aspects for the project. With the exception of the requested waivers or reductions of development standards, the project conforms to the City's objective standards regarding community character, harmonious and orderly development, and the creation of a desirable environment for the occupants, neighbors, and visiting public.

The Design Review Commission (DRC) commended the proposed building architecture, recognizing that the sites design difficulties due to the project location, lot configuration, and proximity to US Hwy 101. The DRC agreed with the applicant's decision to request the general plan amendment and zoning map amendment, resulting in additional developable area to accommodate off-street parking for the future residents and guests. The proposed building siding materials, which includes stucco and lap siding, along with the variety of colors, and building articulation, results in a handsome appearance from Redwood Blvd. and US Hwy 101. The DRC also commended the proposed building architecture regarding the proposed color palette, rhythm of the buildings, and its restrained simplicity of design.

Based on the above observations, the project's general site design, massing, architectural design, including finish materials, and the incorporation of usable rooftop and ground-level outdoor spaces results in an orderly development that would provide a desirable environment for residents and their guests.

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.

Facts in Support: The project plans were referred to public agencies responsible for reviewing and providing services, including Novato Public Works, North Marin Water District, Novato Sanitary District, and Novato Fire Protection District. These agencies have submitted comments regarding emergency vehicles access, vehicle circulation, utilities, and drainage. These agencies did not identify any issues that would require revisions of the project's site plan or indicate the proposal represents a threat to the public health, safety, and welfare in terms of providing service to both the project and the larger surround neighborhood. Pedestrian and bicycle facilities exist in the vicinity of the project site, and infrastructure for pedestrians and bicyclists will be extended along the Redwood Blvd. frontage in proximity to the site.

The applicant is required to submit construction detail plans for the Project prior to obtaining a building permit or grading permit. The construction detail plans will be subject to further review by City staff and each agency serving the project to ensure all uniform safety standards and required improvements are provided and property designed to: 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) maintain traffic, pedestrian, and bicycle safety. Additionally, applicable mitigation measures adopted with the 2007-2014 Housing Element EIR will ensure that the project does not have a significant environmental impact from the construction or use at the site. City staff has reviewed the proposed project for consistency with the applicable mitigation measures, and will continue to monitor the development of the project to ensure compliance with those mitigation measures.

Section 4. Design Review Approval, Conditions of Approval, and Indemnity and Time Limitations

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission hereby recommends the City Council approve the design aspects of the Project, as shown on the plans prepared by KTG Architecture + Planning, Carlson, Barbee & Gibson, and JETT Landscape Architecture + Design, dated June 10, 2019, included herein by reference, for the Project, based on the findings set forth herein and subject to the following 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 applicant, or any successor in interest to the Project, shall implement all uniform standards specified for construction work over and near the natural gas transmission lines crossing the project site as specified by Pacific Gas and Electric (PG&E) in its letter to the Community Development Department dated November 20, 2018, and as accepted by the Michael Hooper (representing the applicant) in an email dated May 1, 2019, as a component of the proposed project.
3. The applicant shall make available at the site, colors (minimum 3-foot by 3-foot per color) painted on one building for individual DRC members to view in the field. The DRC members will convey their opinion regarding colors to Planning Division staff. Planning Division staff will confer with the applicant regarding the color palette and staff shall render a final decision regarding colors for the project. The applicant shall notify Planning Division staff one week prior to the building color review period. The applicant shall make the building colors available for DRC member review for not less than 5 consecutive days.
4. 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.

5. 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 result in the City withholding issuance of related building permits, certificate of occupancy, and recordation of final maps or other entitlements.
6. The applicant, or any successor in interest to the Project, shall be subject to paying all applicable development impact fees as specified in City Council Resolutions No. 67-02 and 69-02, as subsequently amended from time to time.
7. The applicant, or any successor in interest to the Project, shall develop the project in compliance with the applicable Mitigation Measures, as detailed in the Mitigation Monitoring and Reporting Program, as set forth in Exhibit B, attached hereto and incorporated as Conditions of Approval by reference.
8. Indemnity and Time Limitations
 - a. The developer, property owner 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 action(s) 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 developer, the property owner, the City, and/or parties initiating or bringing such action.
 - b. The developer, property owner 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 developer 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 developer 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 developer 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 developer 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 developer or property owner.

- d. The developer, property owner 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.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the ____ day of _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of the resolution which was adopted by the Planning Commission, City of Novato, County of Marin, State of California, on the ____ day of _____.

Chair

Exhibit A General Plan Consistency Findings
Exhibit B Mitigation Monitoring and Reporting Program

Reference: P2018-085

EXHIBIT A

7711 REDWOOD BLVD RESIDENCES

NOVATO GENERAL PLAN CONSISTENCY FINDINGS

The Planning Commission hereby finds that the proposed Project is consistent with the Novato General Plan, including, but not limited to, the following applicable General Plan policies:

1996 NOVATO GENERAL PLAN

LAND USE CHAPTER

LU Policy 1 Implementation of Land Use Map. Implement the Land Use Designations Map by approving development and conservation projects consistent with the land use definitions, densities and intensities indicated in LU Table 2. Ensure consistency between the General Plan, the Zoning Ordinance, and other land use regulations.

LU Policy 2 Development Consistent with General Plan. Allow development at any density within the range shown by the Land Use Designations Map provided applicable objectives, policies and programs of all chapters of the General Plan are met. Maximum densities (top of stated density range applied to total gross acreage) may in some cases be achieved, but there is no guarantee of achieving the maximum density.

Facts in Support: The Project includes a general plan amendment to reconfigure the 4-acre boundary of the Affordable Housing Opportunity (AHO) Overlay Land Use Designation for Site No. 3. This action would simply reconfigure the existing 4-acre overlay and would not change the land use or allow for additional development at the site. The Project also includes a zoning map amendment to conform to the general plan amendment.

Based on the facts set forth above and the Record as a whole, the Planning Commission finds the Project to be consistent with and advance LU Policies 1 and 2.

LU Policy 7 Growth Management. Recognize the available and planned capacity of infrastructure and public services when considering proposals for development.

Facts in Support: The Project was referred to the Novato Public Works Department, Novato Sanitary District, North Marin Water District, and the Novato Fire Protection District. These government entities are responsible for ensuring the provision of adequate infrastructure for water, sewer, emergency medical/fire, and stormwater control. Each agency provided draft conditions of approval intended to ensure the Project provides adequate infrastructure. These conditions of

approval are to be adopted for the Project and implemented through the construction design and physical construction phases of the Project. These agencies did not identify any constraints relating to service of the Project on an individual or cumulative basis.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with LU Policy 7.

HOUSING ELEMENT

HO Policy 3.2 Design that Fits into the Neighborhood Context. It is the City's intent that neighborhood identity and sense of community will be enhanced by designing all new housing to have a transition of scale and compatibility in form to the surrounding area.

Facts in Support: The Project site is in area that is relatively undeveloped, although both residential, commercial, and institutional development is located nearby and visible from the Project site. The applicant has designed the project buildings, including landscaping, in a manner intended to soften the appearance of the Project improvements from surrounding areas. The project includes pedestrian paths and outdoor areas for the future residents' enjoyment, and will connect to existing pedestrian and bicycle facilities on Redwood Blvd.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with HO Policy 3.2.

HO Policy 3.3 Housing Design Principles. The intent in the design of new housing is to provide stable, safe, and attractive neighborhoods through high quality architecture, site planning, and amenities that address the following principles:

- a. Reduce the perception of building bulk. In multi-unit buildings, encourage designs that break up the perceived bulk and minimize the apparent height and size of new buildings, including, for example, the use of upper story stepbacks and landscaping. Application of exterior finish materials, including siding, trim, windows, doors and colors, are important elements of building design and an indicator of overall building quality.
- b. Recognize existing street patterns. Where appropriate, encourage transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Design new housing so that, where appropriate, it relates to the existing street pattern.
- c. Enhance the "sense of place" by incorporating focal areas where appropriate. Design new housing around natural and/or designed focal points, emphasized through pedestrian/pathway or other connections.
- d. Minimize the visual impact of parking areas and garages. Discourage home designs in which garages dominate the public façade of the home (e.g. encourage driveways and garages to be located to the side or rear of buildings,

or recessed, or along rear alleyways or below the building in some higher density developments).

Facts in Support: The project includes 80 residential units in 14 buildings. The buildings are designed with wall and roof articulations, a variety of colors, materials, and finishes with the intent of reducing their perceived bulk while adding overall design interest. The proposed perimeter and internal circulation provides coordinated access to and through the site. The project is designed with pedestrian corridors and outdoor space for resident enjoyment. All of the units have garage parking for two vehicles. Additional uncovered parking is located in the western portion of the site away from the residential buildings.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with HO Policy 3.3.

ENVIRONMENT

EN Policy 9 Determination of Wetlands. Recognize the US Army Corps of Engineers (ACE) as the designated permitting agency that regulates wetlands. In regulating wetland activities, the ACE consults with other agencies and organizations, including but not limited to the US Fish and Wildlife and State Department of Fish and Game.

EN Policy 10 Wetlands Ecology. Preserve and enhance wetlands.

Facts in Support: The applicant has obtained a preliminary jurisdictional wetlands determination from the USACE. The proposed project does not encroach on any wetlands. The applicant has submitted a Wetlands Management Plan, consistent with the Novato Municipal Code. The Wetlands Management Plan analyzed whether the project would have adverse impacts on the identified wetlands, and it was determined that the project would not adversely impact the identified wetlands adjacent to the project site. Therefore, the reduced setback request will not cause any specific, adverse impact upon the health, safety, or physical environment that would result from the proposed reduced wetlands setback.

EN Policy 18 Species Diversity and Habitat. Protect biological resources that are necessary to maintain a diversity of plant and animal species.

Facts in Support: The applicant has submitted a Biological Resources Analysis that analyzed the proposed project to identify any impacts that the project would have on biological resources from the construction and operation of the proposed project. The analysis concluded that the proposed project would not have an adverse impact on biological resources based on existing Mitigation Measures applicable to the project site and development standards required by the Novato Municipal Code.

EN Policy 23 Native Woodlands. Maintain age and species diversity of native woodlands, and preserve the health of trees and other vegetation wherever feasible.

Facts in Support: There are not native woodlands on the 4-acre site proposed for development. There are three oak trees located on or adjacent to the project site. The applicant has submitted a tree protection plan to ensure that the project will not have an adverse impact on the three oak trees.

EN Policy 26 Trees in New Development. Require that the site planning, construction and maintenance of development preserve existing healthy trees and native vegetation on site to the maximum extent feasible. Replace trees and vegetation not able to be saved.

Facts in Support: The project will retain the three existing trees that are on or adjacent to the site. Additionally, the project includes over 160 additional trees.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with EN Policy 26.

EN Policy 39 On-Site Recycling Areas. Require on-site areas for recycling in commercial/retail, office and multi-family residential developments as required by State law.

Facts in Support: The proposed floor plans include area for three trash/recycling bins in each garage. Additionally, a large trash enclosure would accommodate large recycling bins.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with EN Policy 39.

COMMUNITY IDENTITY

CI Policy 1 Compatibility of Development with Surroundings. Ensure that new development is sensitive to the surrounding architecture, topography, landscaping, and to the character, scale, and ambiance of the surrounding neighborhood. Recognize that neighborhoods include community facilities needed by Novato residents as well as homes, and integrate facilities into neighborhoods.

Facts in Support: The project site is located below a hillside on a relatively flat parcel. Above the project site on the hillsides to the west and northwest are existing residences within the Partridge Knolls subdivision, and commercial-type buildings that comprise the Buck Institute. The project's architecture, finish materials and colors are sensitive to the setting while achieving the minimum density. Additionally, a significant numbers of trees, grasses, bushes, and shrubs are incorporated with the landscape plan that will serve to screen the project from Redwood Blvd. and US Highway 101. The requested waiver of development standards, including those for height, building setbacks, wetland setback reduction, and tree plantings, have been reviewed for consistency with general plan policies, and it is determined that the requested waiver of development standards will not result in any specific, adverse impact upon the health, safety, or physical environment.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with CI Policy 1.

CI Policy 3 Variety in Design. Discourage sameness and repetitive designs.

Facts in Support: The project includes building articulation, a multi-color palette for building facades, and a variety of finish materials to add design interest to the proposed project.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with CI Policy 3.

CI Policy 14 Open Areas and Landscaping. Require provision of adequate landscaped, open areas in project design.

Facts in Support: The project includes extensive areas of landscaping, including trees, bushes, and shrubs, and grasses.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with CI Policy 14.

CI Policy 15 Pedestrian Paths. Provide for maximum feasible pedestrian circulation.

Facts in Support: The project includes pedestrian pathways throughout the project site and connects to the existing sidewalks on Redwood Blvd.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with CI Policy 15.

EXHIBIT "B"

**NOVATO HOUSING ELEMENT 2007- 2014
RELATED PROGRAMS & LEGISLATIVE AMENDMENTS
FINAL ENVIRONMENTAL IMPACT REPORT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p>Mitigation Measure 3.2-1: <i>As part of the City's design review and entitlement process, the City shall require future development plans for Sites 1 through 5 to implement the following:</i></p> <ul style="list-style-type: none"> • <i>Only natural gas burning fireplaces shall be installed in the housing units to reduce Area Source criteria pollutants.</i> • <i>Only low Volatile Organic Compound paint (150 g/L) (interior and exterior) shall be used on the project site.</i> • <i>The developer shall install high efficiency appliances (refrigerator, fans, washers).</i> • <i>The developer shall install low-flow faucets, toilets, showers.</i> • <i>The developer shall install water-efficient irrigation systems.</i> 	City of Novato	At the time of design review (Sites 1 through 5)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City ensures mitigation measure is added as condition of approval through design review.</p> <p>City ensures construction plans and specifications demonstrate compliance with condition of approval.</p> <p>City conducts inspections for compliance with condition of approval.</p> <p>City ensures installation of proper equipment and fixtures before releasing occupancy.</p>
<p>Mitigation Measure 3.2-2: <i>To reduce construction related emissions, the City shall require future project developers to implement the following measures:</i></p> <ul style="list-style-type: none"> • <i>All active construction areas shall be watered at least two times per day.</i> • <i>All unpaved access roads, parking areas, and staging areas shall be</i> 	City of Novato	At the time of design review (Sites 1 through 5)	<p>During design review</p> <p>Ongoing during construction</p>	City ensures mitigation measure is added as condition of approval through design review.

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>watered at least three times daily or shall have non-toxic soil stabilizers applied.</i></p> <ul style="list-style-type: none"> • <i>All haul trucks transporting soil, sand, or other loose material off-site shall be covered or shall maintain at least two feet of freeboard.</i> • <i>All paved access roads, parking areas, and staging areas, as well as any track-out onto adjacent public roads shall be removed using water street sweepers at least once per day. The use of dry power sweeping is prohibited.</i> • <i>All vehicle speeds on unpaved roads shall be limited to 15 mph.</i> • <i>For all sites with riparian or wetland areas, install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.</i> • <i>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</i> • <i>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</i> • <i>All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</i> • <i>Post a publicly visible sign at the construction site with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The</i> 				<p>City ensures construction plans and specifications demonstrate compliance with condition of approval.</p> <p>City conducts inspections for compliance with condition of approval.</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>Bay Area Air Quality Air District's phone number shall also be visible to ensure compliance with applicable regulations.</i></p> <ul style="list-style-type: none"> • <i>All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour or wind gusts exceed 25 miles per hour.</i> • <i>Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction.</i> • <i>Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</i> • <i>The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.</i> • <i>All trucks and equipment, including their tires, shall be washed off prior to leaving the site.</i> • <i>Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.</i> • <i>Minimizing the idling time of diesel powered construction equipment to two minutes.</i> • <i>The project developer shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent Nitrogen Oxides reduction and 45 percent Particulate Matter reduction compared to the most recent California Air Resources Board fleet average.</i> 				

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.</i></p> <ul style="list-style-type: none"> • <i>Use low Volatile Organic Compound (i.e., Reactive Organic Gases) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).</i> • <i>Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of Nitrogen Oxides and Particulate Matter.</i> • <i>Requiring all contractors use equipment that meets the California Air Resources Board's most recent certification standard for off-road heavy duty diesel engines.</i> 				
<p>Mitigation Measure 3.2-3: <i>As part of the City's design review and entitlement process for Sites 2, 3, and 4, the project applicant shall retain a qualified professional to perform a health risk assessment to determine potential impacts associated with exposure to Toxic Air Contaminants.</i></p> <p><i>If Toxic Air Contaminant exposure levels exceed acceptable levels or indicate a significant increase in cancer risk, the health risk assessment shall identify measures that the development project will implement to reduce exposure to acceptable levels. Potential measures include development setbacks (e.g., increased distance from US 101), setbacks of ground floor units (e.g., use ground floor for parking, storage, office space) if upper floor units are at acceptable exposure levels, indoor air filtration equipment, disclosure statements to prospective buyers or renters notifying them of predicted health risks and identifying the importance of maintenance of any specialized</i></p>	City of Novato	At time of design review (Sites 2, 3, and 4)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews health risk assessment and requires appropriate measures, if necessary, as conditions of approval through design review.</p> <p>City ensures construction plans and specifications demonstrate compliance with conditions of approval.</p> <p>City conducts</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<i>equipment and keeping windows and doors shut during peak traffic periods).</i>				inspections to determine compliance with approved construction plans.
<i>Mitigation Measure 3.3-1:</i> <i>As part of the City of Novato's design review and entitlement process for any development on Sites 1, 3, 4, and 5, the project applicant for the particular site shall retain a qualified biologist to perform plant and wildlife field surveys of the site and prepare a site specific biological resource assessment. The field survey(s) shall coincide with the appropriate season (i.e. plants surveys during blooming period) for special status species that are known to occur in the region, and shall be performed in accordance with the specific methodologies outlined by the regulatory agencies. If it is determined that a site(s) contain special status species, the applicant shall seek to avoid the special status plants through the design and site planning. If avoidance of the species cannot be accommodated based on other considerations, then the applicant shall coordinate with the listing regulatory agency or organization to determine the appropriate permits, minimization measures, and compensatory mitigation if necessary. At a minimum, the applicant shall minimize the impact by contracting with qualified botanist with previous experience with the particular species that was discovered to hand excavate and relocate the individuals plants and seed bank to a pre-determined replanting site. The replanting site shall contain similar suitable habitat conditions and shall be protected from livestock or other undesirable wildlife, as well as from human entry. A report summarizing the findings of excavation, and replanting efforts shall be prepared and submitted to the City of Novato and the listing regulatory agency or organization. The replanting area shall be monitored for three years to determine the success of replanting efforts. Success is determined by the number of relocated plants that survive. If the success rate after three years is below 75%, consultation with the listing regulatory agency or organization will be</i>	City of Novato	At time of design review (Sites 1, 3, 4, and 5)	During design review. During construction	<p>City reviews biological resource assessment and requires project modifications and/or applies conditions of approval through the design review process.</p> <p>City ensures construction documents include proper specifications and details demonstrating compliance with project changes and/or conditions of approval, if necessary.</p> <p>City conducts inspections to determine compliance with conditions of approval.</p> <p>City ensures compliance with conditions of approval before releasing occupancy.</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<i>required to develop appropriate remediation plans. The applicant shall be responsible for obtaining permits/authorizations prior to any disturbance. If it is determined that the site(s) do not contain special status species, then no additional action is necessary.</i>				
<p>Mitigation Measure 3.3-2: <i>As part of the City of Novato's design review and entitlement process, any development on the Sites 1 through 5 shall be conditioned as follows:</i></p> <p><i>If project construction activities, including vegetation clearing, are to occur during the nesting season for birds protected under the California Fish and Game Code and Migratory Bird Treaty Act (approximately March 1-August 31) the applicant shall retain a qualified biologist to perform preconstruction surveys for protected birds, including nesting raptors, on the site and in the immediate vicinity. At least two surveys shall be conducted no more than 15 days prior to the initiation of construction activities, including vegetation clearing. In the event that protected birds, including nesting raptors, are found on the project site, offsite improvement corridors, or the immediate vicinity, the project proponent shall:</i></p> <ul style="list-style-type: none"> • <i>Locate and map the location of the nest site. Within 2 working days of the surveys prepare a report and submit to the City and CDFW;</i> • <i>A no-disturbance buffer of 250 feet shall be established;</i> • <i>On-going weekly surveys shall be conducted to ensure that the no disturbance buffer is maintained. Construction can resume when a qualified biologist has confirmed that the birds have fledged.</i> <p><i>In the event of destruction of a nest with eggs, or if a juvenile or adult raptor should become stranded from the nest, injured or killed, the qualified biologist shall immediately notify the CDFW. The qualified biologist shall coordinate with the CDFW to have the injured raptor either transferred to a raptor recovery center or, in the case of mortality, transfer it to the CDFW within 48 hours of notification. If directed/authorized by</i></p>	City of Novato Project Biologist	At time of design review (Sites 1 through 5)	During design review During construction	<p>City ensures mitigation measure is added as condition of approval through design review.</p> <p>Project Biologist performs nesting bird survey prior to construction.</p> <p>Project Biologist advises City of survey findings.</p> <p>Project Biologist implements actions specified in the condition of approval if protected birds are present.</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<i>the CDFW during the notification, the qualified biologist may transfer the injured raptors to a raptor recovery center.</i>				
<p>Mitigation Measure 3.3-3: <i>As part of the City of Novato's design review and entitlement process for any development on Site 1 and Site 5 due their proximity to Novato Creek and Vineyard Creek, respectively, are subject to the policies of the Novato General Plan addressing water resources and Novato Zoning Code Division 19.35, Waterway and Riparian Protection. Accordingly a future multi-family residential project on Site 1 and/or Site 5 would be required to avoid the placement of structures or disturbance of land within the 50-foot stream protection zone required by Division 19.35.</i></p> <p><i>Should a future project contemplate encroachment into the stream protection zone, then the review procedures, documentation, and design standards and criteria of Division 19.35 would be triggered. This would include the need to obtain a use permit to allow development activities in the stream protection zone. With respect to Site 1 specifically, Draft Housing Element Program 9.B establishes a minimum 20-foot setback from the top of bank of Novato Creek. This program requirement is, in part, intended to buffer the riparian habitat along Novato Creek from future development. Accordingly, any future encroachment within the stream protection zone at Site 1 would be limited by Program 9.B.</i></p>	City of Novato	At time of design review (Sites 1 through 5)	<p>During design review</p> <p>During plan check</p> <p>During Construction</p>	<p>City reviews project plans for compliance with HO Program 9.B and Novato Zoning Code Division 19.35 during design review.</p> <p>City confirms compliance with HO Program 9.B and Division 19.35 or requires project changes and/or applies conditions of approval to achieve compliance through design review.</p> <p>City reviews construction plans to ensure compliance with HO Program 9.B and Division 19.35 and any conditions of approval relating thereto applied during design review.</p> <p>City conducts inspections to determine compliance with conditions</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				of approval and approved construction plans.
<p>Mitigation Measure 3.3-4: As part of the City of Novato’s design review and entitlement process, any development on the Site 1 and 5 shall be conditioned as follows:</p> <p>Prior to any ground disturbance, the project applicant shall install orange construction barrier fencing at the limits of the development to identify environmentally sensitive areas around Novato Creek (Site 1) or Vineyard Creek (Site 5) and its associated riparian habitat. Before construction, the contractor shall work with the Design Engineer and qualified biologist to identify the locations for the barrier fencing, and shall place stakes around the sensitive area to indicate these locations. The fencing shall be installed before construction activities are initiated and shall be maintained throughout the construction period. The following paragraph shall be included in the construction specifications:</p> <ul style="list-style-type: none"> The Contractor’s attention is directed to the areas designated as “environmentally sensitive areas.” These areas are protected, and no entry by the Contractor for any purpose will be allowed unless specifically authorized in writing by the City of Novato. The Contractor shall take measures to ensure that Contractor’s forces do not enter or disturb these areas, including giving written notice to employees and subcontractors. <p>Temporary fences around the environmentally sensitive areas shall be installed as the first order of work. Temporary fences shall be furnished, constructed, maintained, and removed as shown on the plans, as specified in the special provisions, and as directed by the Design Engineer. The fencing shall be</p>	City of Novato Contractor	At time of design review (Sites 1 and 5).	<p>During design review</p> <p>Prior to and during construction</p>	<p>City ensures mitigation measure is added as condition of approval through design review.</p> <p>City ensures construction plans demonstrate compliance with condition of approval.</p> <p>Contractor installs fencing prior to construction.</p> <p>City confirms installation of barrier fencing prior to construction.</p> <p>Contractor monitors condition of barrier fencing and makes repairs as necessary.</p> <p>City monitors condition of barrier fencing and directs</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<i>commercial-quality woven polypropylene, orange in color, and at least 4 feet high (Tensor Polygrid or equivalent). The fencing shall be tightly strung on posts with a maximum 10-foot spacing.</i>				contractor to make repairs as necessary.
<p>Mitigation Measure 3.3-5: <i>As part of the City of Novato's design review and entitlement process, any development on the Sites 1, 3, 4, or 5 shall be conditioned as follows:</i></p> <ul style="list-style-type: none"> <i>Prior to any activities that would result in removal, fill, or hydrologic interruption of the hydrologic features on Site 1, 4, or 5, a formal wetland delineation shall be performed by a qualified biologist and submitted to the USACE for verification. If the USACE determines that the hydrologic features are jurisdictional and that the project activities would result in a fill, the applicant shall secure an authorization of the fill through the Section 404 permit process.</i> <i>The USACE has determined that the hydrologic features on Site 3 are jurisdictional. If the design of a future residential project at Site 3 cannot be designed to avoid the abutting jurisdictional hydrologic features and is determined to have project activities that would result in the fill of a jurisdictional wetland, the applicant shall secure an authorization of the fill through the Section 404 permit process.</i> <i>Prior to any activities that would result in removal, fill, or hydrologic interruption of the hydrologic features on Site 1, 3, 4 or 5, the City shall consult with the CDFG to determine if the activities are subject to Section 1601 of the Fish and Game Code. If the CDFG determines that the project activities are subject to these regulations, the applicant shall secure an authorization of the activities through a Streambed Alteration Agreement.</i> 	City of Novato	At time of design review (Sites 1, 3, 4, and 5)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews biological resource assessment and wetland delineation.</p> <p>City requires project modifications or applies conditions of approval through design review as necessary.</p> <p>City ensures applicant obtains proper permits from USACE and CDFW, as necessary.</p> <p>City ensures construction plans demonstrate compliance with conditions of approval related to hydrologic features, if applied.</p> <p>Contractor complies with conditions of approval during construction.</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				City conducts inspections to determine compliance with conditions of approval.
<i>Mitigation Measure 3.3-6: The City of Novato shall require, during the design review and entitlement process, any development proposal to include an arborist report that documents and maps the location and health of trees located on the site. The applicant shall seek to avoid trees on the site to the extent feasible. Trees that must be removed to enable the development shall be conditioned to replace the trees consistent with the Woodland and Tree Preservation Ordinance. The minimum replacement shall be a 3:1 ratio for native trees, replaced on-site.</i>	City of Novato	At time of design review.	During design review During plan check During construction At final occupancy	City reviews arborist report and requires project modifications and/or applies conditions of through design review as appropriate. City ensures construction plans demonstrate compliance with approved design review and/or conditions of approval, if applied. City conducts inspection to determine compliance with approved construction plans.
<i>Mitigation Measure 3.4-1: As part of the City of Novato's design review and entitlement process for any development on AHO Sites 1, 2, 3, 4, and 5 and the emergency shelter site, the project applicant shall have a project-specific cultural resources report prepared by a qualified archaeologist. As part of the cultural resources report, the report preparer shall contact the Federated Indians of</i>	City of Novato Contractor Project Archeologist	At time of design review	During design review During plan check During construction	City reviews cultural resources report and requires project modifications and/or conditions of approval through design

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>the Graton Rancheria to determine if there are any known prehistoric resources of interest to the Graton Rancheria on the site.</i></p> <p><i>If any potentially eligible resources are identified, then the archaeologist shall identify mitigation recommendations. The City and Project applicant shall consider the recommendations and the project applicant shall implement all measures deemed feasible and appropriate by the City and sufficient to reduce the impact to less than significant. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, and other appropriate measures. The implementation of mitigation shall be formally documented in writing and submitted to the City Planning Department as verification that the mitigation has occurred.</i></p>				<p>review, as necessary.</p> <p>City ensures construction plans demonstrate compliance with project modifications and/or conditions of approval, if applicable.</p> <p>Contractor monitors for cultural resources during construction.</p> <p>Project archeologist is contacted if suspected cultural resources are encountered.</p> <p>Project archeologist provides recommendations regarding cultural resources.</p> <p>City ensures contractor implements Project Archeologist's recommendations.</p>
<p>Mitigation Measure 3.4-2: <i>As part of</i></p>	<p>City of Novato</p>	<p>At time of</p>	<p>During design</p>	<p>City reviews</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>the City of Novato's design review and entitlement process for any development on the AHO site containing CA-MRN-678 (formerly CA-MRN-352), the project applicant shall design future development to avoid CA-MRN-678 consistent with General Plan CI Program 30.4.</i></p>		design review	Review During plan check	<p>cultural resources report and requires project modifications and/or applies conditions of approval through design review to avoid CA-MRN-678, as necessary.</p> <p>City ensures construction plans demonstrate compliance with approved design review and/or conditions of approval related to CA-MRN-678, as applicable.</p>
<p>Mitigation Measure 3.4-3: <i>If any cultural resources, including prehistoric or historic artifacts, other indications of archaeological resources, paleontologic resources, or human remains are found during grading and construction activities on any of the five AHO sites or the emergency shelter site, all work shall be halted immediately within a 200-foot radius of the discovery.</i></p> <p>- <i>If cultural resources are identified, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the find(s). Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially</i></p>	<p>City of Novato</p> <p>Contractor</p> <p>Project Archeologist</p>	At time of construction	During construction	<p>Contactor monitors for cultural resources and human remains.</p> <p>Contractor contacts City and Project Archeologist if suspected cultural resources and/or human remains are unearthed.</p> <p>Archeologist notifies County Coroner if suspected</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>significant or eligible for listing on the NRHP or CRHR.</i></p> <ul style="list-style-type: none"> - <i>If a potentially eligible resource is encountered, then the archaeologist shall identify mitigation recommendations. The City and Project applicant shall consider the recommendations and the project applicant shall implement all measures deemed feasible and appropriate by the City. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, and other appropriate measures. The implementation of mitigation shall be formally documented in writing and submitted to the City Planning Department as verification that the provisions in CEQA for managing unanticipated discoveries have been met.</i> - <i>If Native American resources are identified, a Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may also be required and, if required, shall be retained at the Applicant's expense.</i> - <i>If human remains are discovered, all work shall be halted immediately within 200 feet of the discovery, the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.</i> 				<p>human remains are unearthed.</p> <p>Project Archeologist makes recommendations regarding treatment of cultural resources.</p> <p>Project Archeologist, City, and closest descendants coordinate for proper treatment of human remains.</p>
<p>Mitigation Measure 3.10-1: <i>As part of the City's design review and entitlement process, the City shall require the following measures for the five AHO sites: The following measures, when applicable, shall be followed throughout all phases of construction to reduce noise from construction activities and shall be the responsibility of the construction contractor and</i></p>	<p>City of Novato</p> <p>Contractor</p>	<p>At time of design review</p>	<p>During design review</p> <p>During construction</p>	<p>City ensures mitigation measure is applied as condition of approval through design</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>project applicant:</i></p> <ul style="list-style-type: none"> • <i>Construction equipment shall be well maintained and used judiciously to be as quiet as practical. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</i> • <i>Use "quiet" models of air compressors and other stationary noise sources where technology exists.</i> • <i>Locate stationary noise-generating equipment and construction staging areas as far as feasible from sensitive receptors, including neighboring residential uses, when sensitive receptors adjoin or are near a construction area.</i> • <i>Prohibit unnecessary idling of internal combustion engines.</i> • <i>Designate a "construction liaison" who would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.</i> • <i>Hold a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed.</i> 				<p>review.</p> <p>City ensures construction plans demonstrate compliance with condition of approval.</p> <p>Contractor implements noise control measures during construction.</p> <p>Contractor monitors construction to prevent noise issues and addresses complaints regarding construction noise.</p>
<p>Mitigation Measure 3.10-2: <i>As part of the City's design review and entitlement process, the City shall require the following measures for AHO Sites 1 and 2:</i></p> <ul style="list-style-type: none"> • <i>The pre-existing condition of any buildings within 25 feet of any construction activities shall be recorded in order to evaluate damage from project-related construction. Fixtures and finishes within a 25-foot radius of</i> 	<p>City of Novato</p> <p>Contractor</p>	<p>At time of design review</p>	<p>During design review</p> <p>During plan check</p> <p>During construction</p>	<p>City ensures mitigation measure is applied as condition of approval through design review.</p> <p>Contractor</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.</i></p> <ul style="list-style-type: none"> • <i>Should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid any further structural damage.</i> 				<p>documents and submits existing conditions record to the City prior to issuance of building permit.</p> <p>Contractor monitors for damage.</p> <p>Contractor notifies City of and repairs any damage to nearby buildings.</p> <p>Contractor consults qualified engineer if damage continues.</p> <p>Contractor performs repairs and implements measures recommended by the qualified engineer.</p>
<p>Mitigation Measure 3.10-3: <i>As part of the City's design review and entitlement process for AHO Sites 2, 3, 4, and 5, the City shall require forced-air mechanical ventilation for units throughout a multi-family residential project so that windows could be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standard of 45 dBA Ldn. Closed windows typically provide 25 dBA of noise reduction.</i></p>	<p>City of Novato</p> <p>Contractor</p>	<p>At time of design review (Sites 2 through 5)</p>	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final</p>	<p>City ensures mitigation measure is applied as condition of approval through design review.</p> <p>City ensures</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
			occupancy	<p>construction plans demonstrate compliance with condition of approval.</p> <p>Contractor installs forced air mechanical ventilation system.</p> <p>City inspects forced air mechanical ventilation system and confirms compliance prior to final occupancy.</p>
<p>Mitigation Measure 3.10-4: <i>As part of the City's design review and entitlement process for AHO Sites 3, 4, and 5, the City shall require that sensitive exterior areas (patio/balcony) associated with future residential uses be located outside of the 65 dBA Ldn exterior traffic noise contour as shown on Figure 3.10-1. If sensitive receptors are to be located within the 65 dBA Ldn exterior noise contour, outdoor activity areas shall be shielded from the noise source using site design measures such as building orientation or sound walls to maintain a 60 dBA Ldn exterior noise level for recreation areas and 65 dBA Ldn for exterior balconies and porches.</i></p>	City of Novato	At the time of design review (Sites 3, 4, and 5)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City requires design changes to comply with mitigation measure or applies conditions of approval through design review as necessary.</p> <p>City ensures construction plans comply with any project changes and/or conditions of approval</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				<p>applied through design review.</p> <p>City inspects project to ensure compliance with approved project design and/or conditions of approval.</p>
<p>Mitigation Measure 3.10-5: <i>As part of the City's design review and entitlement process for AHO Sites 1, 2, and 5, the City shall require the site design to implement measures to reduce exposure of adjacent uses to noise associated with mechanical equipment and on-site play areas through use of setbacks and/or barriers (e.g., placement of walls, buildings, parapets, or other structures between the noise source and adjacent sensitive receptors) to ensure that mechanical equipment associated with new development on Sites 1, 2, and 5 maintains an exterior noise level of 60 dBA Ldn at on- and off-site recreation and yard areas and a noise level of 65 dBA Ldn for exterior balconies and porches at on- and off-site multi-family units.</i></p>	City of Novato	At time of design review (Sites 1, 2, and 5)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review for location of mechanical equipment.</p> <p>City requires project design changes and/or applies conditions of approval regarding mechanical equipment through design review, if necessary.</p> <p>City ensures construction plans demonstrate compliance with any project changes and/or conditions of approval applied through design review.</p> <p>Contractor</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				<p>constructs project according to approved construction plans.</p> <p>City inspects project to ensure compliance with approved construction plans.</p>
<p>Mitigation Measure 3.10-6: <i>As part of the City's design review and entitlement process for AHO Sites 3 and 4, the City shall require a project applicant to retain a qualified acoustical consultant to participate in the development of the final construction plans to ensure that sensitive residential buildings are designed with appropriate noise-attenuating construction features to maintain an acceptable interior noise level of 45 dBA Ldn at those habitable spaces exposed to exterior noise levels exceeding 65 dBA Ldn due to NCRA and SMART train operations. The acoustical consultant shall perform a detailed acoustical analysis based on latest and best information about NCRA and SMART rail operations to inform the acoustical recommendations for interior noise reduction. Feasible methods to achieve acceptable interior noise levels of 45 dBA Ldn may include various Sound Transmission Class (STC) rated sound dampening techniques, such as the installation of STC-rated windows; or employing the use of double-leaf partitions, noise insulation materials and/or resilient wall channels.</i></p>	City of Novato	At time of design review (Sites 3 and 4)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City ensures mitigation measure is applied to project through design review process.</p> <p>City receives and reviews acoustical study.</p> <p>City ensures construction plans and specifications include design features recommended by acoustical consultant.</p> <p>Contractor installs design features recommended by acoustical consultant.</p> <p>City inspects installation of design features recommended</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				by acoustical consultant.
Mitigation Measure 3.10-7: <i>As part of the City's design review and entitlement process for AHO Site 4, the City shall require the Project Applicant to prepare and distribute a disclosure to all prospective occupants of the project describing the project's proximity to the NCRA and SMART rail line and the potential for train-related noise, including train warning horns: The disclosure shall specifically note that exterior porches and balcony areas on the east side of the project site may be exposed to periodic noise from the SMART and NCRA warning horns.</i>	City of Novato Project Applicant	Prior to release of occupancy	Prior to release of occupancy Ongoing during occupancy	City reviews disclosure statement. Applicant provides approved disclosure to new residents.
Mitigation Measure 3.13-1: <i>As part of the City's design review and entitlement process, the City shall require that any driveway serving Site 1 (1787 Grant Avenue) be located a minimum of 150 feet to the east of Novato Creek, and preferably as a southern leg to the existing intersection at Grant Avenue/8th Street.</i>	City of Novato	At time of design review (Site 1)	During design review During plan check At final occupancy	City reviews project plans through design review. City requires project changes and/or applies condition of approval addressing driveway location through design review. City ensures construction plans comply with required project changes and/or conditions of approval applied through design review. Contractor installs driveway pursuant to the

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				<p>approved construction plans.</p> <p>City inspects installation of driveway to confirm compliance with approved construction plans.</p>
<p><i>Mitigation Measure 3.13-2: As part of the City’s design review and entitlement process, the City shall require that the finished grades of any driveways providing access to Site 3 (Redwood Boulevard/Black John Road) provide a “landing” that is at an elevation similar to the elevation of Redwood Boulevard, enabling drivers stopped on the driveway approach to have clear visibility at least 300 feet to the north and south.</i></p>	City of Novato	At time of design review	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance or requires project changes and/or applies condition of approval addressing driveway location.</p> <p>City ensures construction plans demonstrate compliance with required project changes and/or conditions of approval.</p> <p>Contractor installs driveway pursuant to the approved construction plans.</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				City inspects installation location of driveway to confirm compliance with approved construction plans.
<i>Mitigation Measure 3.13-3: As part of the City's design review and entitlement process, the City shall require that the installation of a left-turn pocket serving northbound left-turn movements from Redwood Boulevard be provided into the driveway of Site 3.</i>	City of Novato	At time of design review (Site 3)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance or requires project changes and/or applies condition of approval addressing left-turn pocket.</p> <p>City ensures construction plans comply with required project changes and/or conditions of approval.</p> <p>Contractor installs left-turn pocket pursuant to the approved construction plans.</p> <p>City inspects installation of left turn pocket to confirm compliance</p>

Mitigation Monitoring and Reporting Program				
MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
				with approved construction plans.
<i>Mitigation Measure 3.13-4: As part of the City of Novato's design review and entitlement process, site development plans for each of the housing element and emergency shelter sites shall be reviewed by City Staff to ensure that adequate onsite circulation for pedestrians will be provided, including providing connections between the uses on each site and fronting pedestrian facilities in the public right of way pursuant to the standards of Section 5-34 of the Novato Municipal Code.</i>	City of Novato	At the time of design review (Sites 1 through 5 and emergency shelter site)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance with mitigation measure or requires project changes and/or conditions of approval through design review.</p> <p>City ensures construction plans comply with required project changes and/or conditions of approval.</p> <p>Contractor installs pedestrian improvements per the approved construction plans.</p> <p>City inspects installation of pedestrian improvements to confirm compliance with approved construction plans.</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p>Mitigation Measure 3.13-5: <i>As part of the City's design review and entitlement process, the City shall require future development plans for Site 1 (1787 Grant Avenue) to include construction of sidewalks along its frontage of Grant Avenue between Novato Creek and 8th Street, tying into the new sidewalk facilities to be constructed as part of the planned Grant Avenue bridge rehabilitation project to be completed by the City.</i></p>	<p>City of Novato</p>	<p>At time of design review (Site 1)</p>	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance with mitigation measure or requires project changes and/or conditions of approval through design review.</p> <p>City ensures construction plans comply with required changes and/or conditions of approval.</p> <p>Contractor installs pedestrian improvements per the approved construction plans.</p> <p>City inspects installation of pedestrian improvements to confirm compliance with approved construction plans.</p>
<p>Mitigation Measure 3.13-6: <i>As part of the City's design review and entitlement process, the City shall require future development plans for Site 2 to include:</i></p> <ul style="list-style-type: none"> • <i>Construction of sidewalks along the</i> 	<p>City of Novato</p>	<p>At time of design review (Site 2)</p>	<p>During design review</p> <p>During plan</p>	<p>City reviews project plans through design review.</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>frontage of Landing Court.</i></p> <ul style="list-style-type: none"> <i>Upgrade of the pedestrian pathway between the northeast corner of Landing Court/Redwood Road (eastern frontage road to Redwood Boulevard) and the project site so that a minimum width of five feet exists.</i> <i>Improvement of the pedestrian ramp at the northeast corner of Landing Court/Redwood Road to achieve ADA accessibility requirements. A curb extension or "bulb out" would create one potential method of achieving the necessary sidewalk width to construct an acceptable curb ramp. Sufficient width exists on Landing Court to construct such a bulbout without adversely affecting traffic safety or operation.</i> 			<p>check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City confirms compliance with mitigation measure or requires project changes and/or conditions through design review.</p> <p>City ensures construction plans comply with required project changes and/or conditions of approval.</p> <p>Contractor installs pedestrian improvements per the approved construction plans.</p> <p>City inspects installation of pedestrian improvements to confirm compliance with approved construction plans.</p>
<p><i>Mitigation Measure 3.13-7:</i> <i>As part of the City's design review and entitlement process, the City shall require future development plans for Site 3 (Redwood Boulevard/Black John Road) to include:</i></p> <ul style="list-style-type: none"> <i>Construction of sidewalks along any portion of the site's Redwood Boulevard frontage where they do not currently exist.</i> <i>Future frontage improvements that</i> 	City of Novato	At time of design review (Site 3)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance with mitigation measure or requires project</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>result in sufficient width on Redwood Boulevard to implement future on-street bicycle lanes, consistent with the City's bicycle plan.</i></p>			occupancy	<p>changes and/or conditions of approval through design review.</p> <p>City ensures construction plans comply with required changes and/or conditions of approval.</p> <p>Contractor installs pedestrian and bicycle lane improvements per the approved construction plans.</p> <p>City inspects installation of pedestrian and bicycle lane improvements to confirm compliance with approved construction plans.</p>
<p>Mitigation Measure 3.13-8: <i>As part of the City's design review and entitlement process, the City shall require future development plans for Site 4 (7606 Redwood Boulevard – Olive Avenue) to include:</i></p> <ul style="list-style-type: none"> • <i>Construction of sidewalks along the frontage of Olive Avenue.</i> • <i>Construction of a pedestrian connection to the surrounding sidewalk network. This connection could take the form of a new sidewalk on the north side of Olive Avenue between the project site and Redwood Boulevard, which is included in the City's Capital Improvement</i> 	City of Novato	At time of design review (Site 4)	<p>During design review</p> <p>During plan check</p> <p>During construction</p> <p>At final occupancy</p>	<p>City reviews project plans through design review.</p> <p>City confirms compliance with mitigation measure or requires project changes and/or conditions of approval through design</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>Program Project 97-001. Alternatively (or in addition), the connection could be established by a new sidewalk on the north side of Olive Avenue between the project site and existing sidewalks on the east side of the Railroad Avenue intersection.</i></p> <p><i>Improvement of, Olive Avenue along the site frontage such that sufficient roadway width can be achieved to implement future Class II bicycle lanes, consistent with the City's bicycle plan.</i></p>				<p>review.</p> <p>City ensures construction plans comply with required project changes and/or conditions of approval.</p> <p>Contractor installs pedestrian and bicycle lane improvements per the approved construction plans.</p> <p>City inspects installation of pedestrian and bicycle lane improvements to confirm compliance with the approved construction plans.</p>
<p>Mitigation Measure 3.13-9: <i>As part of the City's design review and entitlement process, the City shall review site development plans for Sites 1 through 5 and any emergency shelter to determine whether staging and/or construction activities could disrupt circulation, and if necessary, require individual developments to submit a traffic control plan prior to the commencement of construction. Elements of this plan shall be implemented as necessary and appropriate for each phase of construction. The traffic control plan shall include – but not be limited to:</i></p> <ul style="list-style-type: none"> • <i>Identify project construction staging areas;</i> • <i>Provide temporary replacement parking</i> 	City of Novato	At time of design review (Sites 1 through 5)	<p>During design review</p> <p>During plan check</p> <p>During construction</p>	<p>City reviews project plans through design review.</p> <p>City determines whether project should be required to prepare a traffic control plan. If required, the City applies condition of approval through design</p>

Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	VERIFY COMPLIANCE/ MONITORING RESPONSIBILITY	TIMING OF INITIAL ACTION	MONITORING FREQUENCY AND DURATION	ACTION ITEMS
<p><i>during the construction period;</i></p> <ul style="list-style-type: none"> • <i>Designate auto, pedestrian, and bicycle detour routes to be used in order to maintain circulation during various phases of the project's construction; and</i> <p><i>Develop and implement procedures for notifying property owners within a surrounding distance set by the City of activities that will affect traffic in the vicinity of the development.</i></p>				<p>review.</p> <p>Applicant submits traffic control plan for review, if required.</p> <p>City reviews traffic control plan.</p> <p>Contractor implements traffic control plan and notification process for neighbors.</p> <p>City monitors project during construction to assure implementation of traffic control plan.</p>