

**RESOLUTION NO. 2020-069**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NOVATO  
REPEALING THE 1996 NOVATO GENERAL PLAN AND DOWNTOWN  
NOVATO SPECIFIC PLAN AND ADOPTING CITY OF NOVATO  
GENERAL PLAN 2035 WITH MODIFICATIONS**

**WHEREAS**, pursuant to California Government Code Section 65300, each city and county in California must adopt a comprehensive, long-term general plan addressing the physical development of the county or city, and any land outside its boundaries which in the agency's judgment bears relation to its planning; and

**WHEREAS**, pursuant to California Government Code Section 65302 a general plan shall consist of statements and diagrams addressing communitywide development goals and/or objectives and policies and programs to achieve those goals and/or objectives relating to seven mandatory elements: land use, circulation, housing, conservation, open space, noise, and safety; and

**WHEREAS**, on March 8, 1996, the Novato City Council adopted the 1996 City of Novato General Plan (hereafter "1996 General Plan") by Resolution No. 21-96; and

**WHEREAS**, it is necessary, timely, and desirable to comprehensively update the 1996 General Plan; and

**WHEREAS**, through an extensive and lengthy public process, including workshops and hearings held by the Novato Community Development Department, Novato Design Review Commission, Novato Planning Commission, and Novato City Council, the City of Novato ("City") has prepared that certain comprehensive update to the 1996 General Plan entitled "City of Novato General Plan 2035" (hereafter "General Plan 2035"); and

**WHEREAS**, General Plan 2035 updates the 1996 General Plan, including providing updated goals, policies, and programs reflecting the community's vision of Novato through 2035; and

**WHEREAS**, General Plan 2035 includes an amended land use map applying land use designations to all parcels subject to the Plan, including unincorporated lands within Novato's sphere of influence as established by the Marin Local Agency Formation Commission; and

**WHEREAS**, General Plan 2035 will supersede the text and maps of the 1996 General Plan and those of the 1998 Downtown Novato Specific Plan; and

**WHEREAS**, the Novato City Council adopted the 2015-2023 Novato Housing Element of the General Plan on November 18, 2014, which shall remain in full force and effect as a part of General Plan 2035; and

**WHEREAS**, the City, acting as lead agency, prepared a Final Environmental Impact Report (FEIR) consisting of a Draft EIR, responses to comments on the Draft EIR, and text edits to clarify the conclusions, amplify certain points of analyses, correct minor errors, and strengthen mitigation measures of the Draft EIR for General Plan 2035 in accordance with the California Environmental Quality Act (“CEQA”) and City of Novato Environmental Review Guidelines; and

**WHEREAS**, effective March 17, 2020, at 12:01 a.m., Marin County residents were required to shelter-in-place and City Council and other commission/committee meetings were permitted to continue and transitioned to virtual participation; and

**WHEREAS**, pursuant to the provisions of the California Governor’s Executive Orders N-25-20 and N-29-20, the Planning Commission held a public hearing on September 28, 2020, to consider and receive public testimony on General Plan 2035 to provide a recommendation thereon to the City Council; and

**WHEREAS**, by resolution No. 2020-014 the Planning Commission did consider and recommend the City Council certify the FEIR for General Plan 2035 prior to making its recommendation on General Plan 2035; and

**WHEREAS**, at its public hearing on September 28, 2020, the Planning Commission did consider and adopted resolution No. 2020-015 recommending the City Council adopt General Plan 2035; and

**WHEREAS**, on September 17, 2020, the City mailed notice of the Planning Commission’s hearing on General Plan 2035 to all persons and organizations requesting such notice, local agencies providing essential facilities or public services, and to all owners of land that would receive a new land use designation under General Plan 2035; and

**WHEREAS**, in accordance with Government Code §65353(c) and §65091(a)(4), on September 18, 2020, the City published notice of the Planning Commission’s hearing on General Plan 2035 in the Marin Independent Journal, a newspaper of general local circulation; and

**WHEREAS**, the notice of the Planning Commission’s hearing on General Plan 2035 was posted to the City’s website and physically posted at the City’s administrative offices (922 Machin Avenue) and the Novato Police Department (909 Machin Avenue); and

**WHEREAS**, an agenda was posted on-line and physically at City offices (922 Machin Avenue) and the Novato Police Department (909 Machin Avenue) announcing the teleconference format of the Planning Commission hearing and providing instructions on participation. Said agenda was posted 72-hours prior to the Planning Commission’s hearing; and

**WHEREAS**, on October 15, 2020, the City mailed notice of the City Council’s hearing on General Plan 2035 to all persons and organizations requesting such notice, local agencies providing essential facilities or public services, and to all owners of land that would receive a new land use designation under General Plan 2035, as well as published in a 1/8<sup>th</sup> page legal advertisement, pursuant to Government Code §65353(c) and §65091(a)(4), in the Marin Independent Journal, a newspaper of local circulation, on October 15, 2020; and

**WHEREAS**, the notice of the City Council's hearing on General Plan 2035 was posted to the City's website and physically posted at the City's administrative offices (922 Machin Avenue) and the Novato Police Department (909 Machin Avenue) on October 15, 2020; and

**WHEREAS**, an agenda was posted to the City's website and physically posted at City offices and the Novato Police Department announcing the teleconference format of the City Council's hearing and providing instructions on participation. Said agenda was posted 72-hours prior to the City Council's hearing; and

**WHEREAS**, pursuant to the provisions of the California Governor's Executive Orders N-25-20 and N-29-20, the City Council held a public hearing by teleconference on October 27, 2020, to consider and receive public testimony on General Plan 2035 prior to taking action on the Plan; and

**WHEREAS**, by separate resolution adopted prior hereto, the City Council did certify the Final EIR for General Plan 2035 prior to making a decision regarding the Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council 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 decision making body herein bases its decision includes, but is not limited to: (1) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to General Plan 2035 and its implementing ordinances, (2) the evidence, facts, findings and other determinations set forth in this resolution, (3) the Final EIR prepared for General Plan 2035 and its implementing ordinances (4) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City relating to General Plan 2035 and its Final EIR (5) all other matters of common knowledge to the decision making body 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 City Council hereby makes the following findings with the respect to adoption of General Plan 2035:

1. General Plan 2035 addresses all mandatory elements specified in California Government Code Section 65302, including:

State-Mandated Element	Novato 2035 General Plan Chapter
Land Use	Great Places & A City That Works
Circulation	A City That Works
Open Space	Environmental Stewardship & Living Well
Conservation	Environmental Stewardship & A City That Works
Safety	A City That Works
Noise	Living Well
Housing	Great Places & Appendix C

2. Land Use Element. General Plan 2035 *Great Places* (Chapter 2; p. 2-1) and *A City That Works* (Chapter 6; p. 6-3) chapters satisfy the requirements of the state-mandated land use element. These chapters address the general distribution, general location, extent, and intensity of use of private and publicly owned land for housing, business, industry, open space, agriculture, natural resources conservation, recreation, enjoyment of scenic beauty, greenways, and public facilities (education, public buildings, and grounds, and solid and liquid waste disposal facilities), as identified on Map GP-1 (*Land Use Designations*) and Table GP-3 (*Land Use Categories*) of the *Great Places* chapter. These chapters comprehensively factor for the anticipated growth and development of Novato through 2035 and assign goals, policies, and programs to appropriately manage such growth and development, as aligned with the community’s vision of the city and serving to guide decisions related to zoning, subdivisions, and development entitlement permit requests in Novato. The land use goals, policies and programs are correlated to the same of the circulation (*A City That Works*), housing (*Great Places*), conservation (*Environmental Stewardship* and *A City That Works*), open space (*Environmental Stewardship* and *Living Well*), noise (*Living Well*) and safety (*A City That Works*) elements of General Plan 2035. The land use element also identifies those areas identified by FEMA as subject to flooding (*A City That Works*, Chapter 6, p. 6-17).
3. Circulation Element. General Plan 2035 *A City That Works* (Chapter 6; p. 6-3) chapter satisfies the requirements of the state-mandated circulation element. This chapter provides an overview of Novato residents’ travel characteristics, the existing circulation network and traffic operations, and parking, transit, bicycle and pedestrian facilities. The chapter identifies the general location and extent of existing local public utilities and facilities and provides goals, policies, and programs correlated to the land uses and development projections of the land use chapter (*Great Places* and *A City That Works*) that plan for a balanced, multimodal transportation network to meet the needs of all users, including motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and users of public transportation. The chapter describes improvements to the City’s roadway, bicycle and pedestrian network proposed to accommodate future development, reduce greenhouse gas emissions, encourage physical activity, and improve safe and convenient travel by all users, whether travelling by bus, SMART train, vehicle, bicycle or foot. The circulation element serves to guide decisions related to zoning, subdivisions, development entitlements, and capital improvement planning in Novato. Circulation element goals, policies and programs are correlated to the same of the land use (*Great Places* and *A City That Works*), housing (*Great Places*), conservation (*Environmental Stewardship* and *A City That Works*), open space

(*Environmental Stewardship* and *Living Well*), noise (*Living Well*), and safety (*A City That Works*) elements of General Plan 2035.

4. Housing Element. General Plan 2035 incorporates the *City of Novato Housing Element Update 2015-2023* (City Council Resolution No. 111-14; adopted November 18, 2014) in the *Great Places* chapter and is included as Appendix C thereby satisfying the requirements of the state-mandated housing element. *City of Novato Housing Element Update 2015-2023* was certified by the California Department of Housing and Community Development on January 22, 2015, and was found to be in full compliance with State housing element law (Government Code Article 10.6). The Housing Element remains valid through 2023 and will be updated consistent with State housing element law immediately prior to expiration.
5. Conservation Element. General Plan 2035 *Environmental Stewardship* (Chapter 3; p. 3-3) and *A City That Works* (Chapter 6; p. 6-3) chapters satisfy the requirements of the state-mandated conservation element. The *Environmental Stewardship* chapter identifies the general location and extent of natural resources in Novato and provides goals, policies, and programs addressing the effect of development on and utilization of natural resources, including air quality, water quality, woodlands/forests, soil, waterbodies, fisheries, wildlife, and mineral resources. This chapter focuses on conserving, protecting, maintaining, and enhancing of Novato's natural resources. The *City That Works* chapter addresses the conservation of lands subject to natural hazards, such as those prone to flooding. Conservation goals, policies, and programs are correlated to the same of the land use (*Great Places* and *A City That Works* chapters), circulation (*A City That Works*), housing (*Great Places*), open space (*Environmental Stewardship* and *Living Well* chapters), and safety (*A City That Works* chapter) elements of General Plan 2035. The portions of the conservation element (*A City That Works*; Chapter 6, p. 6-3) addressing water included consultation and coordination with the North Marin Water District and the Novato Sanitary District, including a discussion and reference to evaluation of water supply and demand information. The conservation element identifies rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.
6. Open Space Element. General Plan 2035 *Environmental Stewardship* (Chapter 3; p. 3-3) and *Living Well* (Chapter 4; p. 4-3) chapters satisfy the requirements of the state-mandated open space element as set forth in Government Code Section 65560 et seq. These chapters identify the general location and extent of lands in Novato that provide value in an essentially undeveloped condition and specify goals, policies, and programs guiding preservation of such areas for their scenic qualities, protection of natural resources, outdoor recreation, and protection of public health and safety by limiting development and use to avoid hazardous or special conditions, such as earthquake fault zones, unstable soil areas, flood plains, watersheds, and high fire risks, and areas required for the protection and enhancement of water and air quality. Open space goals, policies and programs are correlated to the same of the land use (*Great Places* and *A City That Works*), circulation (*A City That Works*), housing (*Great Places*), conservation (*Environmental Stewardship* and *A City That Works*), noise (*Living Well*), and safety (*A City That Works*) elements of General Plan 2035.

7. Noise Element. General Plan 2035 *Living Well* (Chapter 4; p. 4-3) chapter satisfies the requirements of the state-mandated noise element. This chapter identifies sources of noise and existing and future noise levels in Novato, including that from highways and freeways, primary arterial and major local streets, operation of the Sonoma Marin Area Rail Transit (SMART) commuter rail line and the Northwestern Pacific Railroad rail system, aviation operations at Gness Field Airport, and industrial and other stationary sources. The chapter specifies goals, policies, and programs to address exposure to current and projected noise sources, including land use/noise compatibility criteria, direction to prepare acoustic impact studies for new development as necessary, and requiring the implementation of noise reduction measures through Novato's zoning, subdivision, and development entitlement permit process. Noise source identification, existing and future noise levels, and noise specific goals, policies and programs are informed by the land use (*Great Places and A City That Works* chapters), circulation (*A City That Works*), housing (*Great Places*), and open space (*Environmental Stewardship and Living Well*) elements of General Plan 2035.
8. Safety Element. General Plan 2035 *A City That Works* (Chapter 6; p. 6-3) chapter satisfies the requirements of the state-mandated safety element. This chapter identifies the general location and extent of areas of Novato subject to natural and human-caused hazards, including seismic events, slope instability, subsidence and liquefaction, wildland and urban fires, sea level rise, and flooding. The chapter specifies goals, policies, and programs and references to existing plans and ordinances protecting the community from the risks associated with such hazards, including provisions directing the identification of site specific hazards and hazard abatement for the protection of the community, evacuation routes (Novato Emergency Operation Plan – Marin County Multi-Jurisdiction Local Hazard Mitigation Plan), peakload water supply requirements (Program SH 3a:4., Chapter 6, p. 6-61), minimum road widths and clearances (Novato Municipal Code, Chapter V) where appropriate to guide decisions related to zoning, subdivisions, and development entitlement permit requests in Novato. The safety element identifies flood hazard and levee protection zones, areas subject to inundation, historical data on flooding, and identifies the local agencies with responsibility for flood protection. Novato is a participating agency in the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan. Safety goals, policies, and programs are correlated to the same of the land use (*Great Places and A City That Works* chapters), circulation (*A City That Works*), housing (*Great Places*), open space (*Environmental Stewardship and Living Well* chapters), and conservation (*A City That Works* chapter) elements of General Plan 2035.
9. Environmental Justice. California Government Code Section 65302(h) mandates cities and counties to adopt an environmental justice element where disadvantaged communities are located within a given jurisdiction. Novato does not have any areas qualifying as a disadvantaged community, as statutorily defined. Accordingly, the City is not required to include an environmental justice element in General Plan 2035. Nevertheless, General Plan 2035 includes goals, policies and programs that address environmental justice issues regardless of community status including: reducing community exposures to air pollution (*Environmental Stewardship and A City That Works*), equitable provision of public facilities (*Great Place and A City That Works*), access to healthy food (*Living Well*), access to affordable housing and safe housing conditions (*Great Places*), opportunities for physical activity (*Living Well*), and encouraging civic engagement (*A City that Works*).

10. Optional Elements. Consistent with California Government Code Section 65303 a general plan may include other elements or other subjects than those of the state-mandated elements. Accordingly, General Plan 2035 contains optional general plan topics in the *Living Well*, *Economic Vitality*, and *A City That Works* chapters. These topics include healthy eating and active living, economic needs, and governance.

Healthy eating and active living goals, policies, and programs are addressed throughout General Plan 2035 focusing on providing access to fresh, nutritious food and opportunities for recreation and alternative modes of transportation (bicycling and walking) to encourage physical activity and improve health.

Economic development is addressed by a framework of policies for governing future decisions about how the City will encourage a thriving business environment with high-paying industries, a vibrant downtown, and a healthy economy. The goals, policies, and programs aim to create a climate where business and innovation flourishes in Novato. In addition, the goals, policies, and programs support conditions drawing visitors to Novato and providing residents with attractive options for shopping, recreation, and working.

Governance policies and programs are intended to provide excellent municipal services, preserving the City's heritage and resources, and managing change by focusing on transparent, collaborative and community-based government services with thoughtful leadership, a skilled and professional staff, and an informed and engaged community.

11. Mitigation Measures. The Final EIR prepared for General Plan 2035 includes a variety of mitigation measures recommended to avoid or lessen the potential environmental impacts of the implementing the goals, policies, and programs of the General Plan. These measures are accompanied by a mitigation monitoring and reporting program specifying compliance actions, timing, and responsible party. These measures are included herein by reference and listed in *Exhibit A* attached hereto.
12. General Plan Revisions & CEQA. Changes are proposed to General Plan 2035 including:
  - a) retaining the Birkenstock property as a Light/Industrial Office (LIO) designated parcel, an action which does not increase development potential or any environmental impact associated therewith;
  - b) modifying Table GP-3 to clarify residential densities for land use designations allowing multi-family housing in mixed-use developments; multi-family housing is already allowed in the identified land use designations and associated impacts were analyzed in the Final EIR;
  - c) adding clarifying footnotes to Table GP-3 addressing live/work and life sciences campuses; these changes are non-substantive, added for clarity, and are consistent with the environmental analysis in the Final EIR;
  - d) modifying select policies consistent with the mitigation measures of the Final EIR; and,
  - e) correcting Land Use Map GP-1 to label Novato's sphere of influence as adopted by the Marin Local Agency Formation Commission and labeling Novato's former sphere of influence as "Area of Interest," representing a minor correction for purposes of clarity and accuracy. Therefore, all of the changes fall within the scope of analysis of the Final EIR and do not trigger the need for additional environmental review or revisions to the Final EIR.

13. California Government Code §66300. General Plan 2035 includes several proposed land use amendments modifying the land use classification and/or development intensity (density and/or floor area ratio), and directs rezoning of certain properties to be adopted by separate action, and the assignment of residential density ranges to all non-residential land use categories allowing multi-family residential units in mixed-use developments. Consistent with California Government Code §66300, none of these actions result in the reduction of housing opportunities or intensity so that there would be a net loss in residential development capacity in Novato. These actions also facilitate the production of affordable housing. The facts supporting these findings are provided below.

Description	Housing Capacity
<p>General Plan land use map and zoning map change for seven parcels on the east side of Redwood Boulevard between Olive Avenue and Rush Creek Place from Commercial Industrial (CI) to General Commercial (CG).</p> <p>APN 143-011-06            APN 143-061-01            APN 143-061-02            APN 143-061-06            APN 143-011-08            APN 143-061-10            APN 143-061-11</p>	<p>These parcels were not projected to provide housing in the Novato Housing Element (2015-2023). Accordingly, this change has no effect on residential development capacity as documented in the Housing Element. A change from CI to CG does not change the type or density of housing which would be permissible, as each of those categories only permits live/work units.</p>
<p>General Plan land use map change for three parcels on the west side of Redwood Boulevard between San Marin Drive and the Novato city limits from Light Industrial Office (LIO) to Business and Professional Office (BPO). Please see Programs LU 27a through LU 27C and Figure GP-8 (p. 2-33 &amp; 2-34) for a program description and location of these parcels.</p> <p>APN 125-180-38            APN 125-180-28            APN 125-180-49</p>	<p>These parcels were not projected to provide housing in the Novato Housing Element (2015-2023). Accordingly, this change has no effect on residential development capacity as documented in the Housing Element. A change from LIO to BPO does not change the type or density of housing which would be permissible, as each of those categories only permits live/work units.</p>
<p>General Plan land use map and zoning map change for a property owned by North Marin Water District located off of Reservoir Drive and Oleander Lane (APN 153-111-15) from Business and Professional Office (BPO) to Very Low Density Residential (RVL) and application of Planned District (PD) zoning.</p>	<p>This amendment increases housing development opportunities by assigning a land use designation allowing the potential construction of a single-family residence, accessory dwelling unit, and junior accessory dwelling unit.</p>
<p>Rezone two parcels owned by North Marin Water District located off of Spinosa Way (APNs: 141-110-06 &amp; -07) from Community Facilities (CF) to Low Density Residential (R1) with a minimum lot size of 40,000 sq. ft. (R1-40).</p>	<p>This rezoning corrects an inconsistency with the General Plan land use designation assigned to the noted parcels. This correction does not reduce the potential to develop the subject parcels with one single-family residence, accessory dwelling unit, and junior accessory dwelling unit each.</p>



Description	Housing Capacity
<p>General Plan land use map and zoning map change for 12 parcels on Clayton Court from Medium Density Multiple Family Residential (R10) to Low Density Residential (R1) and R10-4.5 zoning to R1-7.5 zoning.</p> <p>APN 141-221-14  APN 141-221-15  APN 141-221-16  APN 141-221-17  APN 141-221-18  APN 141-221-19  APN 141-221-20  APN 141-221-21  APN 141-221-22  APN 141-221-23  APN 141-221-24  APN 141-221-25</p>	<p>This proposed land use change is intended to conform the land use designation of the affected parcels to reflect that each property is already developed with a single-family residence.</p> <p>These parcels are not factored into the residential development capacity figures presented in the Novato Housing Element and are offset by other changes to the Northwest Quadrant neighborhood intended to facilitate new housing opportunities. As such, the proposed amendment would not result in a net loss of residential development capacity.</p>
<p>General Plan land use map and zoning map change for 12 parcels on the west side of First Street between Vallejo Avenue and Olive Avenue from Mixed Use (MU) to Medium Density Multiple Family (R10) and Mixed Use (MU) zoning to R10-2.2 zoning.</p> <p>APN 141-243-03  APN 141-243-06  APN 141-243-07  APN 141-243-08  APN 141-243-09  APN 141-243-10  APN 141-243-11  APN 141-243-15  APN 141-243-24  APN 141-243-31  APN 141-243-32  APN 141-243-36</p>	<p>These affected properties are currently developed with a mix of multi-family, single-family, and commercial uses. As such, these parcels are not factored into the residential development capacity figures presented in the Novato Housing Element.</p> <p>The proposed land use change is considered to increase the opportunity for redevelopment of the affected parcels with multi-family uses since it would no longer be necessary to include a commercial development component to qualify as a mixed-use project as is currently required under the MU designation.</p>
<p>Rezone 200 parcels in the Northwest Quad from R10-4.5 to R10-NWQ.</p>	<p>This amendment retains the existing General Plan land use designation and density allowing up to 20 dwelling units per acre. However, the proposed standards for the Northwest Quad remove a restriction prohibiting the demolition of existing single family residences where an owner proposes to construct a multi-family housing development. Accordingly, this amendment facilitates housing opportunities.</p>
<p>Change boundary of Downtown Overlay on General Plan Land Use Map and Zoning Map to remove</p>	<p>These parcels will remain regulated by standard Mixed-Use (MU) zoning regulations; the</p>

Description	Housing Capacity
<p>three parcels from the Overlay, including APNs 153-390-01, 153-091-10, and 153-121-03.</p>	<p>Downtown Overlay did not provide any additional residential development capacity.</p> <p>This changes does not alter the existing potential to propose a mixed-use project incorporating multi-family dwellings. In addition, these parcels are not identified in the housing capacity figures of the Novato Housing Element. Accordingly, this amendment does not result in a net loss of residential capacity.</p>
<p>General Plan land use map and zoning map change for two parcels in Bahia (APNs 143-151-20 and 143-151-24) from Low Density Residential (R1) and Planned District (PD) zoning to the Conservation (CON) land use designation and zoning classification.</p>	<p>These parcels are owned by the Marin County Open Space District and Marin Audubon and are held for conservation. Accordingly, a residential land use designation is no longer appropriate.</p> <p>APN 143-151-20 is part of the Rush Creek Preserve that is restricted, owned, and managed by the Marin County Open Space District for open space purposes.</p> <p>APN 143-151-24 is owned by Marin Audubon and is part of an ongoing wetland restoration project. The property is not available for housing development.</p> <p>These parcels are not factored into the residential development capacity figures presented in the Novato Housing Element. Accordingly, these amendments do not result in a net loss of residential capacity.</p>

Description	Housing Capacity
<p>Change GP Land Use Map for three parcels at Hamilton from Multi-Family to Open Space (APNs 155-500-66; 157-180-53; 157-180-72) and one parcel from Single Family and Multi-Family to Community Facilities (157-860-04 157-980-04).</p>	<p>These parcels were transferred to the City of Novato through the closure of the former Hamilton Army Airfield for the purpose of retaining as open space and community facilities. Regarding APNs 155-500-66, 157-180-53, 157-180-72, the proposed land use changes and corrects boundary lines between existing development and public open space dedicated to the City through the base reuse process. Due to land use restrictions these areas have no development capacity.</p> <p>Regarding APN 157-980-04, this parcel was assigned a residential land use designation in error and was intended for community facilities use</p> <p>These parcels are not factored into the housing capacity projections contained in the Novato Housing Element. Accordingly, this amendment does not result in a net loss of residential capacity.</p>
<p>General Plan land use map and zoning map change for three parcels (APNs 155-400-01, -02, -04, -06, and -07) south of Marin Valley Mobile Country Club from Low Density Residential (R1) to Open Space (OS).</p>	<p>These parcels were previously owned by the Trust for Public Lands and were purchased by the City of Novato and placed into the Federal Lands to Parks Program in 2017. These parcels are not available for development pursuant to the deed covenants of the Program. This land use change merely conforms the General Plan land use designation to respect the covenants of the Lands to Parks program.</p> <p>The assignment of the Lands to Parks Program to these parcels freed several parcels at Hamilton Field from the same, thereby allowing the Hamilton parcels to be available for housing development, among other land uses.</p> <p>These parcels are not factored into the housing capacity projections contained in the Novato Housing Element. This amendment does not result in a net loss of residential capacity.</p>
<p>General Plan 2035 assigns a density (dwelling units per acre) range to all non-residential land use designations allowing multi-family housing in mixed-use developments. The density assignments are necessary to clarify base density levels and allow application of State density bonus law (California Government Code §65915).</p>	<p>The density ranges assigned to the affected non-residential land use designations of General Plan 2035 Table GP-3, as amended by this resolution, are consistent with the density range projected for mixed-use developments in the Novato Housing Element. The Housing Element presumed a density up to 20 dwelling units per acre for mixed-use projects. Accordingly, a density range of 10 to 20 dwelling units per acre is assigned to</p>

Description	Housing Capacity
	<p>the affected land use designations, with exception of Downtown Core (CD).</p> <p>A density range of 10 to 23 units per acre is assigned to the Downtown Core (CD) land use designation represents an increase in development capacity recognizing the Housing Element projects a maximum density of 20 units per acre for select sites assigned CD.</p> <p>In addition, the assignment of a density allows the application of State density bonus law, thereby facilitating affordable housing opportunities.</p> <p>General Plan 2035 does not change the maximum floor area ratio assigned to the affected non-residential land use designations. Accordingly, the density assignments do not result in a net loss of residential capacity.</p>

**Section 4. ACTION**

The City Council hereby repeals the 1996 Novato General Plan and the Downtown Novato Specific Plan and adopts General Plan 2035 (February 2020), including its associated land use map, subject to the mitigation measures specified in *Exhibit A* incorporated herein by reference and attached hereto, and including the following modifications to the draft General Plan (February 2020):

1. Revise Land Use Map GP-1 to retain the assignment of the Light/Industrial Office (LIO) land use designation to the Birkenstock property (Site 1 of North, North Redwood Boulevard Focus Area) as currently found in the 1996 Novato General Plan – Land Use Map 1, delete Program LU 27a and associated references relating to re-designation of the Birkenstock property to Business and Professional Office (BPO), and rebalance the development projections in Table GP-4 to reflect the change to the Birkenstock property.
2. Revise Table GP-3 to modify certain land use definitions, add recommended density assignments, and insert clarifying footnotes as indicated below:

Land Use Category	Building Density and Intensity	Description <sup>1</sup>	Compatible Zoning Districts <sup>2</sup>
Rural Residential (RR)	Up to 0.49 dwelling unit per gross acre. Maximum FAR for non-residential uses is 0.2.	The Rural Residential land use designation applies to areas appropriate for the development of single family homes and related accessory residential uses in rural, low density settings. Additionally, certain agriculture, recreation, education, resource, assembly, lodging, day care and utility uses may be allowed.	Rural Residential (RR)
Very Low Density Residential (RVL)	0.5 to 1.0 dwelling unit per gross acre. Maximum FAR for non-residential uses is 0.2.	The Very Low Density Residential designation applies to areas appropriate for the development of single family homes and related accessory residential uses on larger lots. Additionally, certain agriculture, recreation, education, assembly, lodging, day care and utility uses may be allowed.	Very Low Density Residential (RVL)
Low Density Residential (R1)	1.1 to 5.0 dwelling units per gross acre. Maximum FAR for non-residential uses is 0.4.	The Low Density Residential land use designation applies to areas appropriate for the development of single family homes and related accessory residential uses. Additionally, certain agriculture, recreation, education, assembly, lodging, day care and utility uses may be allowed.	Low Density Residential (R1)
Medium Density Detached Residential (R4)	4.1 to 7.0 dwelling units per gross acre. Maximum FAR for non-residential uses is 0.4.	The Medium Density Detached Residential land use designation is applied to areas appropriate for single family homes and related accessory residential uses. Additionally, certain agriculture, recreation, education, assembly, lodging, day care and utility uses may be allowed.	Medium Density Detached Residential (R4)
Medium Density Residential (R5)	5.1 to 10.0 dwelling units per gross acre. Maximum FAR for non-residential uses is 0.4.	The Medium Density Residential land use designation applies to areas appropriate for a mix of housing types on smaller lots. Typical residential land uses include single and two-family homes, either detached or attached, and related accessory residential uses. Additionally, certain agriculture, recreation, education, assembly, lodging, day care and utility uses may be allowed.	Medium Density Residential (R5)
Medium Density Multiple-Family Residential (R10)	10.1 to 20.0 dwelling units per gross acre. Maximum FAR for non-residential uses is 0.4, and up to 0.6 for residential care facilities for the elderly.	The Medium Density Multiple-Family Residential land use designation applies to areas appropriate for single family, two-family and multi-family homes and related accessory residential uses. Additionally, certain education, assembly, lodging, day care and utility uses may be allowed.	Medium Density Multi-Family Residential (R10)
High Density Multiple-Family Residential	20.1 to 30.0 dwelling units per gross acre.	The High Density Multiple-Family Residential land use designation applies to areas appropriate for multi-family housing and related accessory residential uses.	High Density Multi-Family

(R20)	Maximum FAR for non-residential uses is 0.4, and up to 0.6 for residential care facilities for the elderly.	Additionally, certain education, assembly, lodging, day care and utility uses may be allowed.	Residential (R20)
Mixed Use (MU)	<del>10.1</del> <b>10.0</b> to 20.0 dwelling units per gross acre in mixed use <del>and live-work</del> developments. Maximum FAR is 0.4 <del>and up to 0.7 for hotel uses</del> , with the potential for an increase to 0.8 when housing is incorporated into a project. <b>Up to 0.7 for hotel uses.</b> <sup>5</sup>	The Mixed Use land use designation is appropriate for sites where the surrounding area is currently developed with a mix of commercial and residential land uses. Certain retail, office, research and development, service, <b>live-work</b> <sup>6</sup> , recreation, assembly, education, and utility facilities may be allowed. Housing development may be permitted only in conjunction with either commercial and/or office uses.	Mixed Use (MU)
Neighborhood Commercial (CN)	<del>10.1</del> <b>10.0</b> to 20.0 dwelling units per gross acre in mixed use development. Maximum FAR is 0.4, with an additional 0.2 only for housing. The maximum FAR for residential care facilities for the elderly is 0.6 and up to 0.7 for hotel uses. <sup>5</sup>	The Neighborhood Commercial land use designation is applied to neighborhood shopping areas including a mix of retail, service, office, and utility uses. Additionally, certain recreation, assembly, education and residential uses may be allowed.	Neighborhood Commercial (CN)
General Commercial (CG)	Maximum FAR 0.4 and up to 0.7 for hotel uses. <del>10.1 to 20 dwelling units per gross acre for live-work developments.</del>	The General Commercial land use designation is applied to areas appropriate for a broad range of retail, service, research and development, office, recreation, assembly, education, and live-work <sup>6</sup> uses. Additionally, certain manufacturing and utility uses may be allowed.	General Commercial (CG)
Downtown Core (CD)	<del>20.1 to 30.0</del> <b>10.0 to 23.0</b> dwelling units per gross acre in mixed use <del>and live-work</del> developments. Maximum FAR is 1.2 with the potential for a maximum of 2.0 where housing is incorporated. <sup>5</sup>	The Downtown Core land use designation is applied to the downtown area suitable for a mix of retail, service, office, recreation, assembly, and education uses. Additionally residential (mixed use and live-work <sup>6</sup> ) and utility uses may be allowed.	Downtown Core Retail (CDR) Downtown Core Business (CDB)
Commercial/Industrial (CI)	Maximum FAR 1.0. <del>10.1 to 20.0 units per gross acre for live-work developments.</del>	The Commercial/Industrial land use designation is applied to areas suitable for intensive commercial land uses, including certain manufacturing, processing, warehousing, retail, service, office, research and development, recreation, education, utility, and live-work <sup>6</sup> uses.	Commercial/Industrial (CI)
Business and Professional Office (BPO)	Maximum FAR 0.4 and up to 0.7 for hotel uses. <del>10.1 to 20.0 dwelling units per gross acre for live-work development.</del>	The Business and Professional Office land use designation is applied to areas appropriate for a variety of office, research and education activities. Additionally, certain limited retail, service, residential (live-work <sup>6</sup> ) and utility uses may be allowed.	Business and Professional Office (BPO)

Research/ Education Institutional <sup>3</sup> (REI)	Maximum FAR 0.2 ; up to 1.0 dwelling unit per acre	The Research/Education-Institutional land use designation is applied to areas suitable for a mix of medical research, educational and laboratory uses, with related multi-family residential, recreation, office and commercial uses in a campus setting.	Research/ Education- Institutional (REI)
Light Industrial/ Office (LIO)	Maximum FAR is 0.4 and up to 0.7 for hotel uses. In the Hamilton Landing hangar areas and the Novato Industrial Park, the maximum FAR is 0.6, except in the Ignacio and Hamilton subareas of  the Novato Industrial Park, FAR up to 1.2 may be allowed for a designated life sciences campus <sup>7</sup> . <del>10.1 to 20.0 dwelling units per gross acre for live-work development.</del> <sup>4</sup>	The Light Industrial/Office land use designation is applied to areas appropriate for light industrial and manufacturing uses, including warehousing, office, retail, live-work <sup>6</sup> and utility uses that will not create objectionable noise, smoke, odor, dust and other nuisances. Additionally service, education and recreation uses may be allowed.	Light Industrial/ Office (LIO)
Open Space (OS)	Development is not allowed in this designation, so there is no applicable density range.	The Open Space land use designation applies to publicly-owned land and privately-owned land subject to conservation easements that is largely unimproved and devoted to the preservation of natural resources, agriculture, and outdoor recreation. Additionally, caretaker quarters and utility uses may be allowed. Additionally, caretaker quarters and utility uses may be allowed.	Open Space (OS)  Restricted Open Space (ROS)
Conservation (CON)	The allowable density of detached single-family dwelling units ranges from one dwelling unit per 10 acres to one dwelling unit per 60 acres.	The Conservation land use designation is intended to conserve natural resources and is applied to privately-owned land that is mainly unimproved. Additionally, certain agriculture, recreation, residential, service and utility uses may be allowed.	Conservation (C)
Agriculture (AG)	Single-family dwellings are allowed at a maximum density of one dwelling unit per 60 acres.	The Agriculture land use designation is applied to lands that are intended to largely be maintained in agricultural use. Additionally, certain recreation, service, assembly, residential, and utility uses may be allowed.	Agricultural (A)
Parkland (P)	Maximum FAR is 0.4.	The Parkland land use designation is applied to areas suitable for parks, playgrounds and other recreational uses. Additionally, certain agriculture, open space, assembly and utility uses may be allowed.	Parkland (PL)



Community Facilities, Public Utilities and Civic Uses (CF)	10.1 to 20.0 dwelling units per gross acre in mixed use development. Maximum FAR 0.8. <sup>5</sup>	The Community Facilities, Public Utilities and Civic Uses land use designation is applied to areas suitable for public land uses including certain open space and recreation uses may be allowed. Additionally, education, assembly, medical, research and development, service, residential and utility uses may be allowed.	Community Facilities (CF)
Affordable Housing Opportunity Combining Designation	20.0 to 23.0 dwelling units per gross acre for multi-family housing in accordance with Housing Element Program 9.B and, for area(s) of the property not utilized for Affordable Housing Opportunity Combining Designation uses, the density range or maximum floor-area-ratio shall be as allowed in the primary land use designation.	Multi-family dwellings, accessory retail and service uses, recreation, home occupations, community facilities and other similar uses to serve residents of multi-family dwellings, or any land use normally allowed in the primary land use designations.	Affordable Housing Overlay District (AHO)

<sup>1</sup> For detailed descriptions of permitted and conditional land uses allowed in each designation please refer to Chapter 19 of the Novato Municipal Code.

<sup>2</sup> In addition to the zoning districts identified in the chart, the Planned District (PD) may apply to any of the General Plan land use designations. Also, the following overlay districts may be applied to any General Plan land use designation: Baylands (B), Downtown(D), Flood Hazard (F), Historic (H), and Affordable Housing Overlay (AHO).

<sup>3</sup> As applicable to the Buck Institute property, the REI designation was approved by a public vote.

<sup>4</sup> Within the Ignacio and Hamilton subareas of the Novato Industrial Park, previously approved life science campuses built above 0.6 may be reoccupied by other permitted or conditionally permitted use pursuant to the procedures set forth in the Master Plan/Precise Plan.

<sup>5</sup> A mixed-use project must comply with both the FAR and the allowable density range.

<sup>6</sup> Live-Work. Live-work projects consist of an integrated housing unit and working space, occupied and utilized by a single household in a commercial or industrial structure which has been designed or structurally modified to accommodate joint residential occupancy and work activity, which includes complete kitchen space and sanitary facilities and working space reserved for and regularly used by one or more occupants of the unit. A Live/work unit is not a multi-family dwelling or mixed-use development.

<sup>7</sup> Life sciences campus development may only be permitted in the Hamilton and Ignacio Industrial Park areas as set forth in the Novato Industrial Park Master Plan and Precise Development Plan subject to a cap of up to 500,000 sq. ft. of net new floor area.

3. Modify Land Use Map GP-1 to correctly label Novato’s sphere of influence as adopted by the Marin Local Agency Formation Commission and properly label Novato’s former sphere of influence as “Area of Interest.”
4. Incorporate the following text amendments consistent with the mitigation measures of the Final EIR:



- a. Mitigation Measure BIO-1: Modify Environmental Stewardship Chapter (formerly “Environmental Legacy Chapter”) Goal 1 to read:
 

“Preserve, enhance, and restore natural areas and features, including Novato’s scenic hillsides, waterways, riparian corridors, ~~and~~ baylands, and special status species.”
- b. Mitigation Measure BIO-5: Modify Environmental Stewardship Chapter (formerly “Environmental Legacy Chapter”) Policy EL 3 to read:
 

“Policy EL 3 Wildlife Habitat. Endeavor to preserve and enhance wildlife habitat areas and wildlife movement corridors in watercourse areas and control human use of these areas necessary to protect them.”
- c. Mitigation Measure TCR-1: Add the following policy under Goal CC 1 (p. 2-47):
 

“Tribal Cultural Resources Protection. The City shall comply with AB 52, which may require formal tribal consultation on a project-by-project basis.”
5. Modify Policy LU 27 – Site 7 (Fireman’s Fund) to state “Consider general plan and zoning amendments for a mixed use redevelopment if proposed by the property owner to benefit from proximity to the new SMART station.”
6. Strike Policy LU 28a–~~Redevelopment of Parcels with Single Family Dwellings. Consider elimination or revision of the current policy which precludes redevelopment of properties that contain a “sound” single family dwelling.~~
7. Insert the following statement in the Great Places Chapter, North Redwood Corridor Focus Area, Sites 5a & 5b, *Preferred Land use Concept*: “Consider studying land use and zoning amendments for mixed-use development at Site 5a if proposed by the property owner.”
8. Revise General Plan 2035 and Land Use Map GP-1 to remove all references related to modifying the land use designation of 15 parcels on Redwood Boulevard between Vallejo Avenue and Pinheiro Circle from General Commercial (CG) to Downtown Core (CD). These 15 parcels shall remain designated General Commercial (CG). This modification applies to Assessor’s Parcel Nos.: 141-234-15, 141-234-16, 141-244-03, 141-244-06, 141-244-12, 141-244-16, 141-244-17, 141-244-18, 141-244-19, 141-244-20, 153-011-33, 153-011-34, 153-011-36, 153-011-52, 153-011-40.
9. Revise General Plan 2035, Chapter 1, Introduction, Section 1.2 Evolution of the City to include the following statement acknowledging the city of Novato as it relates to the traditional territory of the Coast Miwok:
 

“The City of Novato acknowledges that we are located on the unceded ancestral lands of the Coast Miwok people of present-day Marin. We honor with gratitude the land itself, and all of its ancestors, past, present, and emerging.”

\* \* \* \* \*

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting thereof, held on the 27th day of October, 2020, by the following vote, to wit:

AYES: Councilmembers Lucan, Peele, Wernick, Athas  
NOES: Councilmembers Eklund  
ABSTAIN: Councilmembers  
ABSENT: Councilmembers

  
\_\_\_\_\_  
Laura McDowell, City Clerk

Approved as to form:

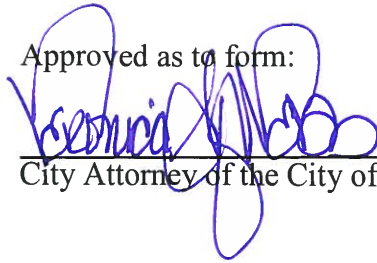
  
\_\_\_\_\_  
City Attorney of the City of Novato

EXHIBIT A  
NOVATO GENERAL PLAN 2035  
MITIGATION MEASURES

The following mitigation measures of the Final EIR certified for General Plan 2035 shall, where applicable, be applied as conditions of approval to actions taken under the Plan.

1. Mitigation Measure AQ-1 - Construction Emissions Measures

New discretionary projects in the Plan Area that exceed the construction screening criteria of the Bay Area Air Quality Management District (BAAQMD) shall be conditioned to reduce construction emissions of reactive organic gases, nitrogen oxides, and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) by implementing the BAAQMD's Basic Construction Mitigation Measures (described below) or equivalent, expanded, or modified measures based on project and site specific conditions.

Basic Construction Mitigation Measures

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, with priority given to the use of recycled water for this activity when feasible.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. 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.
- f. 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.

- g. 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.
- h. A publicly visible sign shall be posted 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 Air District's phone number shall also be visible to ensure compliance with applicable regulations.

## 2. Mitigation Measure AQ-2 - Health Risk Assessments

Projects that may result in additional toxic air contaminants that are located within 1,000 feet of a sensitive receptors(s) or would place sensitive receptors within 1,000 feet of uses generating toxic air contaminants, such as roadways with volumes of 10,000 average annual daily trips or greater, shall implement Bay Area Air Quality Management District Guidelines and State Office of Environmental Health Hazard Assessment policies and procedures requiring health risk assessments (HRAs) for residential development and other sensitive receptors; screening area distances may be increased on a case-by-case basis if an unusually large source or sources of hazardous emissions are proposed or currently exist. Based on the results of the HRA, identify and implement measures (such as air filtration systems) to reduce potential exposure to particulate matter, carbon monoxide, diesel fumes, and other potential health hazards. Measures identified in HRAs shall be included into the site development plan as a component of a proposed project.

## 3. Mitigation Measure AQ-3 - Odor Reduction

Require new manufacturing and laboratory development to be designed and constructed in a way that reduces the potential for future odors. Ensure prompt response to complaints about odors reported by residences and businesses by developing a website link that directs users to BAAQMD's odor reporting and inspection program.

## 4. Mitigation Measure BIO-1 - Incorporation of Sensitive Species

Environmental Legacy Goal 1 shall be updated in General Plan 2035 to read:

Preserve, enhance and restore natural areas and features, including Novato's scenic hillsides, waterways, riparian corridors, ~~and~~ baylands, and special-status species.

## 5. Mitigation Measure BIO-2 - Biological Studies for New Development

Project applicants shall be required to provide a biological resources assessment for projects on parcels with potentially suitable habitat for special status species. The biological resources assessment shall be conducted by a qualified biologist and will include a data review and habitat

assessment prior to project activities to identify whether any special-status plant or animal species habitat or sensitive natural communities occur on-site. The data reviewed shall include the biological resources setting, Appendix C species list, and best available, current data for the area, including current review of the California Natural Diversity Database. Habitat assessments shall be completed at an appropriate time of year for identifying potential habitat and no more than one year prior to commencement of project activity. The purpose of these biological resources assessments is to identify appropriate measures to avoid or minimize harm to sensitive biological resources and to incorporate the recommended measures as conditions of approval for the project. Based on the results of the biological resources assessment, the qualified biologist will provide site-specific mitigation measures to avoid special status species or reduce impacts to a less than significant level.

#### 6. Mitigation Measure BIO-3 Biological Resources Inventory for New Development

A detailed inventory of biological resources conducted by an independent, professionally qualified biologist, plant ecologist, arborist, or appropriately qualified specialist shall be required for projects in sensitive and vulnerable habitats, as identified in Mitigation Measure BIO-2. If there are seasonal constraints with performing surveys, presence of such special status species shall be assumed and measures to reduce impacts to special status species and avoidance shall be implemented in accordance with a biological resources assessment and/or project specific\_California Environmental Quality Act documentation. If sensitive resources are identified on the project site, recommendations to protect the sensitive resources shall conform with applicable State and federal regulations regarding their protection and may include avoidance of the resource, providing setbacks, clustering development onto less sensitive areas, preparing restoration plans, off-site mitigation, and/or other similar measures as determined on a project specific basis.

#### 7. Mitigation Measure BIO-4 - Nesting Bird Protection

Conduct a pre-construction nesting bird survey during the nesting season (February 1 through August 31) at most 14 days prior to any and all development that may remove trees or vegetation that may provide suitable nesting habitat for migratory birds or other special-status bird species. If nests are found the qualified biologist(s) shall identify and the project sponsor shall implement appropriate avoidance measures, such as fenced buffer areas or staged tree removal periods.

8. Mitigation Measure BIO-5 - Wildlife Movement Corridors Protection Policy

The General Plan Environmental Legacy Policy EL 3 shall be updated to read:

Policy EL 3 *Wildlife Habitat*. Endeavor to preserve and enhance wildlife habitat areas and wildlife movement corridors in watercourse areas and control human use of these areas as necessary to protect them.

9. Mitigation Measures BIO-6 - Biological Studies for Wildlife Movement Corridors

All discretionary projects on parcels with indicators of wildlife movement corridors shall retain the services of a qualified biologist(s) to conduct a biological assessment prior to any and all development that may impact wildlife movement. If movement corridors are potentially impacted by the proposed project, the qualified biologist(s) shall identify appropriate mitigation measures to avoid or minimize the impact. Such measures shall be a condition of approval and implemented by the project sponsor.

10. Mitigation Measure CUL-1 - Historical Resources Study Program

All discretionary projects shall investigate the potential to impact historical resources. A historical resources evaluation shall be performed to confirm the presence of historical resources within the project site when there is a structure(s) or feature of a type, period, and/or method of construction that could be qualified as having historic status. The study shall, at a minimum, be conducted by a qualified professional meeting the Secretary of the Interior's (SOI) Professional Qualification Standard (PQS) for architectural history (NPS 1983). The study shall include a pedestrian survey of the project site and background research including a records search at the Northwest Information Center (NWIC), building permit research, and/or research with the local historical society(ies). The subject property(ies) shall be evaluated for federal, state, and local designation on California Department of Parks and Recreation 523 series forms, included as an appendix to the study. If historical impacts are identified, the study shall include recommendations to avoid or reduce impacts on historical resources and the project sponsor shall implement the recommendations or conduct additional environmental review.

11. Mitigation Measure CUL-2 Archaeological Resources Study Program

All discretionary projects shall investigate the potential to disturb archaeological resources. If preliminary reconnaissance suggests that cultural resources may exist, a Phase I cultural resources study shall be performed by a qualified professional meeting the Secretary of the Interior's (SOI) Professional Qualification Standard (PQS) for archaeology (NPS 1983). A Phase I cultural resources study shall include a pedestrian survey of the project site and sufficient background research and, as necessary, field sampling to determine whether archaeological resources may be present. Archival research shall include a records search at the Northwest Information Center (NWIC) and a Sacred Lands File (SLF) search with the Native American Heritage Commission (NAHC), and coordination with Native American tribes listed by the NAHC. The Phase I technical report documenting the study shall include

recommendations to avoid or reduce impacts on archaeological resources. The project sponsor shall implement the recommendations.

#### 12. Mitigation Measure CUL-3 - Paleontological Resources Studies

Avoidance and/or mitigation for potential impacts to paleontological resources shall be required for any development in Novato that occurs within high sensitivity geologic units (Pleistocene alluvium [Qpa] and Pleistocene alluvium [Qoa] deposits), whether they are mapped at the surface or occur at the subsurface. When paleontological resources are uncovered during site excavation, grading, or construction activities, work on the site will be suspended until the significance of the fossils can be determined by a qualified paleontologist. If significant resources are determined to exist, the paleontologist shall make recommendations for protection or recovery of the resource.

The City shall require the following specific measures for projects that could disturb geologic units with high paleontological sensitivity:

Retain a Qualified Paleontologist to Prepare a PMMP. Prior to initial ground disturbance, the project applicant shall retain a Qualified Paleontologist, as defined by the SVP (2010), to direct all mitigation measures related to paleontological resources and design a Paleontological Mitigation and Monitoring Program (PMMP) for the project. The PMMP shall include measures for a preconstruction survey, a training program for construction personnel, paleontological monitoring, fossil salvage, curation, and final reporting, as applicable

#### 13. Mitigation Measure GEO-1 - Soil Investigation Report

New development projects not connected to the municipal sewer system and requiring the use of septic tanks or alternative wastewater disposal systems shall complete a soil investigation report to be submitted to the City of Novato for review and approval prior to issuance of grading and building permits. The study shall demonstrate the capability of the underlying soils to support the use of septic tanks or alternative wastewater disposal systems. Such report shall be prepared by a registered professional geologist and shall include soil type characteristics, percolation rates, and design recommendations.

#### 14. Mitigation Measure N-1 Construction Noise Reduction Measures

The following measures to minimize exposure to construction noise shall be included as standard conditions of approval for applicable projects involving construction:

- a. *Mufflers*. During excavation and grading construction phases, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards.
- b. *Stationary Equipment*. All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receptors.

- c. *Equipment Staging Areas.* Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receptors.
- d. *Smart Back-up Alarms.* Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.

#### 15. Mitigation Measure N-2 - Construction Vibration Reduction Measures

The following measures to minimize exposure to construction vibration shall be included as standard conditions of approval for applicable projects involving construction:

- a. *Building Examination.* 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 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.
- b. *Stationary Equipment.* All vibratory stationary construction equipment shall be placed as far as possible from the nearest sensitive receptors.
- c. *Equipment Staging Areas.* Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related vibration sources and noise-sensitive receptors.

#### 16. Mitigation Measure T-1 - Intersection Delay Mitigations

The following additional intersection improvements are necessary to maintain acceptable operation under Existing plus Project and Cumulative conditions with the proposed project.

- a. San Marin Drive/Simmons Lane (Intersection #1)
  - Signalize the intersection; restripe both San Marin Drive approaches to include separate left-turn, through, and right-turn lanes.
  - Alternative Mitigation: install a roundabout; the westbound approach would have two lanes, one serving through/right movements and one serving left-turn movements, and the remaining three approaches would have single lanes.
  - The alternative roundabout mitigation may require minor right-of-way acquisitions on one or more intersection corners.



b. Redwood Boulevard/San Marin Drive (Intersection #4)

- Widen the SMART railroad overpass to provide space on the westbound approach for two left-turn lanes, two through lanes, and one right-turn lane, as well as bike lanes and a widened sidewalk on the south side of the overpass.
- Widen the southbound Redwood Boulevard approach to include a left-turn lane, shared left-turn/through lane, and right-turn lane.
- Restripe the northbound Redwood Boulevard to include a left-turn lane, left-turn/through lane, and two right-turn lanes.
- Add right-turn overlap signal phasing on the northbound and westbound approaches.
- This mitigation would entail roadway and overpass widening that could require right-of-way acquisition.
- To make this intersection function acceptably, additional improvements would be needed at the US 101 South Ramps/San Marin Drive intersection, as described in the next bullet.

c. US 101 South Ramps/San Marin Drive (Intersection #5)

- Modify the eastbound San Marin Drive approach (the SMART railroad overpass) to include a through lane, a shared through/right-turn lane, and a right-turn lane.
- Provide an enhanced bicycle-pedestrian crossing at the on-ramp entrance, including modified signal phasing to include protected pedestrian and bicyclist movements across the ramp.
- This mitigation would entail roadway and overpass widening that could require right-of-way acquisition, and potentially affect areas that appear to be wetlands between the SMART rail corridor and the off-ramp.

d. US 101 North Ramps/Atherton Avenue (Intersection #6)

- Widen the northbound off-ramp to include two left-turn lanes and a shared through/right-turn lane.

e. Novato Boulevard/San Marin Drive-Sutro Avenue (Intersection #9)

- Signalize the intersection.

- Alternative Mitigation: install a single-lane roundabout with a southbound right-turn “slip” lane.
  - The alternative roundabout mitigation may require minor right-of-way acquisition on one or more intersection corners.
- f. Diablo Avenue/Novato Boulevard (Intersection #14)
- Restripe the eastbound and westbound Diablo Avenue approaches to include separate left-turn, through, and right-turn lanes.
  - Restripe the northbound Novato Boulevard Approach to include a left-turn lane, through lane, and through/right-turn lane.
  - Widen and modify southbound Novato Boulevard to include dual left-turn lanes and a shared through/right-turn lane.
  - Modify the signal phasing to protected left-turns on all approaches plus a westbound right-turn overlap phase.
  - The mitigation may require minor right-of-way acquisition on Novato Boulevard to the northwest of the intersection.
- g. South Novato Boulevard/Redwood Boulevard (Intersection #30)
- Signalize the intersection.
  - Alternative Mitigation: install a single-lane roundabout with an eastbound right-turn “slip” lane.
  - The alternative roundabout mitigation may require minor right-of-way acquisition on one or more intersection corners.
- h. US 101 South Ramps/Ignacio Boulevard-Enfrente Road (Intersection #32)
- On the southbound US 101 “loop” off-ramp, extend the length of the dual right-turn pockets to 500 feet.
  - Optimize signal timing on the coordinated Ignacio Boulevard-Bel Marin Keys Boulevard corridor.
- i. Bel Marin Keys Boulevard/Digital Drive (Intersection #35)

- Restripe the westbound approach to include a left-turn lane and a left-turn/through/right-turn lane, and modify the signal to operate with split phasing in the eastbound and westbound directions.

#### 17. Mitigation Measure TCR-1 - Tribal Cultural Resources

The following policy shall be added to Community Character Goal 1 in General Plan 2035:

“Tribal Cultural Resources Protection. The City shall comply with AB 52, which may require formal tribal consultation on a project-by-project basis.”