

## **PLANNING COMMISSION STAFF REPORT**

**DATE:** August 9, 2021

**STAFF:** Kaitlin Zitelli, Planner II  
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**SUBJECT** **NORTH BAY CHILDREN’S CENTER**  
**P2019-032; USE PERMIT**  
**P2014-095; DESIGN REVIEW**  
**CEQA CATEGORICALLY EXEMPT – SECTION 15302**  
**APN 157-980-03; 932 C STREET**

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### **REQUESTED ACTION**

Conduct a public hearing and consider adopting a resolution adopting a CEQA exemption, approving a use permit, and approving design review for reconstruction of the North Bay Children’s Center facilities, a child day care center located at 932 C Street.

### **EXECUTIVE SUMMARY**

The applicant, North Bay Children’s Center (NBCC), proposes redevelopment of its existing 27+ year old campus on the 1.34+/- acre property at 932 C Street, with a new 19,824 sf building that would replace four (4) existing modular buildings totaling 13,055 square feet in area. The new NBCC campus will provide improved teacher training and family involvement facilities, new open play areas, a redesigned and expanded ‘Garden of Eaten’ (e.g., improved planting areas, greenhouse and potting storage), and an open-air kitchen. Additionally, the plan includes perimeter fencing, a screened-in trash enclosure, and circulation and parking plan with integrated landscape areas that expands adjacent parking capacity from 40 spaces to 59 spaces. The project plans are available online for viewing and download here:

<https://www.novato.org/home/showpublisheddocument/30102/637117567163670000>

NBCC is a non-profit, community-supported organization that provides developmentally based educational programs for children from age 6 weeks through age 5 years, and a smaller after school program for grade school age children. Proposed operational characteristics are described on the applicant’s Project Narrative and Description, received by the planning division on November 4, 2019, and included as Attachment 4. The applicant subsequently submitted clarification via email (also included with Attachment 4), as there were discrepancies between the narrative and the information in the plan set in terms of proposed number of students and teachers that the renovated site could support. Proposed operational characteristics as found on the corrected narrative are as follows:

- Existing hours of operation are Monday - Friday from 7am to 6pm. Hours of operation are not proposed to change.
- The majority of children would be dropped off between 7-9am, with the majority of pickups occurring between 4-6pm.
- Upon project completion enrollment capacity would increase from 125 children to 147 total children, which includes increased capacity from 28 to 30 children in the afterschool program.
- Teaching and support staff would not increase and remain at 28 total staff members.
- Daily deliveries from services including FedEx, USPS, UPS, and food delivery are anticipated.
- Outdoor activities include children’s gardening, play, and cooking areas.

*Project Setting*

The project site is the location of the existing NBCC facility, on the east side of C Street (a private street owned by the Novato Unified School District), north of the intersection with Main Gate Road. The project site is within a portion of the former Hamilton Army Airfield property and part of the “Exchange Triangle” (PA5) planning area of the Hamilton Army Airfield Reuse Plan, adopted by Novato City Council in 1995. The site is bordered by the South Novato Library to the north, and to the east and south by property owned by Novato Unified School District (NUSD) (APNs: 157-980-04, -07, and -08), which includes the adjacent Novato Charter School to the southeast at 940 C Street. A former auto service station site (the station has been removed) is located on the west side of C street (APN 157-980-05), as is a +/- 9-acre vacant parcel owned by NUSD.

*Requested Entitlements and Summary of Public Meetings*

The project requires the following development entitlement approvals:

- **Use permit** for a childcare facility.
- **Design review** to approve the Project’s site design, circulation, building massing building architecture, and landscaping.

The following public meetings and hearings are required as part of the entitlement process:

- Neighborhood meeting (completed)
- Design Review Commission Workshop (completed)
- Design Review Commission Recommendation (completed)
- Planning Commission Hearing (*pending*)

The applicant held a noticed neighborhood meeting on January 21, 2015. At this meeting representatives of NBCC reviewed the project with interested members of the public and answered

questions. The meeting was attended by three residents of the nearby community who were supportive of the project.

On February 18, 2015, the project was considered by the Design Review Commission (DRC) at a noticed public workshop. No members from the public addressed DRC regarding the project's design. DRC discussed alternative site layout and circulation options. The [staff report](#) and [minutes](#) from the meeting are available online for viewing and download.

The project was considered by DRC at a public hearing on October 4, 2017, for a formal recommendation to the Planning Commission on the project design. DRC recommended that the Planning Commission conditionally approve the design of the project including the site design, circulation, building massing, building architecture, and landscaping of the project. The DRC requested the project be conditioned to return to the Commission for review and approval of final architectural and landscaping details. A condition requiring a final review by the DRC is presented in the attached resolution for Planning Commission consideration.

The [staff report](#) and [minutes](#) from this meeting are available online for viewing and download. Figure 1: Aerial view of the project site



### **NEED FOR PLANNING COMMISSION ACTION**

Novato Municipal Code (NMC) Section 19.56.050 allows use permit applications to be acted on by the Zoning Administrator, however the Zoning Administrator may defer action on a use permit application and refer the item to the Planning Commission for a final decision. In this instance the Zoning Administrator has referred the use permit application to the Planning Commission for final

action. Pursuant to NMC Section 19.40.030 – *Concurrent Permit Processing*, the design review application for this Project will be reviewed concurrently with the use permit application by the highest review authority (Planning Commission).

The project would return to the DRC should the Planning Commission approve the use permit and design review with the DRC’s recommended condition requiring a final design review.

**BACKGROUND**

- Applicant/Owner: NBCC, c/o Susan Gilmore, Executive Director
- Property Size: ±1.34-acre
- General Plan Designation: Community Facilities (CF)
- Zoning Designation: Planned District (PD) – Hamilton Army Airfield Reuse Plan
- Existing Use: Early Childhood Development Educational Facility
- Adjacent Zoning and Uses: North – Planned District (PD); South Novato Library  
South – Planned District (PD); Novato Charter School  
East – Planned District (PD); Novato Charter School  
West – Planned District (PD); Vacant parcels

**ENVIRONMENTAL ASSESSMENT**

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City of Novato Environmental Review Guidelines, pursuant to CEQA Guidelines Section 15302 – *Replacement or Reconstruction*. Section 15302 exempts projects consisting of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity of the structure replaced.

The proposed project consists of a replacement facility for NBCC. The new structure will be on the same site as the existing school structure(s) to be replaced and the new building will serve the same purposes and substantially the same capacity (e.g., does not expand the capacity by more than 50 percent). The project meets the criteria for this CEQA exemption.

**STAFF ANALYSIS**

***Use Permit Required***

The project site is part of the Hamilton Field Reuse Plan (Master Plan) area and is located within Planning Area 5 as shown in the Master Plan. The project site is currently assigned the Community Facilities and Civic Uses – Special Uses Permitted (CFCU-SP) land use designation as defined in the Master Plan, which in part allows for childcare centers. Further, as defined in Chapter 3, Land Use Plan, of the Master Plan proposed childcare center(s) are to be permitted with a use permit as

implemented through the provisions of the Novato Zoning Ordinance, Municipal Code Chapter 19, Sections 19.42.050 and 19.34.070.

NBCC commenced operations prior to adoption of the Master Plan and was not subject to obtaining a use permit at that time. However, reconstruction and expansion of the existing childcare facility triggers the need to comply with the permit and development standards of the Master Plan and thus the requirement for a use permit.

### ***Use Permit Findings***

The Planning Commission must make the findings of NMC Section 19.42.050 E. to approve the requested use permit for the Project. These findings are listed below for Planning Commission reference, followed by staff analysis.

#### **Finding 1: The proposed use is consistent with the General Plan and any applicable specific plan;**

The subject parcel is assigned a General Plan land use designation of Community Facilities, Public Utilities, and Civic Uses (CF). The CF land use designation permits education and service uses, among other uses. NBCC is a childcare facility, providing educational and service uses by providing childcare services to the community. Accordingly, the continued use of the site as a childcare facility is consistent with the CF land use designation.

In addition to specifying acceptable types of land uses and maximum development intensities, the Novato General Plan provides a framework of policies addressing such matters as community identity, noise, and transportation. These policies are intended to coordinate Novato's physical development over a 20-year period. The General Plan contains various policies addressing development and project design. If a given project is found to be in general agreement with applicable General Plan policies, it is considered consistent with the General Plan. The project's consistency with the relevant policies of the Novato General Plan 2035 is described below.

**Policy CC 18 - *Parking Standards.*** *Reduce the visibility of parking facilities and the amount of land necessary for them to the maximum extent feasible. Encourage shared parking facilities where feasible.*

NBCC currently shares parking with the Novato Unified School District, and the proposal continues a shared parking and access concept. Parking is located on the sides and rear of the site, and the majority of the parking would not be visible from C Street. The project is considered to meet Policy CC18.

**Policy LW 12 – *Public Art.*** *Promote public art that enhances the cultural life of the community.*

Policy LW 12 is implemented through Program LW 12a: *Public Art Program.* *Ensure that new development complies with the requirements of the Art Program ordinance in the Zoning Code.*

If the applicant elects to incorporate an art component into the project, said art is subject to review and approval by the DRC at a public hearing. Alternatively, the applicant can request to pay the art in-lieu fee, subject to approval by the Director of Parks, Recreation, and Community Services (DPRCS).

**Policy LW 15 – *Childcare.*** Support and promote the provision of comprehensive childcare services by public and private providers.

NBCC is an existing non-profit childcare center providing childcare services to the Novato community. Replacement of their existing facility will allow for increased enrollment to meet additional need for childcare services within the City. The project is consistent with Policy LW 15.

**Policy NS 2 - *Noise Impacts of Development.*** Prevent land uses which increase surrounding noise levels above acceptable standards.

Please see the discussion under Findings 3 and 4 below. It is not anticipated that the project will result in negative impacts to surrounding existing and future development from a noise perspective. The project is therefore consistent with Policy NS 2.

**Finding 2: The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of this Zoning Ordinance and any relevant Master Plan and/or Precise Development Plan;**

*Hamilton Field Reuse Plan (Master Plan)*

Discussion: The Hamilton Field Reuse Plan (Master Plan) was approved in October 1995. The Master Plan is a comprehensive planning study prepared that reviewed the constraints, opportunities, land uses, development standards, and design policies representing the preferred development alternative for the former Department of the Navy property, an area also referred to as the Department of Defense Housing Facility (DODHF) property within the former Hamilton Army Airfield. The Reuse Plan was later adopted by the City in July 1998 as the Redevelopment Plan for portions of Hamilton Field. In October 1999 the City Council adopted the Reuse Plan as the Master Plan for the DODHF property. A full copy of the Master Plan can be accessed online at:

<https://www.novato.org/home/showpublisheddocument/7521/635580441224600000>

The Master Plan divides the DODHF property into ten distinct planning areas, each assigned various land use categories, development types, development standards, and design guidelines. In this instance, the Project Site is identified as being located in the Exchange Triangle (Planning Area 5).

As described above, Planning Area 5 is currently assigned the Community Facilities and Civic Uses – Special Uses Permitted (CFCU-SP), which in part allows for childcare centers, and childcare centers require a use permit for operation in the Master Plan area. Although NBCC commenced operations prior to adoption of the Master Plan, expansion or reconstruction of the childcare facility requires a use permit to permit operation of a childcare facility.

Section 3 of the Master Plan contains Land Use Goals and Policies for each Planning Area, which indicates development in the Exchange Triangle should be compatible with the nearby Lanham Village and other residential uses. NBCC has been operating for 27+ years from the subject property. No record of operational conflict between NBCC, and surrounding developments, including Lanham Village, have been identified.

The Master Plan limits the floor area ratio (FAR) to 0.40 for the CFCU-SP district. Additionally, Section 3.6.2.5.2 of the Master Plan limits the height of buildings to 30 feet. The proposed administration and educational structure of 19,824 sf represents an FAR of 0.339, and the maximum height of the proposed single-story childcare center is approximately 20'4"; design limits that comply with the base CFCU-SP land use design provisions.

### *Parking and Circulation*

The Zoning Ordinance parking ratio for child day-care centers requires 1 space per employee, plus 1 space per 5 children. The applicant's operational program allows for 28 employees and 147 children, or 28 employee spaces + 30 spaces = 58 spaces. The proposed plan shows 59 spaces, and thus meeting the requirements of the Zoning Code.

NBCC and the Novato Unified School District (NUSD) have an existing recorded reciprocal access and shared parking agreement, which serves to coordinate parking for NBCC and the neighboring Novato Charter School. Following notification of the DRC's October 4<sup>th</sup> hearing, planning staff was contacted by administration for Novato Charter School requesting that a full examination of the on-site circulation and parking improvements be conducted by City staff, in order to determine whether new vehicle circulation, namely the one-way loop drive around NBCC's campus, and the adjoining parking configuration will result in the safe and efficient flow of traffic for both NBCC and Novato Charter School.

Planning staff have examined the proposed circulation and parking improvements for compliance with NMC Division [19.30](#) – *Parking and Loading*, and found the proposed plans to be consistent with all standards of this division including parking design standards. Additionally, the project plans were referred to the City's Engineering Division for review and comment on the proposed parking and circulation plan. The Engineering Division provided conditions of approval as necessary to ensure safe vehicle access and circulation to and at the project site.

Traffic is discussed further under Findings 3 and 4, below.

**Finding 3: The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;**

**Finding 4: The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and**

### *Discussion for Findings 3 and 4:*

#### *Noise*

The site is separated from residential uses at Lanham Village by approximately 450-feet by C Street and vacant properties to the west of the project site, and from residential properties south of Main Gate Road by over 250-feet. The South Novato Library is located to the north of the site and Novato

Charter School is located to the south and east, with the SMART rail line beyond. The proposal involves outdoor learning and play areas in a courtyard area with frontage along C Street. It is not anticipated that children playing or receiving instruction outdoors would negatively impact surrounding properties from a noise perspective based on the following observations:

- Allowable exterior noise levels can be found in NMC [19.22.070](#) Table 3-5. The maximum allowable daytime noise level for a commercial zoning district is 70 decibels. NBCC's hours of operation are weekdays during normal business hours between 7am – 6pm. It is not anticipated that any noise created by the school including vehicles entering and existing the site and children playing and receiving instruction outside would exceed the 70-decibel maximum, recognizing that the proposed outdoor activity areas for the childcare include gardening and outdoor cooking areas, which are not inherently noisy activities.
- It is unlikely the sound of children playing outside would adversely affect adjacent uses, in that the nearest residential use is over 250-feet south of the site and given the intermittent ambient noise in the vicinity from vehicle on Main Gate Road and trains on the SMART track to the east of the site.
- Immediately adjacent uses include Novato Charter School, and South Novato Library, both of which are similar in operation to NBCC in terms of hours of operation and vehicle trips to and from the site.
- There will likely be sources of loud noise associated with construction of the new NBCC building from construction activities and equipment. However, construction related noise will be temporary, and construction will be required to adhere to the construction noise regulations found in NMC 19.22.070 – *Noise and Construction Hours*, including days and hours during which construction may occur. Long term operation of the childcare center does not include sources of noise beyond vehicle traffic, normal human speech and activities, and children playing outdoors.

### *Traffic*

A traffic study was prepared by W-Trans, dated July 12, 2016 (included as Attachment 3) to analyzed potential traffic impacts relative to the proposed expansion of NBCC. The traffic study focused on impacts to the Main Gate Road/Nave Drive intersection and Main Gate Road/C Street intersection. Traffic counts were taken at these intersections on days when local schools were in session.

The traffic study includes anticipated trip generation for the proposed project, based on anticipated increase in students at the site. The project is expected to generate 58 a.m. peak hour (7-9 a.m.) trips and 57 p.m. peak hour (4-6 p.m.) trips. Remaining vehicle trips would occur over the balance of the day. This information is used to establish level of service (LOS) for the site. Please see further discussion below.

The General Plan establishes standards for acceptable LOS for intersections in Novato. LOS is expressed using letters A through F, with A representing best and F representing worst conditions.



Signalized intersections or those with four-way stops signs should operate at LOS D or better, and all other intersections should operate at an LOS E or better. The project related traffic results in an LOS C (at the southbound approach to the Main Gate Road/C Street intersection) during the AM peak hours, exceeding the minimum requirements for LOS found in the City's General Plan. Project related traffic results in the intersection at Main Gate Road/Nave Drive maintaining an LOS A.

Future traffic volumes at these intersections were estimated based on a buildout of the 1996 General Plan (the 2035 General Plan had not been adopted at the time the traffic study was performed). Future anticipated traffic volumes at these intersections plus traffic from the proposed project results in study intersections results in an LOS C at the southbound approach for the Main Gate Road/C Street intersection, and LOS B at the Main Gate Road/Nave Drive intersection.

The traffic study also includes recommendations relating to sidewalks, sight distance, and striping and signage which have been added as recommended conditions of approvals on the attached resolution (Attachment 1).

### *Site Access and Utilities*

The existing vehicle and pedestrian access to the project site is taken via C Street, a private street owned by NUSD. While NBCC staff and attendees have used C Street during the +/- 27 years NBCC has been operational at this location, there is no easement in place formally allowing public vehicle and pedestrian access to NBCC via C Street.

NBCC also utilizes an existing private sanitary sewer line to serve the project site, which crosses the NUSD owned parcel to the west of the project site, for which there is no easement in place. Furthermore, Novato Sanitary District (NSD) has also stated this private sewer line will likely need to be abandoned at some point in the future due to the advanced age of the sewer line.

Finally, the existing storm drain system to serve the project site is located off-site, running through the NUSD-owned parcel to the west. The redevelopment and expansion of the site resulted in the need for NBCC to connect to this storm drain system, however no easement currently exists allowing NBCC to utilize this existing off-site storm drain system.

Given the information above, planning and engineering staff requested that NBCC obtain easements, or at a minimum formal approval by NUSD for continued use of C Street for public access to the site, and for use of the utility infrastructure on NUSD owned property. In-lieu of obtaining easements at this time, NBCC and NUSD executed a Memorandum of Understanding (MOU) included as Attachment 2 allowing the following:

- NUSD grants NBCC use of C Street to vehicle and pedestrian access to and from Main Gate Road to the project site.
- Grant of an easement to NBCC for construction of a sidewalk on the west side of C Street (sidewalk is as shown in project plans).
- NUSD grants NBCC license to connect to existing private storm water piping on NUSD-owned property.

- NUSD grants NBCC permission for continued use of the private sewer line currently connect to NBCC for the term of the MOU agreement, and establish a new location/easement for a new sanitary sewer line in the future across NUSD property to serve NBCC.

The MOU became effective when signed by both parties in April 2021 and has an expiration date of 3 years from date of signature, unless extended by mutual agreement.

Staff believes that studies of the storm drain and sewer systems provided by the applicant as well as the MOU are sufficient to recommend approval the proposed project at this time, recognizing the applicant has demonstrated the existing storm drain and private sewer system are currently capable of serving the project, with minor improvements (to repair or remove blockages) as further described in the recommended conditions of approval.

The City's Engineering Division has also provided a recommended condition of approval requiring NBCC to complete installation of a new sewer main from the NBCC property to a sewer main owned by the Novato Sanitary District (NSD) prior to the expiration of the MOU. The private sewer system that NBCC will be utilizing is an older system leftover from the time when the site was part of the Hamilton Army Airfield. It was anticipated that through redevelopment of the site, infrastructure would also be updated as necessary. Given the advanced age of the sewer line, the condition of approval requires NBCC to complete installation of new sewer infrastructure connecting to a sewer main owned by the Novato Sanitary District to ensure that the sufficient infrastructure exists to serve the proposed expanded campus long-term.

When the MOU expires, it will be the onus of NBCC, to the satisfaction of both the City and NUSD (or future property owner if the property is sold), to secure any necessary easements or approvals for continued access and utility service to the site. The use permit and design review approvals discussed in this staff report do not include approvals of future sanitary sewer alignments or connection points. If/when the MOU expires and should NBCC pursue new utility alignments or formal easements for either access or utilities, separate approvals from the City's planning, engineering, and building divisions may be required. New utility locations would be analyzed at a future date should they be pursued by NBCC. City staff did not review any potential new utility alignments as part of this project.

Based on the information described above, continued operation of a childcare facility at the subject site would not be detrimental to health, safety, or welfare of persons residing or working in the surrounding neighborhood or injurious to property and improvements.

**Finding 5: The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.**

As described previously, the land uses in the immediate vicinity of the project site include South Novato Public Library to the north and Novato Charter School to the south and east. C Street is located to the immediate west of the site with NUSD vacant property beyond, separating the NBCC site from residential uses at Lanham Village. The library and charter school are similar uses to the childcare facility in terms of operational characteristics including traffic and hours of operation.

The continued operation of NBCC would be limited to weekdays from 7am to 6pm and would not interfere with the adjacent library or charter school uses. It is not anticipated that continued operation of NBCC at this location would interfere with any future land uses on the vacant properties to the west of C Street.

### ***Design Review***

On October 4, 2017, the DRC recommended the Planning Commission approve the Project's site design, circulation, building massing, building architecture, and landscaping. The DRC's recommendation was based on the required findings for Design Review below, as listed in NMC 19.42.030 F., listed below:

**Finding 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;**

**Finding 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;**

**Finding 3: The proposed development would not be detrimental to the public health, safety, or welfare.**

Discussion: Please refer to the [staff report](#) of the October 4, 2017 DRC hearing for a discussion of the project's conformance to the findings listed above. Subsequent to the DRC hearing for this project in 2017, the City's General Plan was updated and the project's conformance to the design related policies in the 2035 General Plan is described further in the resolution for approval as Attachment 1 to this staff report. In all instances, the Project's design, as represented by the project plans was found to meet the above listed Design Review findings.

### ***Public Notice***

Notice of the Planning Commission hearing was sent to all property owners and residents within 600-feet of the project site per the noticing requirements of NMC 19.58.020 – *Notice of Public Hearing or Discretionary Action*. The notice was also posted on the City's website and published in the Marin Independent Journal newspaper.

### **COMMISSION ALTERNATIVES**

1. Adopt the attached resolution finding the Project exempt from CEQA, granting a use permit to allow a childcare facility to operate at 932 C Street, and approving the site design, circulation, building massing, building architecture, and landscaping for NBCC; or
2. Adopt the attached resolution with amendments, finding the Project exempt from CEQA, granting a use permit to allow a childcare facility to operate at 932 C Street, and approving

the site design, circulation, building massing, building architecture, and landscaping for NBCC; or

3. Do not adopt the attached resolution finding the Project exempt from CEQA, granting a use permit to allow a childcare facility to operate at 932 C Street, and approval of the site design, circulation, building massing, building architecture, and landscaping; or
4. Continue the public hearing with direction to staff.

### **RECOMMENDATION**

Staff recommends the Planning Commission adopt the attached resolution finding the Project exempt from CEQA, granting a use permit to allow a childcare facility to operate at 932 C Street, and approval of the site design, circulation, building massing, building architecture, and landscaping for NBCC.

### **FURTHER ACTION**

No further action on the application will be taken unless an appeal is filed in writing within ten calendar days along with the required filing fee.

The project would return to the Design Review Commission for its consideration of the final design details of the project if the Planning Commission accepts the DRCs' recommendation to require such a review.

### **AVAILABLE FOR DIGITAL DOWNLOAD AT:**

The following project documents are available for viewing and download at: [www.novato.org/nbcc](http://www.novato.org/nbcc)

1. Design Review Commission Hearing Minutes of February 18, 2015
2. Design Review Commission Hearing Staff Report of February 18, 2015
3. Design Review Commission Workshop Minutes of October 4, 2017
4. Design Review Commission Workshop Staff Report of October 4, 2017
5. Project Plans, prepared by Dorman Associates and dated December 10, 2019

### **ATTACHMENTS**

1. Resolution – Adopting a CEQA Exemption and Approving a Use Permit and Design Review
2. Memorandum of Understanding (MOU) Between NUSD and NBCC, signed 4/16/21 and 4/6/21
3. Traffic Study, prepared by W-Trans, dated July 12, 2016
4. NBCC Project Narrative and Description (Use Permit), received November 4, 2019, and correction received July 27, 2021

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 2021-\_\_\_\_\_

RESOLUTION OF THE NOVATO PLANNING COMMISSION APPROVING A CEQA CATEGORICAL EXEMPTION, GRANTING A USE PERMIT, AND APPROVING THE DESIGN REVIEW FOR RECONSTRUCTION OF THE EXISTING CHILDCARE FACILITY OPERATED BY NORTH BAY CHILDREN’S CENTER, 932 C STREET, APN 157-980-03

WHEREAS, the City of Novato (“City”) received an application (P2019-092) from North Bay Children’s Center (“NBCC” and “Applicant”) requesting a use permit to allow the reconstruction, expansion, and continued operation of a childcare facility (“Project”) on a site identified as 932 C Street, APN 157-980-03;

WHEREAS, the Applicant is requesting design review approval for the Project pursuant to Novato Municipal Code Section 19.42.030, which establishes procedures for review and approval of design aspects of new development (e.g., building design, landscaping, site planning, and development);

WHEREAS, the Project is exempt from the requirements of the California Environmental Quality Act (CEQA) and the City of Novato Environmental Review Guidelines pursuant to CEQA Guidelines Section 15302 – *Replacement or Reconstruction*;

WHEREAS, on January 21, 2015, the 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;

WHEREAS, the Design Review Commission conducted a publicly noticed workshop on February 18, 2015, to consider preliminary design aspects of the Project, and provided suggestions on the design aspects of the Project to the Applicant;

WHEREAS, the Design Review Commission conducted a publicly noticed hearing on October 4, 2017, to consider the design aspects of the Project and formally recommended the Planning Commission conditionally approve the design aspects of the Project;

WHEREAS, the Planning Commission held a public hearing on August 9, 2021, to consider and receive public testimony on a CEQA exemption, use permit, and design review for the Project;

WHEREAS, notices describing the Planning Commission’s public hearing on the proposed CEQA exemption, use permit, and design review for the Project were sent to all affected property owners within 600-feet 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 noticing pursuant to Section 19.58.020 of the Novato Municipal Code, and

published in the Marin Independent Journal, a newspaper of local circulation, on July 30, 2021; and

NOW, THEREFORE, BE IT RESOLVED that 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 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 the Project, (2) the evidence, facts, findings and other determinations set forth in this resolution, (3) the City of Novato 2035 General Plan and its certified final EIR and the Novato Municipal Code, (4) all designs, plans, studies, data and correspondence submitted to the City in connection with the Project (5) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City regarding the Project, and (6) all other matters of common knowledge to the Planning Commission 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. CEQA Finding**

**Facts in Support:** The Project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City of Novato Environmental Review Guidelines, pursuant to CEQA Guidelines Section 15302 – Replacement or Reconstruction. Section 15302 exempts projects consisting of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity of the structure replaced.

The Project consists of constructing and operating a replacement childcare facility by the Applicant. The new structure will be on the same site as the existing childcare structure(s) to be replaced and the new building will serve the same purposes and substantially the same capacity (e.g., does not expand the capacity by more than 50 percent). Based on these observations, the Project meets the criteria for this CEQA exemption.

**Section 4. Use Permit Findings**

The Planning Commission hereby makes the following findings as required by Section 19.42.050.E. of the Novato Municipal Code with respect to the use permit at issue herein based on the evidence contained in the Record which is herein incorporated by reference:

1. The proposed use is consistent with the General Plan and any applicable specific plan;

Facts in Support: The subject parcel is assigned a General Plan land use designation of Community Facilities, Public Utilities, and Civic Uses (CF). The CF land use designation permits education and service uses, among other uses. NBCC is a childcare facility, providing educational and service uses by providing childcare services to the community. Accordingly, the continued use of the site as a childcare facility is consistent with the CF land use designation.

In addition to specifying acceptable types of land uses and maximum development intensities, the Novato General Plan provides a framework of policies addressing such matters as community identity, noise, and transportation. These policies are intended to coordinate Novato's physical development over a 20-year period. The General Plan also contains various policies addressing development and project design. If a given project is found to be in general agreement with applicable General Plan policies, it is considered consistent with the General Plan. The Project's consistency with the relevant policies of the Novato General Plan 2035 is described below.

**Policy CC 18 - *Parking Standards.*** *Reduce the visibility of parking facilities and the amount of land necessary for them to the maximum extent feasible. Encourage shared parking facilities where feasible.*

The Applicant currently shares parking with the Novato Unified School District, and the Project continues a sharing parking and access. Parking is located on the sides and rear of the site, and the majority of the parking would not be visible from C Street. Based on these observations, the Project is considered to meet Policy CC18.

**Policy LW 12 – *Public Art.*** *Promote public art that enhances the cultural life of the community.*

Policy LW 12 is implemented through Program LW 12a: *Public Art Program.* *Ensure that new development complies with the requirements of the Art Program ordinance in the Zoning Code.*

The Project is conditioned to comply with the requirements of Novato Municipal Code Division 19.21, *Art Program*, which implements Policy LW 12 and Program LW 12a. If the Applicant elects to incorporate an art component into the Project, said art is subject to review and approval by the Design Review Commission at a public hearing. Alternatively, the Applicant can request to pay the art in-lieu fee, subject to approval by the Director of Parks, Recreation, and Community Services (DPRCS). As conditioned, the Project is considered to be consistent with Policy LW 12 and Program LW 12a.

**Policy LW 15 – *Childcare.*** *Support and promote the provision of comprehensive childcare services by public and private providers.*

The Applicant is an existing non-profit childcare center providing childcare services to the Novato community. Replacement of their existing, aged and obsolete facility will provide a more suitable and modern building, while allowing incrementally increased enrollment to meet additional need for childcare services within the City. Based on these observations, the Project is consistent with Policy LW 15.

**Policy NS 2 - *Noise Impacts of Development.*** *Prevent land uses which increase surrounding noise levels above acceptable standards.*

Please see the discussion under Findings 3 and 4 below. It is not anticipated the Project will increase noise levels above acceptable standards given the use already exists and is not known to have activities exceeding applicable noise thresholds or generating complaints about noise. The Project is therefore consistent with Policy NS 2.

2. The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Ordinance and any relevant Master Plan and/or Precise Development Plan;

Facts in Support: The Hamilton Field Reuse Plan (Master Plan) was approved in October 1995. The Master Plan is a comprehensive planning study that reviewed the constraints, opportunities, land uses, development standards, and design policies representing the preferred development alternative for the former Department of the Navy property, an area also referred to as the Department of Defense Housing Facility (DODHF) property within the former Hamilton Army Airfield. The Reuse Plan was later adopted by the City in July 1998 as the Redevelopment Plan for portions of Hamilton Field. In October 1999 the City Council adopted the Reuse Plan as the Master Plan for the DODHF property.

The Master Plan divides the DODHF property into ten distinct planning areas, each assigned various land use categories, development types, development standards, and design guidelines. In this instance, the project site is identified as being located in the Exchange Triangle (Planning Area 5).

As described above, Planning Area 5 is currently assigned the Community Facilities and Civic Uses – Special Uses Permitted (CFCU-SP), which in part allows for childcare centers, and childcare centers require a use permit for operation in the Master Plan area. Although the Applicant commenced operations prior to adoption of the Master Plan, reconstruction and expansion of the childcare facility requires a use permit to permit operation of a childcare facility.

Section 3 of the Master Plan contains Land Use Goals and Policies for each Planning Area, which indicates development in the Exchange Triangle should be compatible with the nearby Lanham Village and other residential uses. The Applicant has been operating for 27+ years from the subject property. No record of operational conflict between Applicant's facility, and surrounding developments, including Lanham Village, have been identified.

The Master Plan limits the floor area ratio (FAR) to 0.40 for the CFCU-SP designation. Additionally, Section 3.6.2.5.2 of the Master Plan limits the height of buildings to 30 feet. The proposed administration and educational structure of 19,824 sf represents an FAR of 0.339, and the maximum height of the proposed single-story childcare, at the Family Room, is approximately 20'4"; design limits that comply with the base CFCU-SP land use design provisions.



## *Parking and Circulation*

The Zoning Ordinance parking ratio for child day-care centers requires 1 space per employee, plus 1 space per 5 children. The applicant's operational program allows for 28 employees and 147 children, or 28 employee spaces + 30 spaces = 57.4 spaces. The proposed plan shows 59 spaces, and thus meeting the requirements of the Zoning Code.

The Planning Division has examined the Project's proposed circulation and parking improvements for compliance with NMC Division 19.30 – Parking and Loading, and found the proposed plans to be consistent with all standards of this division including parking design standards. Additionally, the project plans were referred to the City's Engineering Division for review and comment on the proposed parking and circulation plan. The Engineering Division provided conditions of approval as necessary to ensure safe vehicle access and circulation to and at the project site.

Traffic is discussed further under Findings 3 and 4, below.

3. The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;
4. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and

Facts in Support (Findings 3 and 4):

### *Noise*

The site is separated from residential uses at Lanham Village by approximately 450-feet by C Street and vacant properties to the west of the project site, and from residential properties south of Main Gate Road by over 250-feet. The South Novato Library is located to the north of the site and Novato Charter School is located to the south and east, with the SMART rail line beyond. The proposal involves outdoor learning and play areas in a courtyard area with frontage along C Street. It is not anticipated that children playing or receiving instruction outdoors would be detrimental to surrounding properties from a noise perspective based on the following observations:

- Allowable exterior noise levels can be found in NMC [19.22.070](#) Table 3-5. The maximum allowable daytime noise level for a commercial zoning district is 70 decibels. The Applicant's hours of operation are weekdays during normal business hours between 7am – 6pm. It is not anticipated that any noise created by the school including vehicles entering and existing the site and children playing and receiving instruction outside would exceed the 70-decibel maximum, recognizing that the proposed outdoor activity areas for the childcare include gardening and outdoor cooking areas, which are not inherently noisy activities.
- It is unlikely the sound of children playing outside would adversely affect adjacent uses, in that the nearest residential use is over 250-feet south of the site and given

the intermittent ambient noise in the vicinity from vehicle on Main Gate Road and trains on the SMART track to the east of the site.

- Immediately adjacent uses include Novato Charter School and South Novato Library, both of which are similar in operation to the Applicant's childcare facility in terms of hours of operation and vehicle trips to and from the site.
- There will likely be sources of loud noise associated with construction of the Project from construction activities and equipment. However, construction related noise will be temporary, and construction will be required to adhere to the construction noise regulations found in NMC 19.22.070 – *Noise and Construction Hours*, including days and hours during which construction may occur. Long term operation of the Project does not include sources of noise beyond vehicle traffic, normal human speech and activities, and children playing outdoors.

### *Traffic*

A traffic study was prepared by W-Trans, dated July 12, 2016 (included as Attachment 3) to analyze potential traffic impacts relative to the proposed expansion of NBCC. The traffic study focused on impacts to the Main Gate Road/Nave Drive intersection and Main Gate Road/C Street intersection. Traffic counts were taken at these intersections on days when local schools were in session.

The traffic study includes anticipated trip generation for the proposed project, based on anticipated increase in students at the site. The project is expected to generate 58 a.m. peak hour (7-9 a.m.) trips and 57 p.m. peak hour (4-6 p.m.) trips. Remaining vehicle trips would occur over the balance of the day. This information is used to establish level of service (LOS) for the site. Please see further discussion below.

The General Plan establishes standards for acceptable LOS for intersections in Novato. LOS is expressed using letters A through F, with A representing best and F representing worst conditions. Signalized intersections or those with four-way stops signs should operate at LOS D or better, and all other intersections should operate at an LOS E or better. The project related traffic results in an LOS C (at the southbound approach to the Main Gate Road/C Street intersection) during the AM peak hours, exceeding the minimum requirements for LOS found in the City's General Plan. Project related traffic results in the intersection at Main Gate Road/Nave Drive maintaining an LOS A.

Future traffic volumes at these intersections were estimated based on a buildout of the 1996 General Plan (the 2035 General Plan had not been adopted at the time the traffic study was performed). Future anticipated traffic volumes at these intersections plus traffic from the proposed project results in study intersections results in an LOS C at the southbound approach for the Main Gate Road/C Street intersection, and LOS B at the Main Gate Road/Nave Drive intersection.

The traffic study includes recommendations relating to sidewalks, sight distance, and striping and signage improvements which are included herein as conditions of approval.

### *Site Access and Utilities*

The existing vehicle and pedestrian access to the project site is taken via C Street, a private street owned by NUSD. While the Applicant's staff and attendees have used C Street during the +/- 27 years the childcare facility has been operational at this location, there is no easement in place formally allowing public vehicle and pedestrian access to the facility via C Street.

The Applicant also utilizes an existing private sanitary sewer line to serve the project site, which crosses the NUSD owned parcel to the west, for which there is no easement in place. Furthermore, Novato Sanitary District (NSD) has also stated this private sewer line will likely need to be abandoned at some point in the future due to the advanced age of the sewer line.

Finally, the existing storm drain system to serve the project site is located off-site, running through the NUSD-owned parcel to the west. The redevelopment and expansion of the childcare facility results in the need for NBCC to connect to this storm drain system, however no easement currently exists allowing NBCC to utilize this existing off-site storm drain system.

Given the information above, NBCC and NUSD executed a Memorandum of Understanding (MOU), incorporated herein by reference and attached hereto as Exhibit A, stipulating the following:

- NUSD grants NBCC use of C Street to vehicle and pedestrian access to and from Main Gate Road to the project site.
- Grant of an easement to NBCC for construction of a sidewalk on the west side of C Street (sidewalk is as shown in project plans).
- NUSD grants NBCC license to connect to the existing private storm water piping on NUSD-owned property.
- NUSD grants NBCC permission for continued use of the private sewer line currently connected to NBCC for the term of the MOU agreement, and establish a new location/easement for a new sanitary sewer line in the future across NUSD property to serve NBCC.

The MOU became effective when signed by both parties in April 2021 and has an expiration date of 3 years from date of signature, unless extended by mutual agreement. If the MOU expires, it will be the onus of NBCC, to the satisfaction of both the City and NUSD (or future property owner if the property is sold), to secure any necessary easements or approvals for continued access and utility service to the site.

The existing storm drain and private sewer system are currently capable of serving the Project, with minor improvements (to repair or remove blockages) as conditioned herein. However, the Project has also been conditioned herein to complete installation of a new sewer main from the Applicant's property to a sewer main owned by the Novato Sanitary District (NSD) prior to the

expiration of the MOU given the advanced age of the existing sewer line. The condition of approval requires the Applicant to complete installation of new sewer infrastructure to ensure that sufficient infrastructure exists to serve the Project long-term.

Based on the information described above and applicable conditions of approval, continued operation of a childcare facility at the subject site would not be detrimental to health, safety, or welfare of persons residing or working in the surrounding neighborhood or injurious to property and improvements.

5. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

Facts in Support: As described previously, the land uses in the immediate vicinity of the project site include South Novato Public Library to the north and Novato Charter School to the south and east. C Street is located to the immediate west of the site with NUSD vacant property beyond, separating the NBCC site from residential uses at Lanham Village. The library and charter school are similar uses to the childcare facility in terms of operational characteristics, including traffic and hours of operation.

The continued operation of NBCC would be limited to weekdays from 7am to 6pm and would not interfere with the adjacent library or charter school uses. It is not anticipated that continued operation of NBCC at this location would interfere with any future land uses on the vacant properties to the west of C Street.

## **Section 5. Design Review Findings**

The Planning Commission hereby makes the following findings as required by Section 19.42.030.F. of the Novato Municipal Code with respect to the Project's design at issue herein based on the evidence contained in the Record which is herein incorporated by reference:

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.

Facts in Support: The Novato General Plan 2035 provides a framework of policies that were adopted to coordinate all major components of Novato's physical development over a 20-year period. These policies serve as a basis to assess whether public and private development proposals are consistent with the General Plan. In this instance, the Planning Commission should consider the Project's design in light of the design related *policies* of the Novato General Plan listed below.

*Policy CC 12 - 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.*

The Project's site design and massing is both sensitive to and compatible with the surrounding ambiance, topography, architecture, landscaping, scale, height and character of development in the surrounding neighborhood, including the adjacent Novato Charter School to the south and South Novato Library facilities to the north. In particular, the Project includes the following compatible and complementary design aspects:

- An attractive site plan introducing an active open yard onto C Street that includes a play area, vegetable garden, green house, and open-air kitchen all framed in by the new child day care building.
- A Spanish style architecture reflective of the existing buildings found throughout the former Hamilton Army Airfield reuse area.
- A formalized circulation and parking plan including landscape planter strips and islands with integrated trees and ground cover.

*Community Identity Policy 13 – Architectural Character. The architecture of the new development should be authentic to the style being expressed, with appropriate finish details (materials, colors, application techniques).*

The Project incorporates Spanish style architecture consistent with other development throughout the Hamilton area. The finish details, including stucco siding, barrel tile roofing, and stained wood timbers, are consistent with and authentic to the Spanish style of architecture.

*Policy CC 18 - Parking Standards. Reduce the visibility of parking facilities and the amount of land necessary for them to the maximum extent feasible.*

The Project relies on a shared parking plan complying with the City's minimum parking ratio for child day care facilities in an efficient configuration requiring limited space. Located along the east and south sides of the new center structure, parking is effectively screened from public views from C Street.

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: As proposed, the project's Spanish style residential craftsman design is compatible with and enhances the character of the immediate neighborhood and the larger community character along C Street; provides for harmonious and orderly development via the provision a coordinated one-way loop driveway for ingress and egress and the incorporation of both internal and neighborhood serving pedestrian access (e.g. the condition of approval requiring sidewalk improvements to the east side of C St.); and creates a desirable environment for occupants, visitors and neighbors by incorporating indoor and outdoor gathering spaces, a

community garden, and overall formalized landscaping, including parking lot landscaping where none exists today.

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 to the Project, including the Novato Public Works Department, North Marin Water District, Novato Sanitary District and Novato Fire Protection District. These agencies requested conditions of approval addressing matters such fire protection, pedestrian access, adequacy of drainage facilities, and water and sewer service. While the construction level plans have yet to be prepared and submitted for final approval, none of the responsible agencies identified issues that would require significant changes to the site and/or building design that, less addressed, represent a detriment to public health, safety, or welfare, nor be materially injurious to project occupants, visitors and surrounding properties or improvements in the vicinity.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission hereby approves a use permit to allow operation of a childcare facility, North Bay Children's Center, at 932 C Street, and design review approval of a new 19,824 square foot building based on the findings set forth herein and subject to the conditions of approval below:

**Section 6. Conditions of Approval and Time Limitations**

The Planning Commission hereby applies the following conditions of approval to the use permit:

The following conditions of approval shall be met to the satisfaction of the *Planning Division*:

1. The Design Review Commission shall review the final details of the site design, architecture, and landscaping for North Bay Children's Center. The Design Review Commission's review of the project's final design shall include, but is not limited to:
  - a. Architectural detailing (e.g., windows/door detailing, siding, trim details, etc.);
  - b. Exterior colors;
  - c. Tree and plant locations, species, size;
  - d. Type and style of sight lighting, and
  - e. Final design, including materials to construct the public art component, if proposed, pursuant to Novato Municipal Code Division 19.21, Art Program.
2. The Use Permit approval shall expire two (2) years from the date of approval unless the activity authorized therein has commenced operation.

3. The Design Review approval shall expire two (2) years from the date of approval unless within that time a building permit has been issued and remains valid.
4. The childcare facility shall be operated in accordance with the project narrative and description submitted by North Bay Children's Center to the City of Novato on November 4, 2019, and correction received on July 27, 2021, attached to this resolution as Exhibit B.
5. The project shall comply with Novato Municipal Code Division 19.21 (Art Program) prior to issuance of a building permit for the project.
6. No deviation from approved plans, including color changes or substitution of materials, shall be made without City approval. Minor alterations can be considered by Planning Division staff. Significant design revisions shall be returned to the Design Review Commission for consideration.
7. 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 Base 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.

The following conditions of approval shall be met to the satisfaction of the *Building Division of the City of Novato Community Development Department*:

8. Building permits, issued by the City of Novato Building Division are required for the proposed development/construction.
9. The applicant shall be responsible for paying all development impact fees and school fees to the satisfaction of the City of Novato Building Division.
10. Any construction within the 100-year flood zone shall comply with the City's Flood Damage Prevention Requirements of NMC section 5-31 as applicable.
11. Construction shall comply with current building codes in effect at the time of the building permit application submittal.

The following conditions of approval shall be met to the satisfaction of the *Engineering Division of the City of Novato Public Works Department*:

**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 (UCS), 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 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 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 show all existing and proposed utilities, above and below ground, including water, sanitary sewer, storm sewer, communication lines, 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. The Improvement Plans shall be submitted directly to Public Works independent of any building permit application. Improvement Plans must be approved by the City Engineer prior to any on-site or off-site construction.
15. 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.
16. A detailed design level 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.
17. 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. All existing and proposed electrical and communications lines, 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.



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, demolition or building 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. Prior to City approval of the Improvement Plans, Applicant shall obtain signatures from representatives of the Novato Fire Protection District and the Novato Sanitary District on the final Improvement Plans acknowledging their review.
22. 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.
23. 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.
24. Stenciling shall be provided on curb inlets to prohibit dumping of pollutants. The stencil detail shall be included in the Improvement Plans.
25. Landscape plans shall be submitted with the Improvement Plans and shall meet the requirements of sight distance to the satisfaction of the City Engineer.
26. 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:**

27. The Applicant shall submit Improvement Plans for the entire development prepared by a California licensed civil engineer (Engineer of Record) in substantial conformance with the Schematic Design Grading, Drainage & Utility Plan prepared by Adobe Associates, Inc., dated October 23, 2019 (referred to herein as Preliminary Plans).
28. Applicant shall construct all of the Public Improvements generally as shown on the Preliminary Plans and described below.
29. Construct standard concrete curb and gutter and five-foot wide sidewalk along the entire C Street frontage and extending south along the east side of C Street connecting to the existing sidewalk at the Main Gate Road intersection.
30. Install “No Parking” signs along the length of the new sidewalk.
31. Reconstruct both the southern northern driveways consistent with UCS Standard Drawing No. 120.
32. Restripe the crosswalk and re-mark the “STOP” marking on C Street at the Main Gate Road intersection.
33. Applicant shall construct all of the Private Improvements generally as shown on the Preliminary Plans and more specifically described below.
34. Construct the permanent on-site post-construction stormwater treatment facilities in accordance with the approved final SWCP.
35. Replace broken or deteriorated sections of existing downstream storm drains and remove rocks as identified in the storm drain inspection performed by Roy’s Sewer Service dated April 22, 2020.
36. Provide signage and pavement markings at the southern driveway indicating that it is an exit only.
37. 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.

### **Construction Conditions of Approval:**

38. 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.
39. 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.
40. 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.
41. 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.
42. 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.
43. 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."
44. 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.

45. Utilities to be abandoned shall be removed or completely filled with suitable material and capped to the approval of the applicable utility agency and to the approval of the City Engineer.
46. After all of the new underground utilities within existing public streets have been installed, the entire affected areas shall be milled and repaved to present a neat, finished pavement area. Multiple trench patches are not acceptable.
47. 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 to conform to the City standards prior to receiving an occupancy permit for the building.

**Occupancy Conditions of Approval:**

48. Prior to occupancy, complete all of the Public Improvements and Private Improvements described in the Special Conditions above.
49. Prior to occupancy, 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.
50. Prior to occupancy, 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.
51. Prior to occupancy, 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.
52. Prior to occupancy, the Applicant shall provide a digital copy of the Improvement Plans that include all as-built or field changes.

**MOU Conditions of Approval:**

53. Prior to the expiration of the Memorandum of Understanding (MOU) between the Novato Unified School District and the North Bay Children's Center (NBCC) dated April 21, 2021, complete the installation of a new sewer main from the NBCC property to a sewer main owned by the Novato Sanitary District.

The following conditions of approval shall be met to the satisfaction of the *North Marin Water District*:

54. The applicant shall submit improvement plans to the North Marin Water District prior to issuance of a building permit. Occupancy approval shall not be granted until the review is completed and if applicable, new water facility installation is complete and fees are paid.
55. On-site facilities shall be designed to use recycled water for landscape irrigation. The on-site irrigation shall be designed to prevent discharge onto areas no under control of the property owner.
56. 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.
57. Installation of an above-ground reduced pressure principle (RPP) backflow prevention device at the meter is required in accordance with the District’s Regulation 6.

The following conditions of approval shall be met to the satisfaction of the *Novato Fire Protection District*:

58. An automatic fire sprinkler system is required to be installed conforming to Novato Fire Protection Standard 13. Plans and hydraulic calculations shall be submitted to the Fire Marshal for review prior to installation. Additional sizing may be required due to available pressures and fire flow.
59. All automatic fire sprinkler and fire alarm systems, flow switches, and control valves shall be monitored by an approved UL Central Station company, zoned and enunciated as required by the Novato Fire District and Fire Protection Standard #400.
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 hydrant(s) shall be spotted by the Fire Marshal and contain at least one 4- and one-half inch and on 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. 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.

64. Roadways shall be not less than 20-feet wide capable of accommodating a 60,000 gross vehicle weight (GVW) and driveways not less than 16-feet wide capable of accommodating a 40,000 GVW, all weather surface (AC paving or concrete), unobstructed, and shall be installed prior to lumber delivery or framing.
65. All driveways and parking areas shall accommodate Novato Fire District apparatus turning radius per NFD standards.
66. 'No parking fire lane' curbs and signs shall be installed in accordance with NFD Standard #204 as required by the Fire Marshal.
67. 'Knox' key access shall be installed at the premises conforming to Novato Fire Protection Standard #202.
68. 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.
69. A building and 'floor plan directory' shall be installed in all locations required by the Fire Marshal and conforming to Novato Fire Protection District standard #205A.
70. The facility and improvements shall comply with California Building Code and State Fire Marshal building standards and regulations.
71. Maximum Occupant Capacity signs shall be installed as required by the Fire Marshal conforming to Fire District Standards #115.
72. Portable fire extinguishers shall be installed and maintained in accordance with California Fire Code Chapter 9.
73. Indemnity and Time Limitations
  - a. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, attorneys and employees from any claim, action, or proceeding (including, without limitation, any and all costs associated therewith) brought against the City or its agents, officers, attorneys, or employees, to attack set aside, void or annul the City's decision to approve the application and associated environmental determination at issue herein. This indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorney's fees, and other costs and expenses incurred in connection with such action whether incurred by the applicant, the City, and/or parties initiating or bringing such action.

- b. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, employees, and attorneys for all costs incurred in additional investigation (such as the environmental determination at issue herein or any subsequently required Environmental Document), if made necessary by said legal action and if the applicant desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents, in a form and under conditions approved by the City Attorney.
- c. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, employees, and attorneys from any claim, action, or proceeding (including, without limitation, any and all costs associated therewith) brought against the City or its agents, officers, attorneys or employees arising out of or related to applicant's provision, securing, or maintaining, or failure to provide, secure, or maintain, any and all utilities (including, without limitation, water, sewer, or electricity) and/or access for the Project.
- d. The applicant 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 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), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. The applicant is 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 the applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the applicant 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 9th day of August 2021, 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 9<sup>th</sup> day of August 2021.

---

Rachel Farac, Chair

Exhibit A: Memorandum of Understanding (MOU) Between NUSD and NBCC, signed 4/16/21 and 4/6/21

Exhibit B: NBCC Project Narrative and Description, Received November 4, 2019, and email correction received July 27, 2021.

Reference: P2019-092, P2014-095

DRAFT



# Exhibit A

## MEMORANDUM OF UNDERSTANDING BETWEEN THE NOVATO UNIFIED SCHOOL DISTRICT AND THE NORTH BAY CHILDREN'S CENTER

1. **PARTIES.** This Memorandum of Understanding (hereinafter referred to as MOU) is made and entered into by and between the *Novato Unified School District (NUSD)*, whose address is 1015 Seventh Street, Novato, CA 94945-2205; and the *North Bay Children's Center (NBCC)*, whose address is 932 C Street, Novato, CA 94949.

2. **PURPOSE.** The purpose of this MOU is to affirm the NUSD's positions regarding the NBCC's use and connection to underground utility infrastructure located on or through property owned by the NUSD adjacent to the boundaries of NBCC's property at 932 C Street, Novato CA 94949, APN 157-980-03.

There are four components to the purpose of this MOU:

- The grant of right of way to use C Street for uninterrupted vehicle and pedestrian traffic to and from the NBCC consistent with the existing reciprocal access and shared parking agreement recorded with the County of Marin March 12, 2012. The location of the right of way is illustrated in Exhibit 1 hereto.
- The grant of an easement across a portion of NUSD parcel #157-98-04 for construction of a pedestrian sidewalk on the west side of C Street from the southernmost tip of NBCC parcel 157-98-03 southward to Main Gate Road. The location of the right of way is illustrated in Exhibit 1 hereto.
- The grant of a license to NBCC to connect to existing private stormwater piping on NUSD property. The path and connection points for stormwater management piping is illustrated on Exhibit 1 hereto.
- Confirmation of the NUSD's grant of permission for the NBCC to connect to the existing private sanitary sewer line currently in use and to establish a mutually agreeable location for a future easement through NUSD lands for installation of a new sanitary sewer line and connection point to the Novato Sanitary District. Some options for a sanitary sewer line easement are illustrated in Exhibit 1 attached hereto but have not yet been decided.

3. **TERM OF MOU.** This MOU is effective upon the day and date last signed and executed by the duly authorized representatives of the parties to this MOU for not longer than three (3) years, unless extended by mutual agreement, with the exception of Section 4a below which shall survive termination of this Agreement.

4. **GRANT OF USE.** The NUSD hereby grants the use of portions of its property by the NBCC as more fully set forth hereinbelow provided however, the NUSD makes no representation or warranty as to the condition of its property; its suitability for the purposes of the NBCC or NUSD's rights to grant use of any system it does not own and has not installed. Furthermore, the NUSD extends land use permissions and grants to the NBCC without any commitment to contribute any costs, fees or expenses of any kind or character on the part of the NUSD unless required by ordinance, rule or law of any applicable authority with jurisdiction over the land use contemplated hereunder. The land use permissions and grants are as follows:

- a. The NUSD hereby grants the NBCC a right of way to use C Street for vehicular and pedestrian traffic to and from Main Gate Road to its site at 932 C Street. This grant applies to portions of NUSD assessor parcel numbers 157-980-04, 157-980-07 and 157-980-08 fronting on C Street and/or part of the Reciprocal Access and Parking Agreement recorded with the County of Marin March 12, 2012 (Agreement). The NUSD retains the right to alter the path of C Street subject to applicable law and the terms and conditions of the Agreement. The term of this grant is coterminous with the terms set forth in the Agreement which is 50 years with an option for either party to extend for an additional 50 years. An illustration of the path appears in Exhibit 1 hereto.
  - b. The NBCC is hereby granted a license to connect to existing storm water piping currently installed on property owned by the NUSD at the NBCC's sole cost and expense. This grant does not guarantee the condition of the piping and/or that it is suitable for the purposes of the NBCC's storm water management requirements for its site at 932 C Street. The connection to the NUSD storm water piping is at the NBCC's sole risk and costs to make any such connections are the sole responsibility of the NBCC.
  - c. The NBCC is hereby granted permission to continue to use the private sewer line currently used by NUSD and connected to the NBCC for the term of this agreement. The NBCC and the NUSD mutually acknowledge that the Novato Sanitary District will require abandonment of the private sewer line at some unknown point in the future. The NBCC is in the process of redevelopment of its site and the NUSD hereby acknowledges and agrees that the NUSD grants permission to the NBCC to plan installation of a new sewer main from NBCC property to a sanitary sewer line owned and maintained by the Novato Sanitary District. The path, connection point and apportionment of costs to the NUSD, if any, will be determined by mutual agreement, and the NUSD hereby agrees to grant an easement to the Novato Sanitary District upon NUSD's approval of the location of said easement, which determination shall be made by NUSD in its sole discretion. An illustration of some options for sanitary sewer and storm water management is attached as Exhibit 2 but shall not be binding on NUSD
5. **RESPONSIBILITIES OF NBCC.** The NBCC acknowledges and agrees to the following terms and conditions in exchange for the NUSD's grant of permission and use of the NUSD's property that is the subject of this agreement:
- a. The NBCC will comply with all rules, ordinances and laws applicable to the use of the NUSD properties by NBCC at the NBCC's sole cost and expense.
  - b. The NBCC will acquire all licenses and permits applicable to its use of the relevant portions NUSD properties at the NBCC's own cost. The NUSD agrees to cooperate with the NBCC as needed.
  - c. The NBCC will provide NUSD a copy of all design and construction plans for the underground piping related to the NBCC site redevelopment plans requiring off-site work on NUSD property.
  - d. The NBCC acknowledges and agrees to indemnify, defend, and hold the NUSD, its governing board, agents and employees harmless against any claims brought by third parties or agencies for any personal injury or property rights, injury or damage,(including

reasonable attorney's fees) arising from NUSD's grant of, and the NBCC's use of the access rights granted hereunder.


## 6. GENERAL PROVISIONS

- a. **Amendments.** Either party may request changes to this MOU. Any changes, modifications, revisions or amendments to this MOU which are mutually agreed upon by and between the parties to this MOU shall be incorporated by written instrument, and effective when executed and signed by all parties to this MOU.
- b. **Applicable Law.** The construction, interpretation and enforcement of this MOU shall be governed by the laws of the State California. The courts of the State of California shall have jurisdiction over any action arising out of this MOU and over the parties, and the venue shall be the Judicial District of Marin County California.
- c. **Entirety of Agreement.** This MOU represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.
- d. **Severability.** Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.
- e. **Third Party Beneficiary Rights.** The parties do not intend to create in any other individual or entity the status of a third-party beneficiary, and this MOU shall not be construed to create such status. In fact, any involvement of a third-party (i.e. via sub-lease, etc.) will void and terminate this MOU immediately. The rights, duties and obligations contained in this MOU shall operate only between the parties to this MOU and shall inure solely to the benefit of the parties to this MOU. The provisions of this MOU are intended only to assist the parties in determining and performing their obligations under this MOU. The parties to this MOU intend and expressly agree that only parties' signatory to this MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this MOU, or to bring an action for the breach of this MOU.

7. **SIGNATURES.** In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

The effective date of this MOU is the date of the signature last affixed to this page.

**FOR THE NOVATO UNIFIED SCHOOL DISTRICT (NUSD):**

  
\_\_\_\_\_  
Kristopher Cosca  
Superintendent  
Novato Unified School District (NUSD)

4/12/21  
Date

**FOR THE NORTH BAY CHILDREN'S CENTER (NBCC):**

  
\_\_\_\_\_  
Susan Gilmore  
President & CEO

4-6-21  
Date

Attachments and Exhibits:

- Parcel Map
- Exhibit 1 – MOU Redevelopment C St Sidewalk
- Exhibit 2 – MOU Utility Paths

Access, right of way easement to use "all or part of C Street owned by the NUSD" for vehicle and pedestrian traffic from Main Gate Road to driveways that connect to reciprocal parking agreement areas.

Sidewalk path in yellow

932 C St

C St

Main Gate Rd

Google Earth

© 2020 Google

© 2020 Google

Go

Stormwater Piping (Existing)  
NUSD Upgraded Portion

Green-Option 2 for new line from  
NBCCC to approved sewer line

Yellow-Option 3 new line from  
NBCCC to approved sewer line

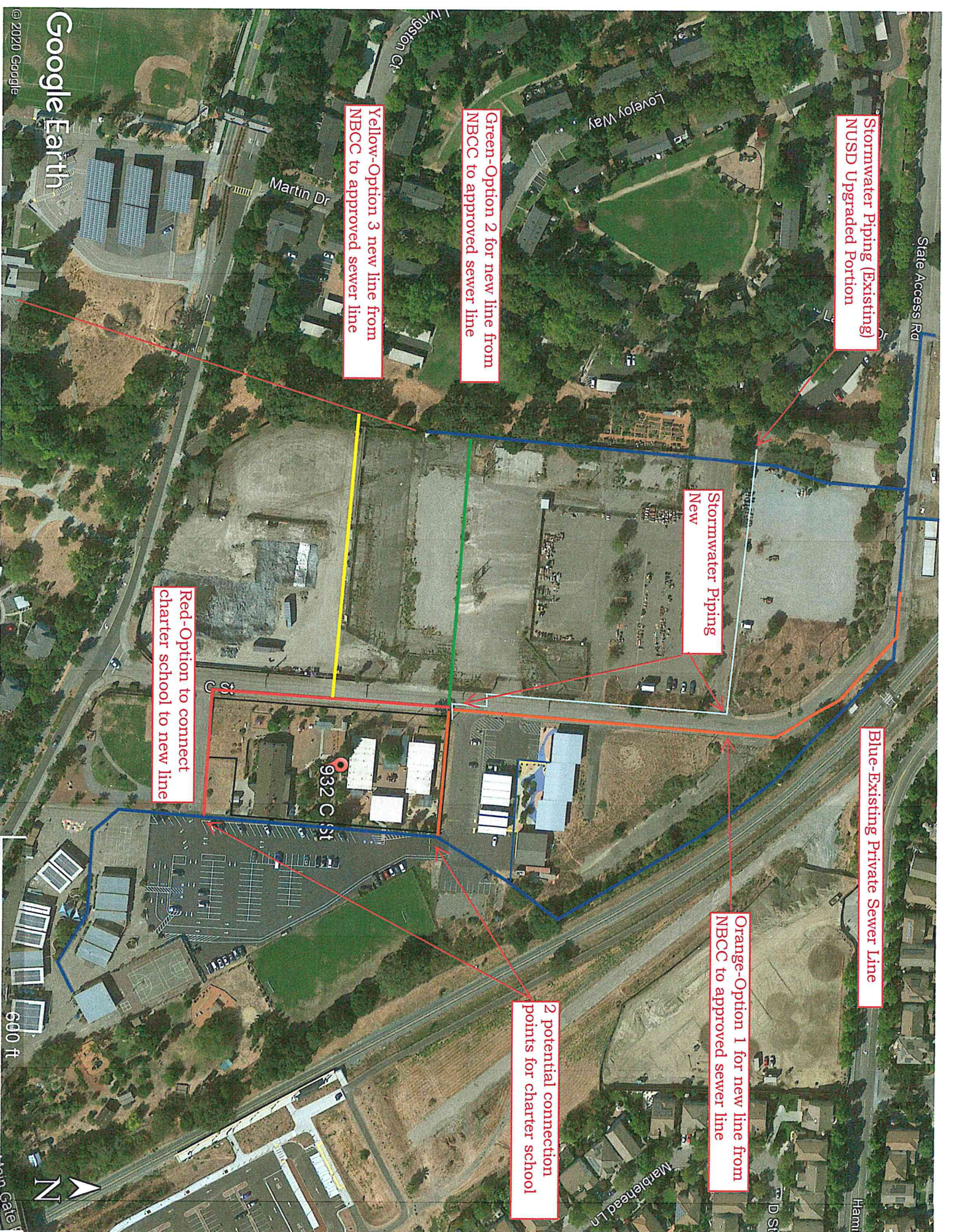
Stormwater Piping  
New

Blue-Existing Private Sewer Line

Orange-Option 1 for new line from  
NBCCC to approved sewer line

2 potential connection  
points for charter school

Red-Option to connect  
charter school to new line



POR. RANCHO SAN JOSE

Tax Area Code  
10-247  
10-194

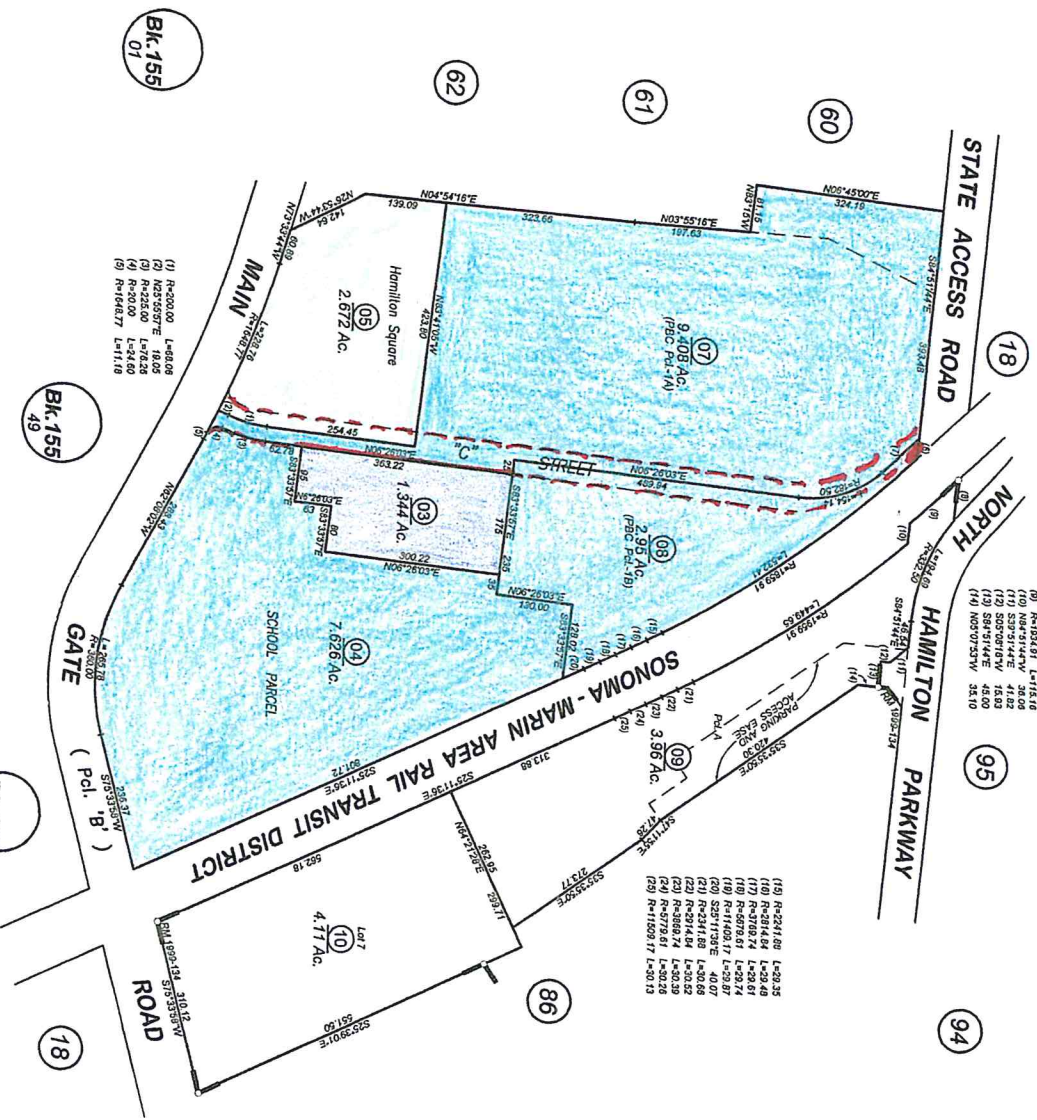
157-98

Hamilton Field, R.M. Bk. 21, Page 45  
Hamilton Field, Phase 2, Stage 3, R.M. Bk. 99, Page 134

NOTE - Assessor's Parcel Numbers Shown in Circles.

CITY OF NOVATO

Assessor's Map Bk. 157 Pg. 98  
County of Marin, Calif.



- (1) R-430.00 L-48.08
- (2) M25.557E 18.05
- (3) R-232.00 L-78.23
- (4) R-440.00 L-111.18
- (5) R-1646.77 L-111.18

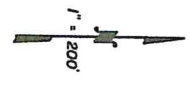
- (19) R-2511.69 L-42.35
- (20) R-2514.84 L-32.49
- (21) R-2008.74 L-28.61
- (22) R-2514.84 L-28.61
- (23) R-11403.17 L-23.87
- (24) S25.1133E 40.07
- (25) R-2341.69 L-40.07
- (26) R-2341.69 L-40.07
- (27) R-2341.69 L-40.07
- (28) R-2341.69 L-40.07
- (29) R-11509.17 L-40.13

- (6) S24.9114E 34.09
- (7) S24.9114E 34.09
- (8) N68.5214W 48.18
- (9) R-1524.61 L-115.16
- (10) N64.9114W 30.06
- (11) S05.0514W 15.03
- (12) S84.9114E 45.00
- (13) S84.9114E 45.00
- (14) N05.0735W 33.10

08/24/2018 JSB

BLK FROM/TO	HEAVY/SH	YR	ADJN
800 157-160-38	01 & 02	04	154
800 157-160-01	03 & 04	06	189
800 157-160-02	05 & 06	08	189
800 Survey	08		
800 157-160-06	07 & 08	11	TRM
800 157-160-04	157-160-09	19	020
800 157-160-05	157-160-10	19	020

Map Update



# Exhibit B



## REQUESTED ACTION

The North Bay Children's Center ("APPLICANT") seeks a use permit for redevelopment of its campus at 932 C Street in Novato. The specific area that is the subject of the application for a use permit is detailed in the supporting materials submitted in this application and in DR file P2014-95.

## **PROJECT NARRATIVES AND DESCRIPTIONS**

### Background Information

The North Bay Children's Center ("Applicant") is a non-profit, community benefit organization that currently provides early childhood development and educational programs for approximately 125 children from age 6 weeks through age 5 years. A smaller after school program serving up to 28 grade school children is also in place. Applicant has continuously operated at its current site at 932 C Street since 1998 and has received many awards for its early childhood education programs that emphasize gardening as a teaching and learning platform.

### Project Description

The Applicant is proposing complete redevelopment of its site intended to replace its existing facilities with a newly constructed facility. The details of Applicant's purpose and plans for redevelopment appear in DR File P2014-095. Applicant is not requesting any changes to its existing permitted uses.

### CHARACTERISTICS OF PROPOSED USE

The following is a summary of the characteristics of the proposed use taken from DR file P2014-095.

- Construct a new 19,824sf building to replace its 4 badly deteriorated modular buildings totaling 13,055sf
- Increase classroom capacity from approximately 125 children to approximately 138 preschool and 30 afterschool children who will walk to the site after school.
- Increase administration and childcare staff from 36 to approximately 48.
- Install landscaping and play areas to meet all regulations applicable to large childcare and early childhood education programs.
- No change to childcare operating hours is requested. Operating hours to remain at 7:00am to 6:00pm. The bulk of arrivals occur between 7 and 9:00am with the bulk of pickups occurring between 4 and 6:00pm.
- Types of vehicular traffic will include autos engaged in staff arrivals and departures and parents dropping off and picking up their children. There will be daily deliveries in small trucks and box vans such as UPS, FedEx, food trucks and postal service vans.
- The parking requirements for the proposed use will be met in a reciprocal parking agreement between the Novato Unified School District and the Applicant. The DR file has deemed the spaces available under the parking easement sufficient to meet the parking requirement for the proposed project.

### WRITTEN STATEMENT REGARDING LEASE CONTROLS OR MANAGEMENT PROGRAMS

DR file P2014-095, page 13, FINDINGS FOR APPROVAL section 1.c.states: "The North Bay Children's Center project would not be detrimental to the public health, safety, or welfare, is not materially injurious to the properties or improvement 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”.

**ENVIRONMENTAL DATA SUBMISSION**

DR file P2014-095, page 9, Environmental Assessment states: “This project is categorically exempt from the requirement of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302, Replacement or Reconstruction. Specifically Section 15302 exempts the replacement of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will serve the same purpose and capacity e.g. does not expand the capacity by more than fifty percent”.

**From:** [Ralph O'Rear](#)  
**To:** [Kaitlin Zitelli](#); [Susan Gilmore](#)  
**Subject:** Re: [External] P 2019-092  
**Date:** Tuesday, July 27, 2021 6:34:08 PM

---

Hello Kaitlin,

I reviewed Exhibit B and the 2017 DRC staff report and discovered that Exhibit B has incorrect numbers in the Characteristics of Proposed Use section. The increase in classroom capacity in the architectural drawings will not support 138 infant and preschool children and 30 afterschool children. The error in this second bullet of Exhibit B comes from counting half day preschool and half day afterschool children as full day users. The correct number of children the proposed building can support in all programs is 147. This number is taken from the architect's calculation of maximum number of children per day in the proposed building

The error in the number of children appearing in the second bullet point of Exhibit B also caused the third bullet point to be incorrect. The higher and incorrect capacity for children in bullet point 2 led to a higher and incorrect number of teachers appearing in bullet point 3 of Exhibit B.

Upon review, the correct number of children the building can support is 147. The number of teachers is 20. Administrative staff is eight. The architect's parking space calculations appearing on sheet A1.1 of the plans for the proposed project have the correct numbers. Their conclusion is as follows: 147 children equals 30 parking spaces (1/5 children); 20 spaces (1/employee); and 8 spaces for office occupants . The grand total is 58 required spaces. The plans show 59 spaces.

This is a very wordy way to point out the errors in Exhibit B and say that the parking calculations have not really changed since the 2017 report. I can call Wednesday or Thursday morning to address anything that needs attention. When would be a good time to connect?

Thanks,  
Ralph

# Attachment 2

## MEMORANDUM OF UNDERSTANDING BETWEEN THE NOVATO UNIFIED SCHOOL DISTRICT AND THE NORTH BAY CHILDREN'S CENTER

1. **PARTIES.** This Memorandum of Understanding (hereinafter referred to as MOU) is made and entered into by and between the *Novato Unified School District (NUSD)*, whose address is 1015 Seventh Street, Novato, CA 94945-2205; and the *North Bay Children's Center (NBCC)*, whose address is 932 C Street, Novato, CA 94949.

2. **PURPOSE.** The purpose of this MOU is to affirm the NUSD's positions regarding the NBCC's use and connection to underground utility infrastructure located on or through property owned by the NUSD adjacent to the boundaries of NBCC's property at 932 C Street, Novato CA 94949, APN 157-980-03.

There are four components to the purpose of this MOU:

- The grant of right of way to use C Street for uninterrupted vehicle and pedestrian traffic to and from the NBCC consistent with the existing reciprocal access and shared parking agreement recorded with the County of Marin March 12, 2012. The location of the right of way is illustrated in Exhibit 1 hereto.
- The grant of an easement across a portion of NUSD parcel #157-98-04 for construction of a pedestrian sidewalk on the west side of C Street from the southernmost tip of NBCC parcel 157-98-03 southward to Main Gate Road. The location of the right of way is illustrated in Exhibit 1 hereto.
- The grant of a license to NBCC to connect to existing private stormwater piping on NUSD property. The path and connection points for stormwater management piping is illustrated on Exhibit 1 hereto.
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3. **TERM OF MOU.** This MOU is effective upon the day and date last signed and executed by the duly authorized representatives of the parties to this MOU for not longer than three (3) years, unless extended by mutual agreement, with the exception of Section 4a below which shall survive termination of this Agreement.

4. **GRANT OF USE.** The NUSD hereby grants the use of portions of its property by the NBCC as more fully set forth hereinbelow provided however, the NUSD makes no representation or warranty as to the condition of its property; its suitability for the purposes of the NBCC or NUSD's rights to grant use of any system it does not own and has not installed. Furthermore, the NUSD extends land use permissions and grants to the NBCC without any commitment to contribute any costs, fees or expenses of any kind or character on the part of the NUSD unless required by ordinance, rule or law of any applicable authority with jurisdiction over the land use contemplated hereunder. The land use permissions and grants are as follows:

- a. The NUSD hereby grants the NBCC a right of way to use C Street for vehicular and pedestrian traffic to and from Main Gate Road to its site at 932 C Street. This grant applies to portions of NUSD assessor parcel numbers 157-980-04, 157-980-07 and 157-980-08 fronting on C Street and/or part of the Reciprocal Access and Parking Agreement recorded with the County of Marin March 12, 2012 (Agreement). The NUSD retains the right to alter the path of C Street subject to applicable law and the terms and conditions of the Agreement. The term of this grant is coterminous with the terms set forth in the Agreement which is 50 years with an option for either party to extend for an additional 50 years. An illustration of the path appears in Exhibit 1 hereto.
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  - c. The NBCC is hereby granted permission to continue to use the private sewer line currently used by NUSD and connected to the NBCC for the term of this agreement. The NBCC and the NUSD mutually acknowledge that the Novato Sanitary District will require abandonment of the private sewer line at some unknown point in the future. The NBCC is in the process of redevelopment of its site and the NUSD hereby acknowledges and agrees that the NUSD grants permission to the NBCC to plan installation of a new sewer main from NBCC property to a sanitary sewer line owned and maintained by the Novato Sanitary District. The path, connection point and apportionment of costs to the NUSD, if any, will be determined by mutual agreement, and the NUSD hereby agrees to grant an easement to the Novato Sanitary District upon NUSD's approval of the location of said easement, which determination shall be made by NUSD in its sole discretion. An illustration of some options for sanitary sewer and storm water management is attached as Exhibit 2 but shall not be binding on NUSD
5. **RESPONSIBILITIES OF NBCC.** The NBCC acknowledges and agrees to the following terms and conditions in exchange for the NUSD's grant of permission and use of the NUSD's property that is the subject of this agreement:
- a. The NBCC will comply with all rules, ordinances and laws applicable to the use of the NUSD properties by NBCC at the NBCC's sole cost and expense.
  - b. The NBCC will acquire all licenses and permits applicable to its use of the relevant portions NUSD properties at the NBCC's own cost. The NUSD agrees to cooperate with the NBCC as needed.
  - c. The NBCC will provide NUSD a copy of all design and construction plans for the underground piping related to the NBCC site redevelopment plans requiring off-site work on NUSD property.
  - d. The NBCC acknowledges and agrees to indemnify, defend, and hold the NUSD, its governing board, agents and employees harmless against any claims brought by third parties or agencies for any personal injury or property rights, injury or damage,(including

reasonable attorney's fees) arising from NUSD's grant of, and the NBCC's use of the access rights granted hereunder.


## 6. GENERAL PROVISIONS

- a. **Amendments.** Either party may request changes to this MOU. Any changes, modifications, revisions or amendments to this MOU which are mutually agreed upon by and between the parties to this MOU shall be incorporated by written instrument, and effective when executed and signed by all parties to this MOU.
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7. **SIGNATURES.** In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

The effective date of this MOU is the date of the signature last affixed to this page.

**FOR THE NOVATO UNIFIED SCHOOL DISTRICT (NUSD):**

  
\_\_\_\_\_  
Kristopher Cosca  
Superintendent  
Novato Unified School District (NUSD)

4/12/21  
Date

**FOR THE NORTH BAY CHILDREN'S CENTER (NBCC):**

  
\_\_\_\_\_  
Susan Gilmore  
President & CEO

4-6-21  
Date

Attachments and Exhibits:

- Parcel Map
- Exhibit 1 – MOU Redevelopment C St Sidewalk
- Exhibit 2 – MOU Utility Paths

Access, right of way easement to use "all or part of C Street owned by the NUSD" for vehicle and pedestrian traffic from Main Gate Road to driveways that connect to reciprocal parking agreement areas.

Sidewalk path in yellow

932 C St

C St

Main Gate Rd

Google Earth

© 2020 Google

© 2020 Google

Go

Stormwater Piping (Existing)  
NUSD Upgraded Portion

Green-Option 2 for new line from  
NBCC to approved sewer line

Yellow-Option 3 new line from  
NBCC to approved sewer line

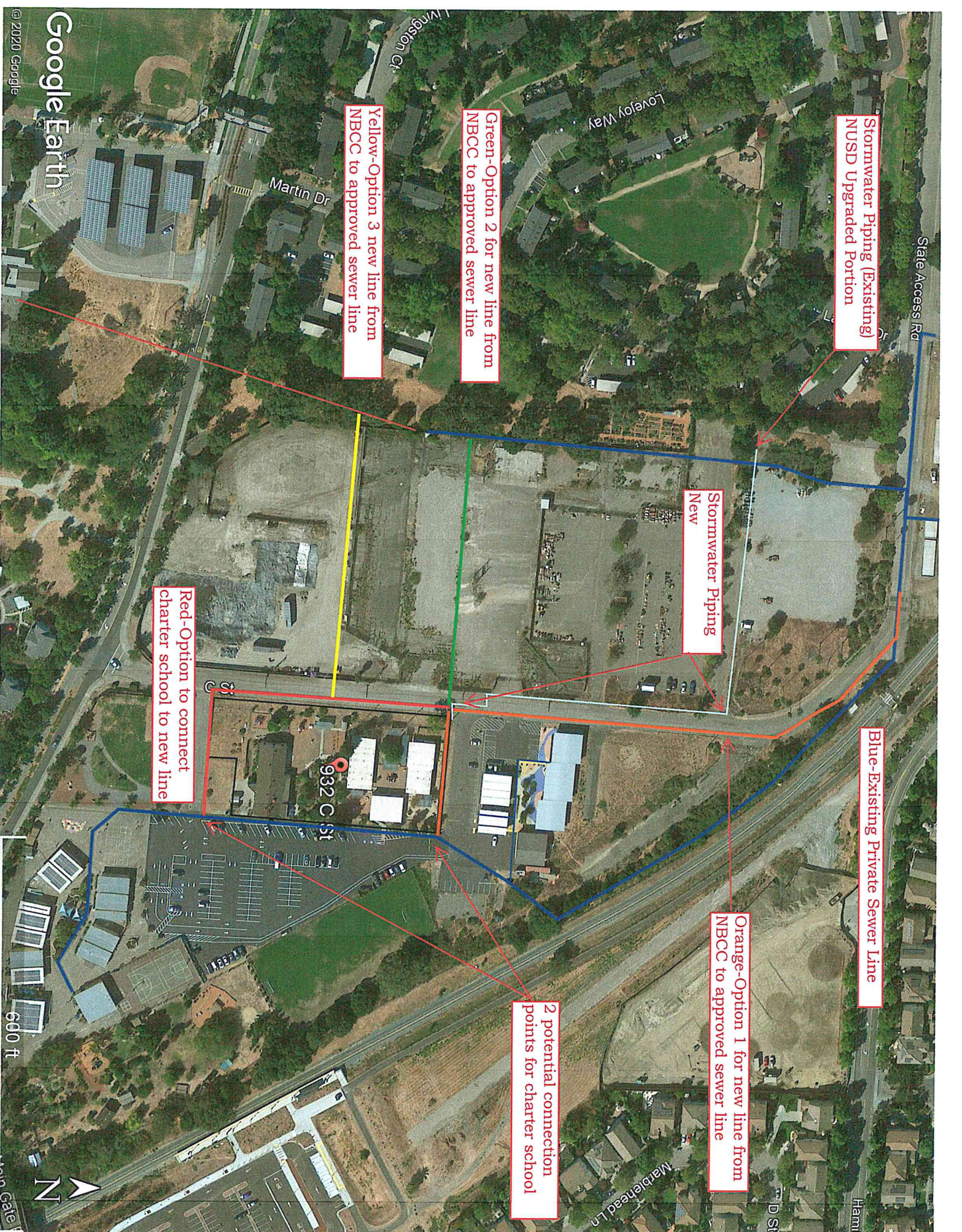
Stormwater Piping  
New

Blue-Existing Private Sewer Line

Orange-Option 1 for new line from  
NBCC to approved sewer line

2 potential connection  
points for charter school

Red-Option to connect  
charter school to new line





POR. RANCHO SAN JOSE

Tax Area Code  
10-247  
10-194

157-98

Hamilton Field, R.M. Bk. 21, Page 45  
Hamilton Field, Phase 2, Stage 3, R.M. Bk. 99, Page 134

NOTE - Assessor's Parcel Numbers Shown in Circles.

CITY OF NOVATO

Assessor's Map Bk. 157 Pg. 98  
County of Marin, Calif.



- (1) R-430.00 L-48.08
- (2) M25.5577E 18.05
- (3) R-232.00 L-78.23
- (4) R-440.00 L-111.18
- (5) R-1648.77 L-111.18

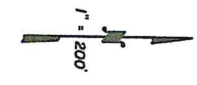
- (19) R-2541.69 L-42.35
- (20) R-2514.84 L-32.49
- (21) R-2088.74 L-28.61
- (22) R-1408.17 L-22.87
- (23) R-11408.17 L-22.87
- (24) R-2511.93E 4.07
- (25) R-2341.69 L-30.68
- (26) R-2341.69 L-30.68
- (27) R-2341.69 L-30.68
- (28) R-5778.61 L-30.26
- (29) R-11509.17 L-30.13

- (6) S24.9144E 34.09
- (7) S24.9144E 34.09
- (8) N68.5214W 48.18
- (9) R-1524.61 L-115.16
- (10) N64.9144W 30.06
- (11) S05.00403V 15.83
- (12) S84.9144E 45.00
- (13) S84.9144E 45.00
- (14) N05.0735W 33.10

08/24/2018 JSB

BLK	FRONT/AVEN	REAR/AVEN	YR	ADJN
800	157-160-38	01 & 02	04	154
800	157-800-01	03 & 04	06	189
800	157-800-02	05 & 06	06	189
800	Survey		08	
800	157-800-03	07 & 08	11	TRM
800	157-800-04	09 & 10	10	014
800	157-800-09	11	11	TRM
800	157-800-10	12	11	TRM
800	157-800-05	13	020	020
800	157-800-05	157-800-10	18	020

Map Update



# Attachment 3



July 12, 2016

Mr. Chris Dorman  
Dorman Associates, Inc.  
234 Shoreline Highway, Suite A  
Mill Valley, CA 94941

## Traffic Study for the North Bay Children's Center Project

Dear Mr. Dorman;

As requested, W-Trans has prepared a traffic analysis relative to the proposed expansion of the North Bay Children's Center located at 932 C Street in the City of Novato. The purpose of this letter is to address the project's potential impacts to the adjacent roadway network.

### Project Description

The existing North Bay Children's Center has 36 administrative staff and teachers and a maximum enrollment of 125 children. The proposed project includes an increase of staff to 48 and a maximum enrollment of 166 children. The project is accessed via driveways on C Street.

### Study Area and Periods

The study area was chosen in cooperation with City of Novato staff based on the likely travel patterns of project-generated trips and the intersections most likely to be potentially impacted by the proposed project. The study area consists of the following intersections:

1. Main Gate Road/Nave Drive
2. Main Gate Road/C Street

Operating conditions during the weekday a.m. and p.m. peak periods were evaluated to capture the highest potential impacts for the proposed project as well as the highest volumes on the local transportation network. The morning peak hour occurs between 7:00 and 9:00 a.m. and reflects conditions during the home to work or school commute, while the afternoon peak hour occurs between 4:00 and 6:00 p.m. and typically reflects the highest level of congestion during the homeward bound commute. Traffic counts at the study intersections were conducted on January 22, 2015 and May 4, 2016, while local schools were in session.

### Trip Generation

The anticipated trip generation for the proposed project was estimated using standard rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation Manual*, 9<sup>th</sup> Edition, 2012 for "Day Care Center" (ITE LU #565). While it is anticipated some parents will accompany their children to school on foot or bike, trip reductions were not used in order to provide a more conservative analysis. Further, there are several independent variables from which to choose for a Day Care Center, including employees, students, and building size. The resulting trip generation was compared using employees and students, and the more conservative results projected based on employees used for the analysis. It is noted that while the actual project trip generation is expected to be less, basing the analysis on the highest potential increase in trips provides a greater assurance that the project's potential impacts have been captured.

The proposed project is expected to generate an average of 1,283 trips per day, including 233 trips during the a.m. peak hour and 227 during the p.m. peak hour. The project is expected to generate 321 net new trips, including 58 new a.m. peak hour trips and 57 p.m. peak hour trips. The trip generation summary is shown below in Table 1.

**Table 1 – Trip Generation Summary**

Land Use	Units	Daily		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
<b>Existing</b>											
Day Care Center	36 emp	26.73	962	4.85	175	93	82	4.73	170	80	90
<b>Proposed</b>											
Day Care Center	48 emp	26.73	1,283	4.85	233	123	110	4.73	227	107	120
<b>Net New Trips</b>			<b>321</b>		<b>58</b>	<b>30</b>	<b>28</b>		<b>57</b>	<b>27</b>	<b>30</b>

Note: emp = employees

### Trip Distribution

The pattern used to allocate new project trips to the street network was based on turning movement counts as well as local knowledge of the street network. Some trips may be to/from C Street (north), however for purposes of a more conservative analysis, all trips were assumed to arrive to the project site via the intersection of Main Gate Road/C Street such that all trips were assumed to impact one or both of the study intersections. The applied distribution assumptions and resulting trips are shown in Table 2.

**Table 2 – Trip Distribution Assumptions**

Route	Percent	Daily Trips	AM Trips	PM Trips
Nave Drive (south)	35%	112	20	20
Nave Drive (north)	35%	112	20	20
Main Gate Road (east)	30%	97	18	17
<b>TOTAL</b>	<b>100%</b>	<b>321</b>	<b>58</b>	<b>57</b>

### Traffic Operations Analysis

#### Existing and Existing plus Project Conditions

The Existing Conditions scenario provides an evaluation of current operation based on existing traffic volumes during the weekday a.m. and p.m. peak periods. This condition does not include project-generated traffic volumes. The threshold for acceptable operation within the City of Novato is Level of Service (LOS) D.

Under Existing Conditions, the study intersections are operating acceptably at LOS A overall. Upon the addition of project-related traffic to Existing volumes, the study intersections are expected to continue operating acceptably at LOS C or better. The results for Existing and Existing plus Project conditions are summarized in Table 3. Copies of the calculations are enclosed.

**Table 3 – Existing and Existing plus Project Peak Hour Intersection Levels of Service**

Study Intersection <i>Approach</i>	Existing Conditions				Existing plus Project			
	AM Peak		PM Peak		AM Peak		PM Peak	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1. Main Gate Rd/Nave Dr	9.3	A	9.5	A	9.7	A	9.9	A
2. Main Gate Rd/C St	2.5	A	1.2	A	3.2	A	1.9	A
<i>Southbound Approach</i>	<i>14.2</i>	<i>B</i>	<i>11.3</i>	<i>B</i>	<i>15.8</i>	<i>C</i>	<i>11.8</i>	<i>B</i>

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in *italics*

**Finding** – The intersections are operating acceptably overall during both peak periods and are expected to continue doing so upon adding project-generated traffic.

### Future and Future plus Project Conditions

Future traffic volumes representing an approximate General Plan buildout year of 2035 were obtained from the City of Novato's TRAFFIX model maintained by W-Trans. The model is based on buildout of the 1996 General Plan, and incorporates parcel-specific land use development assumptions that are maintained by City Staff. There is anticipated growth on the west side of C Street in the future, which was accounted for under Future conditions.

Under Future conditions without the proposed project, the two study intersections are projected to continue operating acceptably at LOS A or B. Upon the addition of project-related traffic to Future volumes, the study intersections are expected to continue operating at the same levels of service. A summary of the level of service calculations is contained in Table 3.

**Table 4 – Future and Future plus Project Peak Hour Intersection Levels of Service**

Study Intersection <i>Approach</i>	Existing Conditions				Existing plus Project			
	AM Peak		PM Peak		AM Peak		PM Peak	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1. Main Gate Rd/Nave Dr	10.8	B	9.5	A	11.0	B	9.9	A
2. Main Gate Rd/C St	2.6	A	1.2	A	3.3	A	1.9	A
<i>Southbound Approach</i>	<i>15.5</i>	<i>C</i>	<i>11.3</i>	<i>B</i>	<i>17.5</i>	<i>C</i>	<i>11.8</i>	<i>B</i>

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in *italics*

**Finding** – The intersections are expected to continue operating acceptably overall during both peak periods under Future and Future plus Project volumes.

### Alternative Modes

#### Pedestrian Facilities

Given the amount and proximity of single family and multi-family homes surrounding the site, it is reasonable to assume that some project patrons and employees will want to walk or bicycle to reach the project site.

The Hamilton Field area has a well-developed network of pedestrian facilities that includes sidewalks, pathways, ADA-compliant curb ramps, and crosswalks. Streets near the site have sidewalks constructed of concrete that are at least five feet wide, and in some locations include a landscape buffer between the sidewalk and vehicle travel lanes. Sidewalks are generally located on both sides of the street on Main Gate Road. There are complete curb ramps and sidewalks at the intersection of Main Gate Road/C Street, but the developed sidewalk ends directly north of the intersection.

**Project Site** – Sidewalks do not exist along the project frontage, or on the other side of C Street. Sidewalks are complete with curb ramps on Main Gate Drive, but do not extend north onto C Street.

**Finding** – Sidewalk should be built along the project frontage.

### **Bicycle Facilities**

Bicycle facilities in Novato consist of Class I pathways, Class II bike lanes, and Class III bike routes along with support facilities such as bicycle parking, multi-modal transit access and amenities such as showers, changing areas and storage facilities. The majority of Novato's bikeway system is comprised of Class II bicycle lanes. In the vicinity of the project site, Main Gate Drive is designated as a Class III bicycle route.

### **Bicycle Storage**

The project site plan does not identify the provision of bicycle parking or storage facilities.

**Finding** – Bicycle parking should be provided on the project site.

### **Site Access**

Access to the proposed project is via existing driveways on C Street. Based on a field assessment and review of the project site plan dated October 6, 2015, vehicular circulation through the project site is expected to be adequate. However, the existing striping on the project driveways is very faded. It is recommended that the stop legends, limit lines, and centerline striping on the project site be refreshed.

### **Sight Distance**

Sight distance at the driveways was field assessed. Although sight distance requirements are not technically applicable to urban driveways, the stopping sight distance criterion for private street intersections was applied to the driveways for evaluation purposes. Based on a design speed of 25 mph, the minimum stopping sight distance needed is 150 feet.

From a review of the proposed site plan as well as site observations, sight distance for vehicles entering and exiting the project site on C Street is more than adequate in both directions at both driveways.

In order to maintain adequate sight lines for vehicles leaving the site, it is recommended that landscaping be limited to low-lying vegetation no greater than three feet in height. In addition, signs and monuments planned along the project's frontage should be placed in a manner that does not obstruct sight distance at the project driveways.

### **Turn Lane Warrants**

The need for a left-turn lane on C Street at the driveway was evaluated using approach and departure volumes from the turning movement count. Future plus Project volumes during the a.m. peak hour were used for the analysis, and while it is assumed project trips would arrive from the south, the analysis was completed with all project trips coming from the north, resulting in inbound left turns. A left-turn lane is not warranted on C Street

at either of the project driveways even under the conservative trip generation and assignment assumptions applied. The warrant analysis spreadsheet is enclosed.

### Conclusions and Recommendations

- The project is expected to generate at average of 321 new trips, including 58 trips during the a.m. peak hour and 57 trips during the p.m. peak hour.
- Both intersections are currently operating acceptably at LOS A overall. The study intersections would continue operating acceptably at LOS A or B overall under Future conditions, and Existing plus Project and Future plus Project conditions.
- Sidewalk should be built along the project frontage.
- Bicycle parking should be provided on the project site.
- Sight distance at the project driveways is adequate. Any vegetation along the project frontage should be placed so that it does not obstruct sight distance at the project driveways.
- The stop legends, limit lines, and centerline striping are faded and should be refreshed.

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

Sincerely,



Lauren Davini, EIT  
Assistant Traffic Engineer



Dalene J. Whitlock, PE, PTOE  
Principal



DJW/lgd/NOV125.L1

Enclosures: Level of Service Calculations  
Left-turn Lane Warrant

# Attachment 4



## REQUESTED ACTION

The North Bay Children's Center ("APPLICANT") seeks a use permit for redevelopment of its campus at 932 C Street in Novato. The specific area that is the subject of the application for a use permit is detailed in the supporting materials submitted in this application and in DR file P2014-95.

## **PROJECT NARRATIVES AND DESCRIPTIONS**

### Background Information

The North Bay Children's Center ("Applicant") is a non-profit, community benefit organization that currently provides early childhood development and educational programs for approximately 125 children from age 6 weeks through age 5 years. A smaller after school program serving up to 28 grade school children is also in place. Applicant has continuously operated at its current site at 932 C Street since 1998 and has received many awards for its early childhood education programs that emphasize gardening as a teaching and learning platform.

### Project Description

The Applicant is proposing complete redevelopment of its site intended to replace its existing facilities with a newly constructed facility. The details of Applicant's purpose and plans for redevelopment appear in DR File P2014-095. Applicant is not requesting any changes to its existing permitted uses.

## CHARACTERISTICS OF PROPOSED USE

The following is a summary of the characteristics of the proposed use taken from DR file P2014-095.

- Construct a new 19,824sf building to replace its 4 badly deteriorated modular buildings totaling 13,055sf
- Increase classroom capacity from approximately 125 children to approximately 138 preschool and 30 afterschool children who will walk to the site after school.
- Increase administration and childcare staff from 36 to approximately 48.
- Install landscaping and play areas to meet all regulations applicable to large childcare and early childhood education programs.
- No change to childcare operating hours is requested. Operating hours to remain at 7:00am to 6:00pm. The bulk of arrivals occur between 7 and 9:00am with the bulk of pickups occurring between 4 and 6:00pm.
- Types of vehicular traffic will include autos engaged in staff arrivals and departures and parents dropping off and picking up their children. There will be daily deliveries in small trucks and box vans such as UPS, FedEx, food trucks and postal service vans.
- The parking requirements for the proposed use will be met in a reciprocal parking agreement between the Novato Unified School District and the Applicant. The DR file has deemed the spaces available under the parking easement sufficient to meet the parking requirement for the proposed project.

## WRITTEN STATEMENT REGARDING LEASE CONTROLS OR MANAGEMENT PROGRAMS

DR file P2014-095, page 13, FINDINGS FOR APPROVAL section 1.c.states: "The North Bay Children's Center project would not be detrimental to the public health, safety, or welfare, is not materially injurious to the properties or improvement 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”.

**ENVIRONMENTAL DATA SUBMISSION**

DR file P2014-095, page 9, Environmental Assessment states: “This project is categorically exempt from the requirement of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302, Replacement or Reconstruction. Specifically Section 15302 exempts the replacement of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will serve the same purpose and capacity e.g. does not expand the capacity by more than fifty percent”.



**From:** [Ralph O'Rear](#)  
**To:** [Kaitlin Zitelli](#); [Susan Gilmore](#)  
**Subject:** Re: [External] P 2019-092  
**Date:** Tuesday, July 27, 2021 6:34:08 PM

---

Hello Kaitlin,

I reviewed Exhibit B and the 2017 DRC staff report and discovered that Exhibit B has incorrect numbers in the Characteristics of Proposed Use section. The increase in classroom capacity in the architectural drawings will not support 138 infant and preschool children and 30 afterschool children. The error in this second bullet of Exhibit B comes from counting half day preschool and half day afterschool children as full day users. The correct number of children the proposed building can support in all programs is 147. This number is taken from the architect's calculation of maximum number of children per day in the proposed building

The error in the number of children appearing in the second bullet point of Exhibit B also caused the third bullet point to be incorrect. The higher and incorrect capacity for children in bullet point 2 led to a higher and incorrect number of teachers appearing in bullet point 3 of Exhibit B.

Upon review, the correct number of children the building can support is 147. The number of teachers is 20. Administrative staff is eight. The architect's parking space calculations appearing on sheet A1.1 of the plans for the proposed project have the correct numbers. Their conclusion is as follows: 147 children equals 30 parking spaces (1/5 children); 20 spaces (1/employee); and 8 spaces for office occupants . The grand total is 58 required spaces. The plans show 59 spaces.

This is a very wordy way to point out the errors in Exhibit B and say that the parking calculations have not really changed since the 2017 report. I can call Wednesday or Thursday morning to address anything that needs attention. When would be a good time to connect?

Thanks,  
Ralph