

LAND AT REDWOOD BOULEVARD, NOVATO, OWNED BY WCJA, LP (INCLUDING A PORTION OF THE FORMER 100 PINKSTON ROAD FORMERLY OWNED BY SUSAN POER, SUCCESSOR TRUSTEE TO THE 2003 WRIGHT REVOCABLE TRUST (“WRIGHT”))

SUBMITTALS

FIRST SUBMITTAL: MAY 1, 2021 (REVISED MAY 18, 2021) DEEMED INCOMPLETE JULY 17, 2021

SECOND SUBMITTAL: MAY 1, 2022 DEEMED INCOMPLETE JUNE 17, 2022

THIRD SUBMITTAL: OCTOBER 20, 2022

FOURTH SUBMITTAL: MARCH 17, 2023

REVISED REQUESTS

- 1. GENERAL PLAN AMENDMENT (P2021-047) INCLUDING A TEXT AMENDMENT TO LAND USE POLICY 27.**
- 2. REZONING TO SPECIFIC PD.**
- 3. MASTER PLAN (P2021-048) – WITH VALLEY OAKS OBJECTIVE STANDARDS.**
- 4. PRECISE DEVELOPMENT PLAN - WITH VALLEY OAKS PD WITH OBJECTIVE STANDARDS.**
- 5. USE PERMIT FOR PROJECT WITHIN 50’ OF WETLANDS AND ENCROACHMENT INTO 50’ WETLAND SETBACK.**
- 6. SUBDIVISION VESTING TENTATIVE MAP.**
- 7. DESIGN REVIEW - VALLEY OAKS PD WITH OBJECTIVE STANDARDS.**
- 8. DEVELOPMENT AGREEMENT – Withdrawn.**
- 9. DEFFERRED CEQA ENVIRONMENTAL DATA SUBMISSION SUBMITTAL – Deferred by agreement with Staff.**
- 10. DEFFERRED SUBMITAL OF DESIGN LEVEL PROJECT GENERATED NOISE REPORT.**
- 11. DEFFERRED SUBMITTAL OF CHOICE OF PROPOSED TREES, I.E. DECIDUOUS VS EVERGREEN – Withdrawn.**
- 12. EXCEPTIONS TO HILLSIDE PROJECT DEVELOPMENT STANDARD_S.16.26.050 I.2. TO ALLOW SINGLE FAMILY HOMES OF LESS THAN 2,000 SQ. FT. – Withdrawn.**
- 13. NEIGHBORHOOD MEETING – Completed June 16, 2022.**
- 14. DESIGN REVIEW WORKSHOP MEETING – Completed July 20, 2022.**

15. DESIGN REVIEW HEARINGS – On the Project - completed August 23, 2022; on Valley Oaks Objective Standards – Design Review Commission Hearing Agenda – April 5, 2023.

16. ABANDONMENT OF PINKSTON ROAD EASEMENT.

17. THREE LOT SUBDIVISION – PARCEL MAP.

18. ALTERNATIVE EQUIVALENT ACTION – if requested by Applicant.

DEFERRED APPLICATIONS AGREED WITH STAFF

Final Design Review if any.

SUMMARY OF SUBMITTALS: *Please see APPENDIX.*

SUBMITTALS WAIVER BY STAFF

Environmental Data Submission.

PREPARER

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APPLICANT

Campus Properties, LLC (“Campus”), P.O. Box 1613, Glen Ellen, CA 95442 on behalf of WCJA LP.

DEFINITIONS

References to code sections are all to the Novato Municipal Code unless otherwise stated.

Drainage Channel: The partly deeply incised channel which contains Waters of the United States collecting drainage from the wider watershed that includes the Buck Institute, and the Project Site that flows from the north-west to the central area of the Project Site.

FATCO: First American Title Company.

Fuel Reduction Area: +/- 30 feet outside the Development Areas shown on the Precise Plan Architectural Site Plan.

JADUs: Independent living units each with its own bathroom and kitchenette ranging in size between 150 sq. ft. and 500 sq. ft. within a single-family home, with both internal and external access.

Original WCJA Property: The 40 acres of land purchased by WCJA, LP from San Marin Business Park, LP (Condiotti) in 1998.

2021 WCJA Property: The 2021 36 acres of land owned by WCJA, LP *prior to* the Lot Line Adjustment and closing of the purchase and sale of the Wright Option Property.

Lot Line Adjustment: Lot Line Adjustment of the WCJA Property and the Wright Option Property recorded March 2022.

Phases: Three development phases as follows:

1. Valley Oaks South: Valley Oaks South
2. Valley Oaks North Phase I: Valley Oaks North Areas 1 and 2
3. Valley Oaks North Phase II: Valley Oaks North Area 3

Please see 2023_03_17 Precise Plan – Architectural.

Pinkston Road Property: A strip of land comprising 0.51 acres encumbered by a City of Novato Right of Way.

Planning Areas: Four Planning Area as follows:

1. Valley Oaks South
2. Valley Oaks North Area 1
3. Valley Oaks North Area 2
4. Valley Oaks North Area 3

Please see 2023_03_17 Precise Plan – Architectural.

Project Site and Project Site Boundary: Limits of Grading or Grading Limits.

Please see 2023_03_17 Precise Plan – Architectural.

Please see 2023_03_17 Vesting Tentative Map.

Property: +/- 37.6 acres following the Lot Line Adjustment and closing of the purchase and sale of the Wright Option Property.

Project: Sixty-one (61) single-family homes including forty-five (45) JADUs, and twenty (20) townhome condominiums. 20% of the single-family and townhomes will be affordable to Low and Moderate income households.

VTM: Vesting Tentative Map prepared by CBG Engineers dated March 17, 2023.

Woodlands: *Please see Constraint Maps.*

Wright Option Property: Two (2) acres of land formerly owned by Wright now owned by WCJA, LP together with all right, title and interest Wright may have had in the Pinkston Road Property.

EXCECUTIVE SUMMARY

Valley Oaks. Valley Oaks will be a residential subdivision providing a variety of home types for market rate and below market rate purchasers in a beautiful setting with the backdrop of Mount Burdell.

The Property. The Property is located on Redwood Boulevard north of the San Marin / Atherton freeway exit in a bowl below the Buck Center for Aging. It is a total of +/- 37.6 acres of which just under half will be developed. The remainder will be designated Open Space and will remain permanent open space for the benefit of the Valley Oaks Community. Only very minor peripheral slopes of greater than 25% will be graded.

Applications. Approval is requested of an appropriate General Plan land use designation, Master Plan, specific PD Zoning, Precise Plan with Objective Standards, Vesting Tentative Map, Three Lot Subdivision, reduced Wetland setback and other minor requests together with an Alternative Equivalent Action for the Affordable (BMR) Component. The Project was recommended for approval by the Design Review Commission on August 23, 2022. Consideration of the Objective Standards was continued pending further study.

The Property currently is designated Business and Professional Office and despite efforts by the current ownership since 1998, these uses have proved infeasible. The constraints of the Property make it unsuitable for large footprint office buildings and extensive (structured) parking. Further, the office market in Marin has changed so that there is no longer any demand for large corporate offices.

The Property is an infill site surrounded by existing and approved residential developments on all sides. It is far better suited to housing since individual homes are less massive, can be sympathetically located within the landscape and better respect the constraints of the site. It is also located close to the Atherton SMART station.

The property is included in the City of Novato's Draft Housing Element submitted to the State of California Housing and Community Development Department in January 2023 as a pipeline project.

Hillside and Ridgeline Protection Ordinance (HRPO). This Ordinance is designed to control development on hillsides sites with average slopes in excess of 10% and sites impacting ridgelines. Valley Oaks meets the strict definition of a Hillside project, but neither materially builds on slopes of greater than 25% nor impacts ridgelines. Instead, Valley Oaks clusters development in the flat low lying areas of the site. The steeper slopes and the area of an ancient landslide will not be developed and will be used as an open space amenity for the benefit of the Valley Oaks community. The Project complies with the spirit and the letter of the HRPO.

Homes. The development will offer a variety of home types.

Valley Oaks North will comprise 61 single-family detached homes and duets ranging in size from 2,000 to 3,500 square feet, all with 2-car garages and private yards. Fort-five (45) of

these homes will have JADUs on the ground floor which if rented would be restricted to Very Low Income households.

Valley Oaks South will comprise 20 townhomes immediately to the south of Verandah, currently under construction. These townhomes will range from 1,800 to 2,100 square feet and all will have 2-car garages. A number may have private roof decks. Guest parking is provided.

Constraints. Development of the Valley Oaks property is limited by a number of physical and legal constraints that preclude development in certain areas:

- Slopes greater than 25%.
- Woodlands that include the majority of the heritage oak trees.
- The 4,000 year-old land-slide that will be left undisturbed and limited to trails and an amenity area for homeowners. In addition there are two small surficial land slide areas that will be mitigated and repaired.
- Wetlands and Other Waters of the United States. Except for four small areas ranging in size from 0.05 to 0.14 acres, these areas will not be developed but instead will be preserved, protected and enhanced. The impacted areas that can not be avoided will be mitigated as approved by the regulatory agencies. The total area to be mitigated is 0.38 acres.
- The PG&E gas line easement which will only be used for streets, parking and open space.

Amenities. The principle amenity for homeowners will be the natural setting and a network of trails and sitting places in the Open Space area. A Central Community Space and a Community Play Area will be provided along with a passive seating area on Valley Oaks South.

Affordable Component. Twenty per cent (20%) of the homes will be set-aside for families with low and moderate incomes. In addition, the JADUs, if rented, will be affordable to Very Low Income households. The restricted income homes and the JADUs will all contribute to the City's State Mandated Regional Housing Needs Allocation (RHNA) in their respective income categories. The balance of the homes will count in the market rate category.

Alternative Equivalent Action. In lieu of providing the Affordable Component, the Applicant is requesting that at the election of Applicant, the Project may satisfy the Affordability requirement by means of an Alternative Equivalent Action. This would be accomplished by either of two Methods:

- Method 1 - Valley Oaks South would be sold to a non-profit developer.
- Method 2 - Valley Oaks South would be constructed by the builder of Valley Oaks North.

In each case all of the homes (20) in Valley Oaks South would be restricted to Low and Moderate Income households relieving Valley Oaks North of any obligation to restrict the sale of any of the homes to Low or Moderate Income families.

The public benefit would be that the number of Affordable homes would increase from 16 homes to 20 homes.

Sustainability. The Valley Oaks site and homes will be constructed with careful consideration of the impact on the natural environment and broader effects on climate change. The site design respects the slopes, the woodlands, saves the vast majority of the heritage oak trees, and avoids almost all the wetlands.

The homes will be all-electric. Eliminating the use of fossil fuels benefits not only the overall environment but also the occupants who will have cleaner, healthier indoor air. The homes will generate electricity by solar photovoltaic panels and be wired for installation of back up battery storage and EV chargers.

Plant materials will be low water use with an emphasis on native plants. Only recycled water will be used for irrigation. The CCRs will prohibit front yard lawns.

Fire Resiliency. The development area is not designated as a Wildland Urban Interface (WUI) area. Nevertheless it is proposed to construct the new homes to full WUI standards with non combustibile siding and roofs, tempered glass, gutter guards, and vents will either be eliminated or be intumescent (fire proof).

There will be a 30' Fuel Reduction Area between the developed portion of the project and the open space that will be kept free of flammable fuels. The Fuel Reduction Area will be maintained by the Home Owners Association (HOA) through the CCRs. The HOA will also be responsible for establishing criteria for 'defensible space' around buildings and requiring maintenance of these areas.

THE PROPERTY

+/- 37.6 Acres Comprising:

APN: 125-580-23

A 35.63-acre portion of the 2021 WCJA Property owned by WCJA, LP. (The balance of the 36 acres owned by WCJA, LP in 2021 is the portion of the 2021 WCJA Property conveyed to Wright). WCJA has owned its property since 1998.

Please see 2021_10_27 FATCO WCJA Prelim with Exceptions.

APN: Portion of 125-580-34

A 2-acre portion of the Wright Option Property, 100 Pinkston Road, now owned by WCJA, LP.

Please see 2022_07_25 FATCO Policy WCJA including Wright.

The entire Property comprises +/-37.6 acres following the recordation of the Lot Line Adjustment and closing of the Wright Option Property in July 2022.

The WCJA Property presently excludes the Pinkston Road Property.

THE PINKSTON ROAD PROPERTY

The Pinkston Road Property is the remnant of an 8.43-acre parcel of land distributed to John Nickelson by Decree of Distribution of the estate of Ocke Edward Nickelson filed October 20, 1922. The successor to John Nickelson is San Marin Business Park, LP (Condiotti Enterprises).

San Marin Business Park, LP was the prior owner of the Original WCJA Property who filed the Parcel Map of record of San Marin Business Park (*Please see 1987_02_09 Parcel Map Serial No. 87-814238 SMBP Phase 1 Division of 81-03275*). Evidently San Marin Business Park, LP inadvertently omitted the Pinkston Road Property from the Parcel Map, and therefor omitted it from the conveyance to WCJA.

Consolidation of the Pinkston Road Property will require a further Lot Line Adjustment. Upon recordation of the future Pinkston Road Property Lot Line Adjustment the Property will increase to +/- 38.1 acres.

All applications and descriptions presently exclude the land lying within Pinkston Road (except except a small portion of the new "A" Street falling within the Pinkston Road Property).

WCJA, LP has filed an action to quiet title with the County of Marin, Superior Court of the State of California identifying two parties as potential as interested parties, neither of whom responded with a claim within the applicable time periods allowed by law. The Quiet Title Action is proceeding smoothly.

Pinkston Road is a 50' wide right of way that was dedicated to the County of Marin and its successors and assigns in 1891 by predecessors of WCJA and Wright. Please see Deed of Dedication by John W. Atherton, George A. Atherton, and J. G. Peters to Marin County, dated June 29, 1891, recorded July 18, 1891 in Book 17 Deeds, pages 297-300 (see *1891_06_04 17D297 Atherton Peters to Marin County*). Pinkston Road ('Novato to Petaluma Road' or 'County Road' or 'Former Black John Road') previously continued north and southwards on the Original WCJA Property. Most, if not all, of the dedication located on the Property has been abandoned leaving the 0.51 acre remnant lying between the 2021 WCJA Property and the Wright Option Property encumbered.

A request to abandon the portion of the Pinkston Road right of way, if any, lying within the Property will be made once titled is quieted.

The City of Novato acquired the Pinkston Road right of way when the surrounding properties were annexed. The 1891 Deed to the County assigned to the City conveyed the 50' right of way for use as a public highway.

100 PINKSTON ROAD (the former Wright Property)

Following the recent purchase of a 2.0 acre portion of the former Wright Property by WCJA, Wright sold the balance of 100 Pinkston Road to Chua-Pho Giac Inc., (“Chua-Pho Giac Inc.”). Currently Chua-Pho Giac Inc. accesses 100 Pinkston Road via an easement over the City Owned Strip on the corner of Redwood Boulevard and Pinkston Road. Chua-Pho Giac Inc. has the right to access the new Pinkston Road when built which was a condition of the sale of the portion of 100 Pinkston Road to WCJA, LP.

CITY OWNED STRIP

The City of Novato owns a strip of land of varying width between the Property and Redwood Boulevard that comprises the former Caltrans Right of Way (the “City Owned Strip”). The Caltrans Right of Way was relinquished to the County of Marin some years ago. The City of Novato assumed ownership on annexation of the wider area.

The City Owned Strip is not included in the Project Site. Nevertheless the Applicant proposes to landscape those portions of the City Owned Strip fronting the Project that have not been landscaped and will include landscape maintenance of the relevant portion of the City Owned Strip in the Home Owners Association responsibilities.

Please see 2022_10_20 Precise Plan and 2022_10_20 Precise Plan – Landscape Plan Details for details.

EASEMENTS

The Property

The Property is encumbered by the following easements:

1. The PG&E Gas Line easements (Line 21G and 21F)
 - a. Book 212, Page 52
 - b. Book 228, Page 385
 - c. Book 1147, Page 336
 - d. Book 1182, Page 140
 - e. Book 189, Page 460

These easements comprise two (2) fifteen (15) foot wide pipe-line easements (Lines 21F and 21G) each with maintenance easements on either side. Some easements overlap. The total width of the combined PG&E gas line easements is 67.5 feet.

No vertical construction is allowed on the PG&E gas line easements. Roadways and driveways including utility crossings, paving and street improvements such as traffic signs are permitted with PG&E approval.

2. Verandah easements

- a. 2020-0039992 Access Road and Utility easement
- b. 2020-0039993 Vehicular Access Road and Extension easement
- c. 2020-0039994 V-ditch slope and drainage easement
- d. 2022_10_06 Bio-Retention Basin Encroachment and Drainage Easement Agreement

The first three easements were all recorded at the time of the closing with Landsea Homes to facilitate the Verandah project. The alignment of the V-ditch will change for the Valley Oaks South project.

A further easement was recorded to allow an encroachment onto the Verandah property, for bio-retention purposes, and to drain into the Verandah drainage system.

The Bio-Retention Basin Encroachment and Drainage Easement Agreement facilitates the construction of a bio-retention area straddling the property line between Valley Oaks South and Verandah to accommodate storm drainage flows from Valley Oaks South and direct them through the Verandah drainage system.

In addition the Property may be affected by the Pinkston Road Deeds described as follows:

EASEMENTS FOR ROADWAY AND INCIDENTAL PURPOSES IN FAVOR OF THE COUNTY OF MARIN, AS CONTAINED IN THE FOLLOWING DEEDS RECORDED:

- A) APRIL 11, 1884 IN BOOK 1 OF DEEDS AT PAGE 43, MARIN COUNTY RECORDS
 - B) JANUARY 20, 1885 IN BOOK 2 OF DEEDS AT PAGE 28, MARIN COUNTY RECORDS
 - C) JULY 18, 1891 IN BOOK 17 OF DEEDS AT PAGE 297, MARIN COUNTY RECORDS
 - D) JUNE 19, 1916 IN BOOK 178 OF DEEDS AT PAGE 392, MARIN COUNTY RECORDS
- BY INSTRUMENT RECORDED DECEMBER 23, 1921 IN BOOK 235 OF DEEDS AT PAGE 203, MARIN COUNTY RECORDS, A PORTION OF THE ABOVE ROADWAY WAS ABANDONED AS A PUBLIC HIGHWAY.

According to the Title Insurance Company the location of the easement cannot be precisely determined from record information. The Applicant requests that the City abandon the remaining Pinkston Road Right of Way.

Please see 2022_07_25 FATCO Policy WCJA including Wright.

The Wright Option Property

The Wright Option Property now a portion of the Property (but not the 2021 WCJA Property) is encumbered by the following recorded easements:

1. Book 2005-0048282, Buck Institute. This easement is for Emergency Vehicle Access purposes to the Buck Housing project and is subject to reasonable relocation, but has terminated by its own terms. This exception will be removed from title shortly.
2. Book 1859, Page 483, NMWD. This easement for water service is in a strip of land 20' by 50' close to Redwood Boulevard.
3. Book 2005-0038699, North Marin Water District.
4. Book 2005-0042324, Novato Sanitary District.
5. Book 2005-0043873, PG&E.

Please see 2022_04_05 FATCO Updated Commitment Preliminary Report Wright and 2022_07_25 FATCO Policy WCJA including Wright.

The 2005 easements were all recorded to accommodate the abandoned USA Properties / Buck Housing project. Note no such similar easements exist on the 2021 WCJA Property. These easements only affect the former Wright Property and do not connect to the Buck property.

The 2005 utility easements will be abandoned and consolidated into new easements with the relevant utility companies prior to the recordation of a Final Map, as will the 1859 easement.

EXISTING NOVATO GENERAL PLAN

The Property is shown in the Novato General Plan as Business & Professional Office (BPO).

The land use designation of both the 2021 WCJA Property and the Wright Option Property is shown in the North North Redwood Boulevard Study as BPO as reflected in the Existing Novato General Plan.

EXISTING ZONING

The 2021 WCJA Property is shown Planned Development (PD), San Marin Commerce Park Master Plan.

The Wright Option Property is shown Planned Development (PD).

CONSTRAINTS AND OPPORTUNITIES

CSW Stuber Stroeh has prepared updated comprehensive Constraint Maps dated October 20, 2022 consistent with the City of Novato Zoning Ordinance and Guidelines:

- Map 1A. Topo Map
- Map 2A. Wetland/Water Courses
- Map 3A. Trees and Native Woodlands

Map 4A.	Special Status Species
Map 5A.	Wildlife Corridors
Map 6A.	Fire Hazard Areas
Map 7A.	Geohazards
Map 8A.	Slope Analysis
Map 9A.	Composite Map
Map 10A.	Adjacent Land Use and Zoning
Map 11A.	Hydrological
Map 12A.	Easement Constraints

In addition to the required Maps, we have included two additional Maps, namely Hydrological (Map 11) and Easement Constraints (Map 12) to assist in your review.

No map has been provided for the following :

- Flood Plains. The Property is not identified on the current FEMA map as a Flood Plain.
- Scenic Resources. The Property is not identified on GP ES-6 as a scenic hill or ridgeline.

SLOPES ANALYSIS

In order to determine the range of overall density that would result from the proposed General Plan Amendment, Master Plan and Precise Development Plan, a Slopes Analysis consistent with the requirements of the Hillside and Ridgeline Provisions (“HRPP”) of the Zoning Ordinance, has been prepared. This results in a range of density of between 61 units and 140 units on the residential portion of the Property. JADUs would be in addition.

Please see Exhibit 3A: Slope Analysis Plan prepared by CSW Stuber Stroeh dated October 20, 2022.

HISTORY

Master Plan

A Master Plan known as the San Marin Commerce Park (later known as San Marin Business Park) was approved by ordinance for the Original WCJA Property and surrounding properties in 1979 and revised in 1982, primarily allowing for industrial use, but also allowing office and retail use. The 1996 Novato General Plan changed the land use designation of the 2021 WCJA Property and surrounding property in the General Plan to BPO, and the Wright property to LIO. The 1979 San Marin Commerce Park Master Plan is still valid today.

Subdivision

In 1987 a Parcel Map of Phase 1 of the San Marin Business Park was recorded on 68.12 acres. *Please see 1987_02_09 Parcel Map Serial No. 87-814238 SMBP Phase 1 Division of 81-03275.*

In 1989 a Parcel Map of Phase 2 of the San Marin business Park was recorded. *Please see 1989_07_25 Parcel Map Serial No. 89-42599 Book 24 Page 68 SMBP Phase 2. Re-subdivision Parcel 2. 23 PM 74.*

In 1998 a further Parcel Map of Phase 2 of the San Marin Business Park was recorded creating a 40-acres parcel (Parcel 2) that was purchased by WCJA in 1998. *Please see 1998_04_17 Parcel Map Serial No. 98-25398 SMBP Division of Book 24 Page 68.*

In 2014 Parcel 2 of Parcel Map of Phase 2 of the San Marin business Park was further subdivided into two parcels (Parcel 1 and Parcel 2) to accommodate what would become the Verandah project. *Please see 2014_11_14 Parcel Map Serial No. 2014-47494 Book. 2014 Page 168 Division of Parcel 2 SMBP.*

In 2019 the internal property lines of Parcel 1 and Parcel 2 of Parcel Map of Phase 2 of the San Marin Business Park were changed to accommodate the 4-acre Verandah project. The remaining 36.1 acres is the 2021 WCJA Property.

In 2021 an application was made and approved by the City of Novato to adjust the property lines of the 2021 WCJA Property and the Wright Property to accommodate the transfer of lands between WCJA and Wright. The WCJA Resultant Parcel comprises +/-37.6 acres.

Subdivision Improvements

In 1988 improvement and utility plans for San Marin Business Park were approved by the City of Novato and construction followed with completion in April 1990. Improvements included curb, gutter and sidewalk, and utilities including street-lights in Wood Hollow Drive, Meadowcrest Road and Redwood Boulevard fronting the Project Site were installed.

In 2019 improvement and utility plans for 7711 Redwood Boulevard (Verandah) were approved by the City of Novato and construction followed with completion in April 2021. Improvements included curb, gutter and sidewalk, paving and utilities including street-lights in Verandah Avenue partly to accommodate Valley Oaks South, and paving and utility improvements in Redwood Boulevard to accommodate Valley Oaks North.

Applications by Campus Properties.

In the late 1990s an application was submitted by Campus for a Master Plan for all of WCJA's ownership at the time (44.5 acres) and the Wright Option Property. The application was for 544,000 sq. ft. of office and hotel use. This was the amount of development that had been allocated to the Property as it then was in the 1996 Novato General Plan traffic analysis. Campus also applied for a Precise Plan for Area C at the corner of Wood Hollow Drive and Redwood Boulevard for 60,000 sq. ft. of office. The Master Plan and Precise Plan

applications were subsequently withdrawn. Area C is now approved for hotel use and Area D2 (the Verandah project) is currently being developed for 80 townhomes with the remainder of the WCJA ownership (and the Wright Option Property) being the subject of these applications (the 2021 WCJA Property).

Under the 1996 General Plan the property controlled by WCJA had a permitted density of 793,000 square feet. However, in 2001 the City of Novato adopted the Hillside and Ridgeline Protection Provisions (HRPP) that reduced the allowable development to 414,000 square feet. Following the sale of Areas C (Hotel) and Area D2, (Verandah) the allowable density after applying the HRPP slope reduction factors was reduced to 330,000 square feet.

The Property is highly constrained by hills and valleys, jurisdictional wetlands and Waters of the United States, an ancient (4,000 year old) landslide and the 67.5 feet wide PG&E easement which cannot be built upon. To develop the property with 330,000 sq. ft. of office extensive grading with substantial retaining walls would be necessary to accommodate building footprints of over 20,000 square feet and building heights in excess of 40 feet. Parking would be needed for approximately 1,100 cars, the majority of which would need to be in structured parking facilities.

In 2008 Sonoma and Marin County voters approved funding for a commuter train and the first segment from Santa Rosa to San Rafael opened in 2017. A site at the corner of Redwood Boulevard and Rush Landing Road less than one half mile from the Property was constructed as the Novato-San Marin SMART station.

The Firemans Fund buildings (710,000 sq. ft. of office) have been largely vacant since the departure of Firemans Fund in 2015. The property has now been purchased by a developer for a mixed-use though largely residential development.

In 2012 the City of Novato approached WCJA/Campus about the possibility of rezoning a 4 acre portion of its then 40 Acre property in its Housing Element for 80 units of affordable housing, 20% restricted to low income families. An Affordable Housing Overlay was approved by the City of Novato and the 4-acre portion of the 40-acre property was included in the City's Housing Element. Landsea Homes are now under construction with 80 for-sale Verandah townhomes on this property.

Efforts over the last 25 years to secure tenants for large office or biotech buildings on the Property have proven fruitless. The market has changed to the point where there is no longer demand for large spaces in Marin County especially for highly constrained raw land.

The requested applications would change the land use designation of the Property to a mixture of residential uses and Open Space. For residential development the Hillside and Ridgeline Protection Provisions of the Novato Zoning Ordinance reduces the land available for development to slopes of 25% or less. No material development is proposed on slopes of 25% or more. The Land Use Designation of the woodlands and the ancient slide area would be changed to Open Space guaranteeing no development in those areas in the future. Over 50% of the Property would be undeveloped hillsides, wetlands and recreational

amenities for the Valley Oaks home-owners. The location of each proposed use is shown on the Master Plan prepared by CSW Stuber Stroeh, Sheets Exhibit 2A dated October 20, 2021.

The portion of the Property proposed for residential development will respect the Hillside and Ridgeline Protection Ordinance. The development will be designed to avoid the majority of the wetlands and to mitigate for the loss of less than 0.4 acre of mostly sporadic wetlands. The homes will be set back from the edge of the ancient slide area and homes will not be constructed in the PG&E easements.

Approval of the requested applications would significantly reduce both the number of PM Peak Hour Trips and total vehicle miles travelled (VMT) over any BPO development. Parking demand will be reduced by well over 50% compared to the existing BPO land use designation.

Due to the constraints, the Property is better suited to a combination of residential uses and Open Space than Business and Professional Office. Visually, housing would be less intrusive than large footprint office buildings and parking structures. Further, the Property is surrounded on three sides by residential uses: Partridge Knolls to the west, 126 units of the approved Buck Center Housing to the north, and Verandah at Valley Oaks (80 townhome units built at 20 dua) to the east. The Novato-San Marin SMART Station is within walking distance and provides a public transit alternative to driving on Highway 101.

The proposed Open Space land use designation provides an opportunity for open space and the development of passive recreation such as a system of trails and a Multi-Age Play Area.

PROJECT DESCRIPTION

The Project comprises sixty one (61) for-sale two story (some with an attic space flexible bonus room) single-family homes and duets, and twenty (20), two and three story condominium townhomes with some roof decks in two distinct Development Areas, respectively Valley Oaks North (Area 1, Area 2, and Area 3) and Valley Oaks South ("Planning Areas").

Although the Project Site comprises +/- 37.6 acres, homes are clustered together to avoid impacts to the natural environment, constraints and unnecessary infrastructure. Generally development follows the contours to minimize grading and building envelopes.

Valley Oaks North

Valley Oaks North is accessed from Redwood Boulevard via the new Pinkston Road ("A" Street). All utilities will be extended from Redwood Boulevard.

In addition to sixty one (61) for-sale two story (some with an attic space flexible bonus room) single-family homes and duets, Valley Oaks North includes forty five (45) Junior Accessory Dwelling Units ("JADUs") ranging in size between 150 sq. ft. and 500 sq. ft. which if rented will be restricted the Very-Low Income households. Twenty (20) percent of all

homes will be restricted to Low- and Moderate-Income households. The restricted homes cannot be rented, so homes with JADUs cannot be restricted units.

Please see Appendix A: Valley Oaks North Unit Count.

Please see 2023_03_17 Precise Plan – Architectural.

Valley Oaks North (VO Area 1, VO Area 2, and VO Area 3)

Valley Oaks North is accessed from a newly aligned Pinkston Road (“A” Street) and a revised intersection with Redwood Boulevard. VO Area 1 is located north of “A” Street and east of “B” Street (i.e. the PG&E Easements). VO Area 2 is located west of “B” Street (i.e. the PG&E Easements) and east of the Drainage Channel and VO Area 3 is located west of the Drainage Channel.

Valley Oaks North comprises four (4) different single family Plan types:

Plan 1: 4 bedroom Duets 1,900 +/- sq. ft.

Plan 2: 4 bedroom 2,500 +/- sq. ft. some with JADUs

Plan 3: 5 bedroom 2,800 +/- sq. ft some with JADUs

Plan 4: 5 bedroom 3,000 +/- sq. ft. some with JADUs

Each Plan type has a two (2) car garage and two (2) driveway spaces. Additional parking is provided on the adjoining street.

Please see Appendix A: Valley Oaks North Unit Count.

Please see 2023_03_17 Precise Plan – Architectural.

Although not located in the Wildland Urban Interface (WUI) Zone, the Project will comply with WUI construction standards.

Valley Oaks South

Valley Oaks South is accessed from Verandah Avenue. All utilities have been extended to Valley Oaks South.

Valley Oaks South comprises four (4) buildings of four (4) to six (6) condominium Townhomes.

The rear two buildings, Buildings 1 and 2 (Lots 61 and 62) are split pads with their primary access and garage access from the driveway (“H” Street). Buildings 1 and 2 are two (2) story at the rear and three (3) story at “H” Street plus a roof deck.

The front two buildings, Buildings 3 and 4 (Lots 63 and 64) are built off flat pads with their primary access facing Verandah Avenue and their garages accessed from the rear driveway (“H” Street). Buildings 3 and 4 are two (2) story with an optional roof deck.

Valley Oaks South comprises four (4) different Plan types in Buildings 1 to 4:

Unit 1: 3 bedroom 1,800 sq. ft.

Unit 1X: 3 bedroom 1,850 sq. ft. end unit

Unit 2: 3 bedroom 2,000 sq. ft.

Units 2X: 3 bedroom 2,100 sq. ft. end unit

Each condominium Townhome in Valley Oaks South will have a two (2) car garage. A ten (10) space surface parking lot will be provided for guests.

Please see Appendix A: Valley Oaks South Unit Count.

Please see 2023_03_17 Precise Plan – Architectural.

Parking

Each single-family home, Duet and Townhome unit has a 2-car side-by-side garage. Each single-family home and each Duet has two 2-car side-by-side driveway spaces. Valley Oaks North will have 33 on street parking spaces for visitors. Valley Oaks South has a 10-space guest parking lot.

Please see Appendix A Table 4: Parking Count.

Please see 2023_03_17 Precise Plan – Architectural.

Phasing

The Project will be constructed in three (3) phases:

1. Valley Oaks South: Valley Oaks South
2. Valley Oaks North Phase I: Valley Oaks North Areas 1 and 2
3. Valley Oaks North Phase II: Valley Oaks North Area 3

Please see 2023_03_17 Precise Plan – Architectural.

Affordable Component

The Project will provide 20% of the total number of homes as affordable to Low and Moderate Income households targeting 80% and 100% of AMI, paying the fractional requirement as an in-lieu fee. In addition, the Project will provide 45 JADUs which if the homeowners chooses to rent shall be restricted to Very Low Income households targeting 50% AMI.

In the Alternative, Applicant requests to meet the Affordable requirement by means of an Alternative Equivalent Action which Applicant may request at any time.

*Please see the section entitled **Alternative Equivalent Action** below.*

Regardless of the means of providing the Affordable Component, the Project is entitled if requested by the Applicant to a Density Bonus including a limited number of Incentives, an unlimited number of Concessions and Waivers, and reduced Parking requirements.

Further, the Project is entitled to Housing Accountability Act (HAA) treatment of the applications.

Amenities

In addition to the preservation of the Open Space and trees, and the mitigation of the Wetlands, the Project proposes the following:

- A central community gathering space and linear greenway overlooking the Drainage Channel on Street “B”.
- Community Play Area suitable for school age children with a shade structure in the Open Space.
- Connectivity between the central community gathering space/linear pocket park and the Open Space/Community Play Area by means of a pedestrian bridge across the Drainage Channel.
- Enhanced connectivity between Verandah/Valley Oaks South, and Valley Oaks North Area 3.
- A series of trails with occasional seating, viewing locations and a par course.
- View opportunity with lawn and seating at Valley Oaks South.
- Art feature.
- Landscape entries at Verandah Avenue and Pinkston Road extending into the strip of land owned by the City of Novato.

Open Space

Areas outside the Planning Areas will generally remain undeveloped and left in their natural state to provide an abundance of passive recreation opportunities such as trails and picnic areas, except that the first 30 feet (or up to the existing property line) will be a Fuel Reduction Area. The Fuel Reduction Area will be kept clear of long grasses through a maintenance program operated by the Home Owners Associations (HOAs).

Wetlands

The Project proposes to fill 0.38 acres of Wetlands mitigated on site and/or off site depending upon the final mitigation ratio negotiated with the jurisdictional agencies. Based on discussions with the relevant jurisdictional agencies the 2023_03_17 Precise Plan - Architectural represents the Least Environmentally Damaging Project Alternative (the “LEDPA”). The LEDPA together with the Wetland Mitigation Plan (as revised by the jurisdictional agencies at the appropriate time) will mitigate the fill impacts.

Please see 2023_03_17 Precise Plan – Architectural.

Trees

The Property includes over 400 trees mostly located on the north-facing slope and in the north-west corner of the Property close to Partridge Knolls within the proposed Open Space area (“Woodlands”). Individual trees outside the Woodlands can be found at the toe of the north-facing slope (Valley Oaks North Area 3), around the existing Quonset hut (Valley Oaks North Area 2) and along the existing Pinkston Road (Valley Oaks North Area 1). Additionally there are two trees within the existing Pinkston Road right of way. The Site Plan has been designed around the two signature oak trees on Valley Oaks North Area 1. One stand of eucalyptus trees on Valley Oaks North 2 located within the top of bank of the Drainage Channel will be removed.

The goal is to save all oak and other native trees in good condition. All non-native trees including any fire-hazardous trees will be removed unless their removal will endanger the stability of slopes to the Drainage Channel.

Trees proposed for Removal are shown on Exhibit 4A. Trees proposed for Removal are all of the trees in the Planning Areas except the two signature trees on Valley Oaks North Area 1 that will be retained. In an abundance of caution trees shown for Removal include a few oak trees on the border of the Open Space Area close to the Grading Limits Line. If these trees are not impacted by grading, these trees will remain.

A total of 21 trees, 15 of which are Heritage Trees are proposed for removal. A total of 2 additional trees are proposed for removal when the Pinkston Road Property is included in the Project, 1 one of which 1 is a Heritage Tree.

Please see 2021_10_07 Gurka Arborists Report and 2022_10_20 Further Updated Gurka Tree Inventory.

Landscaping

The Project will be attractively landscaped using a variety of drought tolerant landscape materials throughout the developed portions of the Property. The undeveloped hillside will be left natural except the first 30’ that will be cleared to provide a Fuel Reduction Area. No turf grass landscaping will be permitted in front yards

Sustainability

The Project provides a wide range of sustainable features including but not limited to all electric homes, solar panels, homes wired for EV and back up battery charging, defensible space around homes, recycled water, low water plant materials and no front yard grass. Additionally the Project will be the Least Environmentally Damaging project alternative as determined by the jurisdictional agencies avoiding the filling of wetland to the maximum extent possible and mitigating impacted wetlands.

1. GENERAL PLAN AMENDMENT REQUEST

To amend the 2035 Novato General Plan Map (and the North North Redwood Boulevard Corridor Study) as follows:

1. A 2.58 acre portion of the +/-37.6 acre Project Area to High Density Multi Family Residential 20.1 – 30 dua (HDMFR), and
2. A 15.15 acre portion of the +/-37.6 acre Project Area to Medium Density Residential 5.1 – 10 dua (MDR), and
3. A 19.94 acre portion of the +/-37.6 acre Project Area to Open Space

All as shown on CSW Stuber Stroeh Sheet EX1A dated October 20, 2022 entitled Proposed General Plan, Land Use Designations.

To amend the 2035 Novato General Plan Land Use Map GP-1 to include the Wright Option Property in Site 4 in the North North Redwood Boulevard Corridor Study.

To amend the 2035 Novato General Plan Land Use Policy 27 as it relates to Site 4 as amended follows:

Site 4

Preferred Land Use Concept

~~Research and development use and office buildings.~~ *“Allow for Residential development.*

Design Guidelines

- *Respect existing wetlands as far as practicable and oak trees in project design.*
- *Take into account slope stability and the presence of existing gas transmission pipelines in the project design and the siting of buildings.*

A General Plan Amendment from Business and Professional Office to Residential is required for the following reasons:

The Business and Professional Office (BPO) is the most restrictive of all Novato’s General Plan Land Use Designations with the exception of those reserved for specific land uses such as REI or open space type land use designations. BPO does not provide for any residential uses, even as Conditional Uses. BPO type uses typically require large footprint office buildings potentially with large footprint tall parking structures. Yet the Property comprises hills and valleys and is constrained by multiple features including wetlands and waters of the United States resulting in fragmented development sites of irregular shape. The City’s Hillside and Ridgeline Protection Provisions of the Novato Zoning Ordinance further restrict the development of the property. Residential development will minimize grading and result in fewer environmental impacts.

Small footprint building such as individual single-family homes, duets and townhomes are better suited to this highly constrained property than larger footprint office buildings and parking garages.”

Including the Wright Option Property in Site 4 makes for a more logical pattern of development.

S. 19.56 General Plan, Zoning Ordinance and Zoning Map Amendments

General Plan Environmental Stewardship Consistency.

Figure ES-1 Waterway. No Waterways are shown on the Project Site

Figure ES-2 Watersheds. The Property is part of the much larger Rush Creek Watershed.

Figure ES-3 Vegetation. The Project Site is shown as Chaparral and Coastal Scrub.

Figure ES-4 Special Status Species Occurrences. No occurrences are shown on the Project Site or on the immediate surrounding properties.

Figure ES-5 Open spaces. The Property is not shown as an Open Space.

Figure ES-6 Ridgelines and Scenic Resources. No Ridgeline or Scenic Resource is shown on the Property or the immediate surrounding properties.

Figure ES-7 Mineral Resources. No mineral resources are shown on the Property.

Justification. The requested General Plan Amendment is necessary to develop the Project at the density proposed.

2. REZONING TO SPECIFIC PD - WITH VALLEY OAKS OBJECTIVE STANDARDS

Except in limited circumstances the Housing Accountability Act provides that when a property is zoned for housing, a local agency may only impose Objective Standards.

“Until January 1, 2030, “objective” means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official”. Gov Code 65589.5(h)(8)

California’s Housing Density Bonus law provides that where a housing project provides housing with below market rate homes, the development is entitled to increased density, to concessions or incentives that reduce housing cost, parking waivers and an unlimited number of waivers of development standards that would otherwise preclude the development of the project at the density proposed. On advice of staff, the Valley Oaks Objective Standards obviates the need for Exceptions to the Novato Municipal code.

Currently the Property is zoned PD with an underlying Zoning District of Business and Professional Office. When rezoned for housing in the Valley Oaks PD, the Objective Standards for Valley Oaks shall be as shown in the document entitled Valley Oaks Objective Standards (2023_03_17 Valley Oaks Objective Standards).

Objective Standards for Valley Oaks

The Objective Standards are based the following land use Zoning District Standards:

HDMFR Residential Zoning District: R20 - 2.0 - Medium Density Multi Family Residential

MDR Residential Zoning District: R5.1-10 - Medium Density Residential

If adopted the 2023_03_17 Valley Oaks Objective Standards would be in lieu of current standards contained in the Novato Municipal code.

The 2023_03_17 Valley Oaks Objective Standards are needed to construct the Project at the density proposed.

Valley Oaks is not requesting a Density Bonus but if Objective Standards are not available, the Project is requesting equivalent Exceptions to the Valley Oaks Objective Standards.

Please see 2023_03_17 Valley Oaks Objective Standards.

3. MASTER PLAN (AMENDMENT) REQUEST - WITH VALLEY OAKS OBJECTIVE STANDARDS

s. 19.42.060 C 3. Master Plans and Precise Plans. Combined Plans.

Applicant requests a separate Master Plan and Precise Development Plan

To terminate the San Marin Commerce Park Master Plan and approve a new Master Plan – Valley Oaks, allowing for the development of eighty one (81) residential units with 45 Junior Accessory Units (“JADUs”) at a range of densities (on approximately 17.75 acres), and Open Space on the remaining areas (approximately 20 acres). All as shown on CSW Stuber Stroeh, Sheet Exhibit 1A and Exhibit 2A each dated October 20, 2022 entitled Valley Oaks Proposed General Plan and Valley Oaks Master Plan respectively.

Please see 2023_03_17 Precise Plan - Architectural.

s. 42.060. E. 1. Master Plans and Precise Plans. Master Plan Procedures

Graphic Documents. (1) to (12)

Please see Exhibits 1A -5A, Constraints Maps and 2023_03_17 Precise Plan - Architectural, and see 2022_10_20 Precise Plan – Landscape Plan, and 2022_10_20 Precise Plan – Landscape Details.

s. 42.060. E. 1. (b) Master Plan Required Written Statements

(1) Type, intensity, form and function of the completed project

Please see Tables in Project Description Appendix A.

(2) Utilities

Gas: PG&E
Electric: PG&E
Water: North Marin Water District
Sewer: Novato Sanitary District. The Wright Property is presently not within the boundaries of the Novato Sanitary District and will need to be annexed.
Telephone: Various, AT&T, Comcast, Verizon etc.

(3) Public services:

Police: Novato Police Department
Fire: Novato Fire Protection District
Schools: Novato Unified School District, San Marin High School, San Jose Middle School, multiple Elementary Schools
Mail: United States Postal Service

(4) Public conveniences

Solid Waste: Recology
TV: Comcast
Newspaper: Marin Independent Journal, Novato Advance

(5) Public facilities:

Streets: Public surrounding streets
Parks: Olompali State Park, Mount Burdell Regional Park, Miwok Park, Hamann Little League Field
Libraries: Novato Library, Novato Blvd
Transportation: Novato Atherton-San Marin SMART station, buses at SMART station, Redwood Boulevard, San Marin Drive, bike lanes along the SMART lines and on Redwood Boulevard.

(6) Historic or archaeological resources: None.

Please see 2022_12_26 Cultural Resources Report.

(7) Noise sources: Primary noise source is Highway 101.

Please see 2023_00_00 Illingworth & Rodkin Noise Report.

(8) Traffic:

Regional: Highway 101
Local: San Marin Drive, Atherton Ave, Redwood Blvd.
Bicycle: The portion of Redwood Blvd fronting the Project Site is shown as Class 2 Bicycle Facility (Lane) on General Plan Map CW-2
Bike ways

Please note that by agreement with the City of Novato, the Focused Traffic Impact Study is to be prepared by WTrans on behalf of the City at the expense of Applicant.

(9) Soils, flooding, geologic hazard, seismic hazards: *See Constraints Map No. 7A dated October 20, 2022. See Novato General Plan Maps CW-4 Liquefaction Hazard Area, CW-5 Landslide Hazard Areas and CW-6 Flood Hazard Zones.* The Project is not located in a Liquefaction Hazard Area or a Flood Hazard Zone. A portion of the Project proposed for Open Space is located in a High Land Slide Potential Area. A portion of the Project proposed for Open Space is located in a Low Landslide Potential Hazard Area.

(10) Storm drainage: The Property is part of the much wider Rush Creek Drainage area. *See General Plan Figure ES-2 Watersheds and Constraints Map No. 11A dated October 20, 2022.* The Drainage Channel generally running northwest to southeast flattens in the central area of the Project Site and runs into jurisdictional Wetlands between the proposed "A" Street and the Verandah project (collectively the "Receiving Waters"). Twin 48" concrete pipes take storm waters under Redwood Boulevard, Highway 101 and Binford Road out to Rush Creek Marsh and the San Pablo Bay. The two pipes are presently over grown blocking the flow causing occasional ponding on the Project Site and Pinkston Road. Once unblocked and maintained the twin pipes are adequate.

A combination of storm drainage pipes and perimeter V-Ditch gutters will collect storm waters from the Project and the surrounding hillsides before storm waters enter the Receiving Waters.

A detention pond is located upstream on the Buck Property that collects and controls the flow of storm waters entering the Receiving Waters from offsite. When the Buck Housing Project was approved, a system of storage tanks (large pipes) was designed to further control the flow of storm waters originating from the Buck Housing Project to avoid ponding on the Property and exceeding the capacity of the twin 48" pipes under Redwood Boulevard.

Please see 2023_02_06 Valley Oaks Hydrology & Hydrolic report by Balance Hydrologics.

(11) Shopping (local, regional) and service uses (medical, financial and administrative):

Vintage Oaks Regional Shopping Center
Trader Joes.
Safeway, De Long Avenue
Grant Avenue
Kaiser Medical
Novato Community Hospital
Novato Pediatric Dentistry, Redwood Boulevard
200 San Marin Drive medical offices

(12) Wildlife and Vegetation: The existing Wildlife corridor shown on Constraints Map 5A dated October 20, 2022 is proposed to be preserved, as is the existing vegetation outside the grading limits.

(13) Disposition or management of non-developed areas: Non-developed areas including approximately 20 acres of hillsides and woodlands and non-developed areas within the overall grading limits (such as wetlands, local green spaces and setbacks) to be owned and managed by the Home Owners Associations.

Justification. The requested Master Plan Amendment is necessary to develop the Project at the density proposed.

4. PRECISE DEVELOPMENT PLAN REQUEST - WITH VALLEY OAKS OBJECTIVE STANDARDS

Applicant requests separate Master Plan and Precise Development Plan

s. 19.42.060 C 3. Master Plans and Precise Plans

Please see 2023_03_17 Precise Plan - Architectural.

To approve the following program in three Construction Phases and four Planning Areas:

Valley Oaks North - Area 1 (Total of 17 Homes)

Eleven (11) detached single-family homes on small lots, two and one-half (2.5) story, each with a two (2) car side-by-side garages and a private rear yard. Nine (9) of the detached single-family home includes one (1) Junior Accessory Dwelling Unit (JADU).

BMR Units: Two (2) the eleven (11) detached single-family home are Below Market Rate (BMR) units at Low- or Moderate-Income level, and do not include a JADU.

Six (6) Duet attached single-family homes on small lots, two (2) story, each with a two (2) car side by side garages and a private rear yard. No Junior Accessory Dwelling Unit (JADU).

BMR Units: Four (4) of the six (6) Duet units are Below Market Rate (BMR) Units at Low- or Moderate-Income level.

Valley Oaks North -Area 2 (Total of 12 Homes)

Ten (10) detached single-family homes on small lots, two and one-half (2.5) story, each with a two (2) car side by side garages and a private rear yard. Each detached single-family home includes one (1) Junior Accessory Dwelling Unit (JADU). No Below Market Rate Units (BMR).

Two (2) Duet attached single-family homes on small lot, two (2) story, each with a two (2) car side by side garages and a private rear yard.

No Junior Accessory Dwelling Unit (JADU).

No Below Market Rate Units (BMR).

Valley Oaks Area North – Area 3 (Total of 32 Homes)

Twenty-Eight (28) detached single-family home on small lots, two and one-half (2.5) story, each with a two (2) car side by side garages and a private rear yard. Twenty-six (26) detached single-family home includes one (1) Junior Accessory Dwelling Unit (JADU).

BMR Units: Two (2) of the twenty-eight (28) detached single-family home are Below Market Rate (BMR) units at Low- or Moderate-Income level, and do not include a JADU.

Four (4) Duet attached single-family homes on small lot, two (2) story, each with a two (2) car side by side garages and a private rear yard.

No junior Accessory Dwelling Unit.

BMR Units: All Four (4) Duet units are Below Market Rate (BMR) Units at Low- or Moderate-Income level.

All single-family homes may have roof decks. Junior Accessory Dwelling Units are replaced with a 5th bedroom in the Below Market Rate Units (BMRs) since BMR homeowners are not currently permitted to rent out spaces.

Valley Oaks South

Twenty (20) condominium townhomes arranged in four (4) buildings:

Building 1: Five (5) upslope units (three (3) stories on the parking drive aisle side, two (2) stories on the upslope side) with two car side-by-side garages and gardens, driveway accessed. Some units may have roof decks.

Building 2: Six (6) upslope units (three (3) stories on the parking drive aisle side, two (2) stories on the upslope side) with two car side-by-side garages and private gardens, driveway accessed. Some units may have roof decks.

Building 3: Five (5) flat pad front entry units (three (3) stories on each side) with two car side-by-side garages, roof decks, front accessed. End units may have roof decks.

Building 4: Five (5) flat pad front entry units (three (3) stories on each side) with two car side-by-side garages, roof decks, front accessed. End units may have roof decks. Some units may have roof decks.

Parking:

Valley Oaks North

Each home in Valley Oaks North will have two (2) car side-by-side garages and a two (2) car driveway. Guest parking will be on the streets. A total of 33 spaces will be provided on the streets.

Valley Oaks South

Each unit in Valley Oaks South has two car side-by-side garages. Ten (10) surface spaces are also proposed for guest parking.

Proposed parking meets the s. 10.30.040 Table 3-7 parking requirement.

PG&E Gas Line Easements:

Valley Oaks North

Building off Applicant's successful negotiation on the Verandah project, Applicant has obtained a preliminary blessing from PG&E engineers to the proposed improvements within the PG&E Gas Line easements. There will be roadway and utility crossing at right angles to the PG&E easements close to the intersection of "A" Street and "B" Street and at "C" Street where it T's into "B" Street. "B" Street will generally follow the line of the PG&E easements to the mutual WCJA/Buck property line. PG&E will allow driveway encroachments (Lots 7- 17 and 27 - 29) and certain utilities into one of the PG&E Maintenance easements. In addition PG&E will allow laterals to cross the PG&E easements to Lots 27 -29.

Valley Oak South

Valley Oaks South is impacted by the PG&E gas line easements. However all necessary road way and utility improvements required for Valley Oaks South were installed as part of the Verandah project. A portion of the PG&E easements affecting Valley Oaks South will be improved with a parking lot and grading but with no vertical construction.

Combined Crossing of PG&E Easements and the Drainage Channel.

A critical feature of the Site Plan is the combined crossing of the PG&E easements and the Drainage Channel at the lowest point of the Project site to avoid further Wetland impacts and pumping sewage uphill by "A" street. "A" Street must rise slightly from the intersection of "B" Street to allow utility crossings and then "bridge" the Drainage Channel while allowing gravity sewage to flow to Redwood Boulevard.

Please see 2023_03_17 Vesting Tentative Map.

JADUs

The proposed Project will comply with the JADU Development Standards set forth the 2023_03_17 Valley Oaks Objective Standards.

Landscape Standards

The proposed Project will comply with the Landscape Development Standards set forth in s. 19.28.030 and in s. 19.28.040 as amended by the 2023_03_17 Valley Oaks Objective Standards. In the Planning Areas the Project proposes to use only drought tolerant plants, and an automatic sprinkler system in distinct hydrozones.

Except for the Multi-Age Play Area and the landslide mitigation areas, areas outside the Planning Areas will remain undeveloped and left in their natural state to provide an abundance of passive recreation opportunities such as trails and picnic areas. The Multi-Age Play Area will be landscaped and irrigated. The Fuel Reduction Area will be kept clear of long grasses through a maintenance program operated by the Home Owners Associations (HOAs).

Landscape Management Plan

All landscaping will be managed and maintained through the relevant HOA to the standards set forth in the 2023_03_17 Valley Oaks Objective Standards except areas outside the Planning Areas including a 30 foot wide Fuel Reduction Area. The Fuel Reduction Area will be kept free of long grasses but will not be landscaped or irrigated. Front lawns will not be permitted.

Landscape management and maintenance will be funded through a specific set aside in the HOA budget that can only be used for landscape management and maintenance.

All landscaping will be kept free of litter and in a neat and tidy condition with a regular pruning schedule. Dying or dead trees and plants will be promptly removed and replaced with trees and plants of a similar type and size. Annual inspection will be performed to ensure a high standard of maintenance of the landscaping and protective measures (i.e., browse protection, perimeter fencing, irrigation repair, etc.) as necessary.

Conditions, Covenants & Restrictions (CC&Rs)

Management of the common areas will be governed by CC&Rs and operated by a Home Owners Association (HOA). There will be two HOAs, Valley Oaks North HOA and Valley Oaks South HOA. Valley Oaks North will be responsible for Valley Oaks North, the City Owned Strip, and will be responsible for maintenance of the 20-acre Community Open space. Valley Oaks South HOA will be responsible for the Valley Oaks South building maintenance and direct common areas, and will pay to Valley Oaks North HOA its fair share of the maintenance of the 20-acre Community Open Space.

Affordable Housing Written Statement

The Project proposes to restrict the sale prices of twenty (20) percent of the total units to Moderate and Low income Households earning 80% to 120% and 50% to 80% of the Area Wide Median Income for Marin County. Half of the restricted units will be available to Moderate-Income Households, half to Low-Income Households.

The Target Sales Prices shall be as follows:

- Moderate Income - 100% of AMI
- Low Income - 70% of AMI

The Target Rental rate for the JADUs shall be as follows:

- Very Low Income - 50% of AMI

Deed restrictions will be recorded against the BMR units to ensure long-term affordability.

The location of the Below Market Rate Units and the JADUs are shown on the 2023_03_17 Precise Plan - Architectural plans. The final location of the BMR units and the JADUs may be adjusted.

Valley Oaks North: Twelve (12) single-family and/or Duet BMR homes and 45 JADUs.

Valley Oaks South: Four (4) Townhome Condominium BMR units.

The fractional balance of the 20% affordable requirement will pay an in-lieu fee.

s. 42.060. F. 1. (a) Master Plan and Precise Plans

Graphic Documents. *Please see Constraints Maps, 2023_03_17 Precise Plan - Architectural, 2022_10_20 Precise Plan – Landscape Plan, 2022_10_20 Precise Plan – Landscape Details, and Exhibits 1A -4A.*

s. 42.060. F. 1. (a) (1) to (7) Precise Development Plan Graphic Documents:

1. Site Plan: *Please see 2023_03_17 Precise Plan – Architectural.*
2. Preliminary Landscape Plans: *Please see 2022_10_20 Precise Plan – Landscape Plan and 2022_10_20 Precise Plan – Landscape Details.*
3. Geologic Hazard Maps: *Please see Constraints Map 7A dated October 20, 2022.*
4. Existing Land Use and Zoning: *Please see CSW Constraint Map 10A dated October 20, 2022.*
5. Preliminary Utilities Plan: *Please see 2023_03_17 Vesting Tentative Map.*
6. Typical Architectural Plans: *Please see 2023_03_17 Precise Plan - Architectural.*

s. 42.060. F. 1. (b) Precise Development Plan Required Written Statements:

1. Type and Intensity of Use: *Please see Master Plans and Precise Plans s. 42.060. F. 1. (b) (1) Master Plan Required Written Statement a.*
2. Professional analysis and reports: *Please see all Constraints Maps and the following:*
 - a) Soils. *Please see Soils, Geologic and Seismic reports.*
 - b) Flooding. *Please see Hydrological reports.*
 - c) Geologic Hazards. *Please see Soils, Geologic and Seismic reports.*
 - d) Seismic Hazards. *Please see Soils, Geologic and Seismic reports.*
 - e) Wildlife. *Please see Wildlife reports.*
 - f) Vegetation. *Please see Vegetation reports.*
 - g) Noise. *Please see 2023_00_00 Illingworth & Rodkin Noise Report.*

- h) Traffic Safety. Deferred to the City of Novato due to changing land use assumptions arising out of the Housing Element Update.
 - i) Historic or Archeological. *Please see Cultural Resources reports.*
 - j) Biological. *Please see Biological reports.*
3. Parking Computations/Ratios. *Please see 2023_03_17 Precise Plan – Architectural.*
4. Trip Generation Figures. Deferred to the City of Novato due to changing land use assumptions arising out of the Housing Element Update.
5. Subdivision Proposals. The Project comprises four (4) planning areas that would potentially be developed in three (3) phases:
- a) Valley Oaks South
 - b) Valley Oaks North Phase 1: Planning Areas 1 and 2
 - c) Valley Oaks North Phase 2: Planning Area 3
- Please see 2023_03_17 Valley Oaks Project Description.*
6. Management Plans including Wetlands
- Please see the following:*
- Wetland Protection and Restoration Plan*
 - Landscape Management Plan*
 - Fire Management Plan*
7. Disposition of undeveloped areas, dedications or easements. Undeveloped areas shall be owned by the appropriate HOA for the benefit of all homeowners. PAE, PUE and all specific dedications and easement required by utility providers will be shown on the Final Map and/or granted by deed.
8. Home Owners Association. The developer will create the following Home Owners Associations:
- Valley Oaks North Home Owners Association (“VO North HOA”). The VO North HOA shall own and be responsible for maintenance of the open spaces including those outside the Planning Areas.
- The VO North HOA responsibilities shall include any wetlands or Waters of the United States.
- Valley Oaks South Home Owners Association (“VO South HOA”). The VO South HOA shall own the land, buildings, common areas and improvements comprising Valley Oaks South, and shall maintain the same with each individual townhome condominium owner paying its fair share of costs thereof. VO South HOA would have access to the open spaces in Valley Oaks North and pay a small contribution to the maintenance thereof in return for access rights.

9. Limitations of ongoing Physical Improvements. Limitation of ongoing physical improvements will be one of the features of the Conditions, Covenants and Restrictions recorded against the individual Condominium Townhomes and single family lots enforced through the individual HOAs.
10. Accessory or Conditional Uses. Each of forty five (45) small lot single family units will have a Junior Accessory Dwelling Unit within the footprint of the unit which may not be sold separately and may or may not be rented. If rented the unit will be restricted to Very Low Income households. No off street parking will be provided. No Conditional Uses are proposed.
11. Minor Deviations from the Precise Development Plan. Minor Deviations from the approved Precise Development Plan shall be allowed.

12. Fire Management Plan. The Project Area is shown in the Novato General Plan as follows:

Figure CW-4 Fire Hazardous Severity Zone: Moderate except possibly the Redwood Boulevard frontage of Valley Oaks South, which is shown as High.

Figure CW-5 Wildland Urban Interface Zone: The upper reaches of the Property but not the developed portions of the Project are shown in the Urban Interface Zone.

The Property is within the Novato Fire Protection District's service area. *Please see Exhibit 4A Fire Exhibit Plan dated October 20, 2022* showing the proposed Fire Truck Circulation routes, street widths, turning radii, and minimum 30 foot (or to property line where less than 30 feet) fuel reduction area surrounding the development. The relevant Home Owners Association would be responsible for removal of grasses, limbing up trees in the fuel reduction zone, and removal of dead trees elsewhere. All cul de sac streets are less than the 800 feet minimum. Fire hydrants are being provided with red curbs at a minimum spacing of 30 feet.

Although the Project Area is not located within the limits of the Wildland Urban Interface Area (WUI), and is not located in a High Fire Hazardous Severity Zone the Project is proposing (i) a 30 foot fuel reduction area between the developed areas and natural landscaping as a fuel break, and to provide defensible space, and (ii) to comply with WUI construction standards. Within the 30 foot buffer all Scotch broom, Madrone, Coyote Brush, Chamise, Manzanita and other obnoxious hazardous growth that might otherwise present a fire hazard threat will be removed. Covenants, Conditions and Restriction ("CC&Rs") will increase maintenance requirements of a similar nature. Trees will be limbed up.

The Precise Development Plan and the Vesting Tentative Map have been designed to reduce fire risk and to provide adequate access to fire suppression equipment. An Emergency Vehicle Access has been provided to and from Verandah..

All residential units will be sprinkled and landscape irrigated

12. Exceptions to Development Standards: Objective Standards.

The Project is requesting that the Property be rezoned to a specific PD – Valley Oaks PD.

The Project proposes to use the 2023_03_17 Valley Oaks Objective Standards.

See 2023_03_17 Valley Oaks Objective Standards.

Justification. The requested Precise Development Plan is necessary to develop the Project at the density proposed.

5. USE PERMIT FOR PROJECT WITHIN 50’ OF WETLANDS AND ENCROACHMENT INTO 50’ WETLAND SETBACK

Applicant requests a Use Permit for the Project and encroachment into certain 50’ Setbacks from the Property Wetlands and the Pinkston Road Wetlands.

s. 19.36 Wetland Protection and Restoration Written Statement

The Army Corps of Engineers confirmed jurisdictional determinations as follows:

The 2021 WCJA Property (San Marin Business Park, June 20, 2019)

Seven (7) wetland areas comprising Wetland Area 1 (1.18 acres) and six (6) other Wetland Areas (ranging from 0.002 to 0.14 acres) totaling 1.6 acres, and Other Waters of the United States totaling 0.11 acres.

Pinkston Road (100 Black John Road, January 14, 2021):

Two (2) wetland areas totaling 0.044 acres.

The total jurisdictional areas on the Project Site and Pinkston Road are as follows:

Wetlands: 1.224 acres

Division 19.36 of the Novato Ordinance does not apply to Other Waters of the United States, only to confirmed jurisdictional Wetlands (s. 19.36.020). Therefore the proposed Wetland Protection and Restoration Provisions apply only to the following:

The 2021 WCJA Property:

Wetland Area 1.	1.18 acres
Wetland Area 2.	0.14 acres
Wetland Area 3.	0.09 acres
Wetland Area 4.	0.03 acres
Wetland Area 5.	0.05 acres
Wetland Area 6.	0.11 acres
Wetland Area 7.	0.002 acres
Total:	1.602 acres

Wetland Areas 5, 6 and 7 are outside of, and more than 50 feet from, the Grading Limits of the Project and not therefore subject to Permit Requirements.

Wetland Area 1 is impacted by the Project to two (2) places:

1. "A" Street crosses the northern reach of Wetland Area 1 filling 0.10 acres
2. The EVA linking "D" Street to Verandah filling 0.05 acres

Wetland Areas 2 and 3 are completely impacted by the Project.

In addition Wetland Area 4 and Wetland Area 5 are less than 50 feet from Grading Limits.

Pinkston Road

W1. 0.015 acres

W2. 0.029 acres

Total: 0.044 acres

When Pinkston Road is added to the Project, Areas W1 and W2 will be preserved, protected and expanded as part of the Preliminary Wetland Protection and Restoration Plan.

Preliminary Wetland Protection and Restoration Plan

The Project proposes to preserve, protect and restore a total of 1.224 acres of jurisdictional Wetlands and Waters of the United States ("Restored Wetlands"), and to fill and mitigate the loss of a total of 0.38 acre ("Filled Wetlands") and to mitigate the impact of encroachment into the required 50' Wetland setback of the Wetlands ("Impacted Wetlands"). The fully mitigated Wetlands are referred to herein as the "Wetlands Mitigation").

The Project will require the following jurisdictional permits:

1. A s. 401/404 of the Clean Water Act "certification of water quality" permit from the California Regional Water Quality Control Board.
2. A Section 404 permit from the U.S. Army Corps of Engineers.
3. A Section 1602 of the California Fish and Game Code Streambed Alteration Agreement from the California Department of Fish and Wildlife.

The Clean Water Act and the Rules and Procedures of the RWQCB require that the Applicant analyze four (4) site plan alternatives and select the Least Environmental Damaging Project Alternative (or the "LEDPA") as the Project Site Plan. The Applicant has been in consultation with the RWQCB and the U. S. Army Corps of Engineers for some time in an effort to seek guidance on the LEDPA alternatives. The Applicant developed four (4) alternatives as required by the RWQCB and believes that the proposed Project Site Plan is in fact the LEDPA because while meeting the Project Goals its minimizes Project environmental impacts. The LEDPA however will not be approved by the jurisdictional agencies until after those agencies have complete their own Alternatives Analysis that will

not begin until after the Project has been approved. Hence the early consultation with the agencies.

Wetland Areas proposed to be filled are as follows:

2021 WCJA Property

WCJA Wetland Area 1. A portion of WCJA Wetland Area 1 comprising 0.1 acres where “A” Street crosses WCJA Wetland Area 1 (“WCJA Wetland Area 1 North Fill Area”).

WCJA Wetland Area 1. A portion of WCJA Wetland Area 1 comprising 0.05 acres where the EVA required as a condition to the Verandah project by the Novato Fire Protection District linking “D” Street to the Verandah project (“WCJA Wetland Area 1 West Fill Area”).

WCJA Wetland Area 2. WCJA Wetland Area 2 is a 0.14 acre isolated wetland located in an area otherwise proposed to be filled, close to WCJA Wetland Area 1 and Waters of the United States.

WCJA Wetland Area 3. WCJA Wetland Area 3 is a 0.09 isolated wetland located in an area otherwise proposed to be filled, and between the toe of the ancient landslide and Waters of the United States.

The EVA linking “D” Street with the Verandah project cannot be re-aligned to avoid WCJA Wetland Area 1 because it is an EVA required by the Novato Fire District and would need to turn awkwardly and climb uphill in a short distance encroaching upon slopes greater than 25% and woodland areas.

The WCJA Wetland Area 1 Fill Area is at the low point of the Project site and partly located on the 67.5 feet wide PG&E pipeline and maintenance easements (the “WCJA Wetland Area 1 Crossing”). Public utilities and at least one road must cross both the WCJA Wetland Area 1 or the Waters of the United States at some point. A new gravity sewer is required to provide service to Valley Oaks West. No structural improvements and no material increases in grade are allowed in the PG&E easements, only at more or less existing grade roadway improvements.

“A” Street cannot be realigned to avoid WCJA Wetland Area 1 without otherwise impacting WCJA Wetland Area 1 or Waters of the United States and without requiring the installation of a sewer pump station to serve much of Valley Oaks West.

The Project proposes to expand WCJA Wetland Area 1 between “A” Street and “D” Street and north of the Verandah line to create a continuous Valley Oaks Wetland Mitigation Area. Newly created wetlands will merge with existing wetlands.

Pinkston Road:

When Pinkston Road is added to the Project Site it will be added to the Valley Oaks Wetland Mitigation Area absorbing Wetland Areas W1 and W2.

s. 19.36.030. General Wetland Preservation and Enhancement.

- A. Avoidance. The Project proposes to avoid, and setback a minimum of 50 feet from WCJA Wetland Areas 5, 6 and 7, and to avoid the Waters of the United States entirely and to setback a minimum of 25 feet therefrom. The proposed Project minimizes impacts to WCJA Wetland Area 1 and Pinkston Road Wetland Areas W1 and W2 by re-aligning the existing Pinkston Road out of the wetlands. Impacts to WCJA Wetland Area 1 are unavoidable and the Least Environmentally Damaging Alternative.
- B. 2:1 Onsite Mitigation Ratio. The Project proposes to mitigate the loss of 0.39 acres by preserving, protecting and enhancing the remaining 0.83 acres of wetlands and the Waters of the United States located on the Project site. The Valley Oaks Wetland Mitigation Project will result in no net loss. The Onsite Mitigation Ratio will be between 1:1 and 2:1, i.e. 0.39 to 0.78 acres, depending upon Agency requirements.

Alternatively the Project may purchase Wetland Credits if such credits are commercially available at the time of Project Approvals.
- C. 3:1 Offsite Mitigation Ratio. The Valley Oaks Wetland Mitigation Area would not support a Mitigation Ratio of 3:1 and an exception to that standard is being requested.

s. 19.36.050 Wetland Protection and Restoration. Application Requirements – Wetlands Management Plan

Preliminary Wetlands Management Plan

The Applicant has developed four (4) alternatives as required by the RWQCB and determined that the proposed Project Site Plan is the LEDPA.

This Preliminary Wetlands Management Plan has been developed based on the guidance of the RWQCB.

Final details of all of the following cannot be provided until an application has been made to all the relevant jurisdictional agencies and such applications are deemed complete which cannot occur until the Project has been approved, a CEQA certification has been provided and an NOD has been issued.

The following responses to the requirements of s. 19.36.050 are preliminary.

- A. Goals and Objectives.

Please see the Preliminary Wetland Protection and Restoration Plan.

The goals and objectives of the Project are to mitigate the loss of Filled Wetlands and the reduced setback from the Impacted Wetlands, and to restore the Restored Wetlands, to produce an integrated, single, continuous, sustainable, quality wetland protected from impacts from the future environment.

B. Site Plan.

Please see: 2023_03_17 Precise Plan - Architectural, 2022_10_20 Precise Plan – Landscape Plan, 2022_10_20 Precise Plan – Landscape Details, and 2023_03_17 Vesting Tentative Map.

C. Proposed Techniques and Standards.

1. Watershed Area and Hydrology. The Project proposes to utilize the existing Drainage System described in the Master Plan Required Written Statements, Storm Drainage section of this Narrative.

Please see Constraints Map 2A dated October 20, 2022.

Please see s. 19.36.070 Development Standards and Design Criteria responses.

2. Planting Plans. The area where the Wetlands will be enhanced and constructed will be grubbed and graded to remove non-native, ruderal (weedy) vegetation and to allow for a bare area suitable for wetland creation. The Applicant will be applying for a Streambed Alteration Agreement (SBAA) pursuant to Section 1602 of California Fish and Game Code (“CDFW”) for work that will be completed along the drainage (e.g., for culvert installation or road crossing of the drainage). The SBAA will include proposals for riparian plantings along the Drainage Channel (Waters of the United States) detailing the particular plant species and numbers that will be planted, along with details of fine grading, removing of unsuitable fills, planting methods, weed control, irrigation, impacts during construction, and annual monitoring. All the details will be developed in consultation with CDFW after the Project has been approved.
3. Site Preparation. *Please see response above.*
4. Minimization of Impacts during grading and construction. *Please see response above.*
5. Vector Management. During wetland creation there will not be an increase in vectors (e.g., flies, rats) and vector management should not be necessary.
6. Disposal Areas. Any soils excavated for wetland creation will be hauled and used onsite. Unsuitable materials will be hauled offsite.

D. Implementation and Monitoring Plan

1. Criteria and process/responsibilities. The criteria for success and the processes/responsibilities will be identified by the relevant jurisdictional agencies when application for jurisdictional permits are made following approval of the Project.
2. Irrigation. Any trees and shrubs required to be planted along the Drainage Channel (Waters of the United States) will be irrigated with an above ground, temporary irrigation system for a period of three years. The created

wetlands should need to be irrigated to be deemed successful by the ACE and RWQCB. The goal is for the created wetlands to function on their own naturally.

3. Schedule and reporting requirements. A schedule of responsibilities and reporting will be developed in consultation with the RWQCB and the ACE. Wetlands will be created concurrently with Project site grading/development.
 4. Correction of deficiencies. Adaptive management strategies to be followed if the created wetlands are not functioning as intended will be developed with the ACE and RWQCB.
 5. Protection in perpetuity. The Created Wetland will be placed in either a deed restriction or under a conservation easement and protected in perpetuity. The type of mechanism used to protect the Created Wetland is dependent upon what the resource agencies allow.
 6. Schedule for grading, planting and long-term maintenance. A schedule for grading, planting and long term maintenance will be developed in consultation with the ACE and the RWQCB.
- E. Cost Estimate. Cost of wetland creation, monitoring, management and long-term maintenance will be identified in consultation with the ACE and RWQCB.
- F. Management Plan. *Please see the Preliminary Wetland Protection and Restoration Plan.*

s. 19.36.060 Limitation on Land Uses within Wetland Areas.

- A. Allowed Uses. None other than use as a wetland or Waters of the United States. Wetlands whether created or mitigated shall be used to meet Project landscape requirements other than in parking areas.
- B. Allowed Structures. None.

s. 19.36.070 Development Standards and Design Criteria

The Project proposes to encroach into the 50' setback from WCJA Wetland Areas 1, 4 and 5, and Pinkston Road Property W1 and W2.

WCJA Wetland Area 1: The **Preliminary Wetland Protection and Restoration Plan** contemplates WCJA Wetland Area 1 being expanded to include all existing available land to the toe of slope of "A" Street to form a consolidated Wetland Mitigation Area ("Wetland Mitigation Area"). The "A" Street slope varies from 6 feet to zero feet horizontally.

WCJA Wetland Area 4: Wetland Area 4 is proposed to remain untouched by the Project except that the setback to the Grading Limit Line will be reduced to 40 feet.

WCJA Wetland Area 5: Wetland Area 5 is proposed to remain untouched by the Project except that the setback to the Grading Limit Line will be reduced to 50 feet.

When the Pinkston Road Property is added to the Project:

Pinkston Road Property W1: The Preliminary Wetland Protection and Restoration Plan contemplates Pinkston Road Property W1 likely being completely absorbed into the consolidated Wetland Mitigation Area.

Pinkston Road Property W2: The Preliminary Wetland Protection and Restoration Plan contemplates Pinkston Road Property W2 likely being completely absorbed into the consolidated Wetland Mitigation Area.

Application Requirement – Wetland Management Plan: s. 19.36.070 does not require any setback from Other Waters of the United States. Nevertheless the Project proposes to setback from the Other Waters of the United States located on the Project Site. *Please see the Architectural Site plan and Vesting Tentative Map dated October 20, 2022.*

The Preliminary Wetland Protection and Restoration Plan contemplates the creation of one continuous and comprehensive Wetland Mitigation area from Redwood Boulevard to “D” Street to mitigate the loss of on-site wetlands and to reduce the need for off-site credits to zero to the extent possible.

Please note that final Wetland Protection and Restoration Plan will be one component of the Wetland Management Plan.

The proposed buffer provides adequate watershed hydrology to support the wetland and protects the resource value of the wetland.

- A. Wetland Buffer. *Please see **USE PERMIT FOR ENCROACHMENT INTO 50’ WETLAND SETBACK.***
- B. Protective Measures. Impacts will be minimized through a series of construction setbacks, silt fencing and orange construction fencing.
- C. Landscaping. *Please see Architectural Site Plans for preliminary, 2023_03_17 Precise Plan – Architectural, 2022_10_20 Precise Plan – Landscape Plan, and 2022_10_20 Precise Plan – Landscape Details.*
Final landscape plans will be developed with the jurisdictional agencies in the permitting process.
- D. Erosion and Sediment Control. An Erosion Control Plan will be submitted with the application for Grading Permit.
- E. Timing of Wetland Restoration or Creation. The Wetlands Mitigation will be created concurrently with Project site grading/development.

s. 19.36.080 Prerequisites for Building or Grading Permits

- A. Verification of Army Corps of Engineers delineation. *See Letters from the Army Corps of Engineers dated July 17, 2019 and January 14, 2021.*

- B. RWQCB Certificate of Conformance with water quality standards. The RWQCB will not provide its Certificate of Conformance until the Project has been approved by the local jurisdiction and CEQA review has been completed.

We will apply for a Certification of Water Quality from the RWQCB pursuant to Section 401 of the Clean Water Act once the CEQA document is finalized and an NOD has been issued.

- C. Consultation with U.S FWS, California Department of Fish and Wildlife or National Marine Fisheries Service. A Streambed Alteration Agreement from California Department of Fish and Wildlife will be necessary. No consultations with U.S. Fish and Wildlife Service or National Marine Fisheries Service is required.

- D. BCDC if tidal. Not applicable. The jurisdictional wetland is not tidal.

Justification. The requested Use Permit is necessary to develop the Project at the density proposed.

6. SUBDIVISION VESTING TENTATIVE MAP REQUEST

Chapter 9, Subdivision

Streets and roadways are proposed to be a combination of private Limited Residential Streets, Minor Residential Streets and Residential Streets, privately maintained by the Valley Oaks North and Valley Oaks South homeowners associations respectively.

Limited Residential Street: “D” Street, “G” Street and “H” Street.

Minor Residential Street: “C” Street, the south part “E” Street and “F” Street.

Residential Streets: “A” Street, “B” Street and the north part of “E” Street.

All Streets will have a sidewalk on at least one side except a portion of “A” Street (where there is just one lot requiring access) from Redwood Boulevard to “D” Street where there will be no sidewalk

The 2023_03_17 Valley Oaks Objective Standards include reduced standards for street and EVA design.

Pinkston Road (“A” Street)

Pinkston Road has been realigned and re-elevated to form a right angle at Redwood Boulevard in the best interest of good engineering design to enhance safety. It continues to cross the PG&E easements (and the wetlands) at right angles consistent with PG&E design standards for road and utility crossings of its easements.

At its intersection with Redwood Boulevard “A” Street is mostly within the Pinkston Road City of Novato right of way.

A new PAE and PUE will be required for “A” Street. The existing Pinkston Road right of way can remain in place. WCJA would include its maintenance in the Valley Oaks North HOA obligations. Alternatively it could be abandoned but that would result in a non-conforming parcel of land with no enforceable maintenance requirements.

Justification. The requested Subdivision Vesting Tentative Map is necessary to develop the Project at the density proposed.

7. DESIGN REVIEW APPROVAL

The Schematic Site Plan including the land use was recommended for approval at the Design Review Commission Hearing on August 23, 2022. Design Review approval of Objective Standards remains outstanding.

Design Review s. 19.42.030 Design Review

Because of the complexity of the Project, Applicant requested that the Major Design Review process be bifurcated into two parts, Site Plan Review (already completed) and if the final design does not comply with the Valley Oaks Objective Standards, Final Design Review.

In accordance with s.19.42.060.F.2 Schematic Design Review limited to the proposed site plan, land use and development standards was requested and recommended for approval. Final Design Review is not part of these applications. A final Design Review application will be submitted following approval of the General Plan Amendment, Master Plan, Precise Plan and Vesting Tentative Map if the final design does not comply with the Objective Standards.

If the final design complies with the Objective Design Standards, the Project shall be deemed a “by rights” project for which no final Design Review is required.

s. 19.26. Compliance with Hillside and Ridgeline Protection Provisions

The Average Slope of the Project Site exceeds 10% Average Slope, but the average slope of each the Planning Areas is less than 10% slope. Therefore staff has advised that the Proposed Project is not a hillside development project and the provisions of NMC s. 19.26 Hillside and Ridgeline Protection Provisions do not apply.

Please see the Constraints Analysis Maps and Exhibit 3A Slope Analysis and the geotechnical reports.

S. 16. 26.030 E, F and G. All these requirements waived at this time of first submission by the Community Development Director since the Design Review application was Schematic only at that time. Average Slope has been calculated by the Contour Method.

Please see Exhibit 3A Slopes Analysis.

S. 16. 26.050 A. The proposed density within each of the Planning Areas are all within the proposed applicable proposed General Plan Amendment density after slope reduction rounded down.

S. 16. 26.050 H. Hillside Project Development Standards. No structure is proposed on any slope exceeding 25% (except within existing isolated previously disturbed areas interior to the Development Areas).

Hillside Project Development Standards S. 16. 26.050 I. 2. Single family home of less than 2,000 sq.ft are being proposed in the Hillside area to provide a range of housing opportunities.

s. 16. 26.050 I. 3. Height Limits. Hillside Project Development Standards.

Please see the 2023_03_17 Valley Oaks Objective Standards.

Art Program Written Statement

An artist will be retained by the developer early in the final design process to design an Art Project to be installed and maintained as part of the Project. The Art Project shall have a value of not less than one-third of one percent of the construction cost of the completed development project.

Justification. The requested process is necessary to streamline the implementation of the Project and to develop the Project at the density proposed.

8. DEVELOPMENT AGREEMENT

Withdrawn.

9. CEQA REVIEW

Submittal of the Environmental Data Submission form has been waived by Staff. Nevertheless multiple reports were submitted with the prior submittals and are being supplemented with additional reports with this re-submittal. See *Appendix B* below.

10. DEFERRED SUBMITAL OF REPORTS

All available professional reports have been provided with this re-submittal. Staff has waived the requirement for the submission of the Environmental Data Submission of which many reports form a part. Deferred reports include:

Noise. The primary noise source on the Project is Highway 101, and from the Project is construction-generated noise, which is a temporary impact.

Noise impacts on the Project cannot be evaluated until the homes that form a part of the Project have been designed with elevations and window placement determined. An evaluation of noise impacts will be submitted with Building Permit applications. An evaluation of noise impacts on the Project are not a CEQA requirement.

Temporary construction-generated noise will be limited to normal construction activity within normal construction hours. The nearest receptors of construction related noise are the Verandah project and Partridge Knolls, the closest residents being 400 feet away. The Project Conditions of Approval will include restriction on construction related issues.

Hydrological. Now submitted.

Please see 2023_02_06 Balance Hydrologic Hydrological Report.

Traffic Safety and Traffic Safety. Deferred to the City of Novato due to changing land use assumptions arising out of the Housing Element Update.

11. DEFERRED SUBMITTAL OF CHOICE OF PROPOSED TREES, I.E. DECIDUOUS VS EVERGREEN

This request is being withdrawn.

12. EXCEPTION TO HILLSIDE PROJECT DEVELOPMENT STANDARD S. 16. 26.050 I. 2. TO ALLOW SINGLE FAMILY HOMES OF LESS THAN 2,000 SQ. FT.

This Exception is being withdrawn on account of the advise of staff that the Project is not a Hillside project.

13. NEIGHBORHOOD MEETING

Completed. A Neighborhood Meeting took place on June 16, 2022.

14. DESIGN REVIEW COMMISSION WORKSHOP

Completed July 20, 2022.

15. DESIGN REVIEW COMMISSION HEARINGS

On August 23, 2022 the Design Review Commission voted to recommend the approval of the Project to the Planning Commission and the City Council but deferred making a recommendation on the Objective Standards to a later date. At the Design Review Commission Hearing on January 18, 2023 Applicant presented the revised draft Valley Oaks Objective Standards and the Commission requested changes. Applicant requests the scheduling of a Design Review Commission Hearing on April 4, 2023 to consider the 2023_03_17 Valley Oaks Objective Standards.

16. ABANDONMENT OF PINKSTON ROAD EASEMENT – if required

The Project may be impacted by Pinkston Road right of way easements. Pinkston Road is to be largely realigned as Street “A”. A request is being made to the City of Novato to abandon the relevant portion of Pinkston Road necessary for the development of the Project.

17. THREE LOT SUBDIVISION – PARCEL MAP

A three-lot subdivision is required to allow Valley Oaks South to be sold and developed first, Valley Oaks North Phase 1 second and Valley Oaks North Phase 2 third. Valley Oaks South is fully serviced and can proceed to Final Map/Condominium Map stage immediately upon approval. Valley Oaks North Phase 1 is not fully serviced with utilities, is not annexed to the Novato Sewer District but can be developed without wetland permits. Valley Oaks North Phase 2 requires wetland permits.

18. ALTERNATIVE EQUIVALENT ACTION – if subsequently requested by Applicant

In lieu of providing 20% of the total number of homes restricted to Low and Moderate Income families, Owner may request at any time to meet the affordable requirements by either of the following methods:

Method 1: Selling Valley Oaks South in its entirety to a non-profit affordable housing developer.

Upon entering into a binding agreement to sell to a non-profit housing developer, Owner shall be relieved of its obligation to provide the Affordable Component and may proceed to build Valley Oaks North without consideration of the actual construction of Valley Oaks South.

Method 2: Restricting all of the homes in Valley Oaks South to Low and Moderate Income households.

APPENDIX A: TABLES

Valley Oaks South Unit Count

Valley Oaks North Unit Count

Valley Oaks South and Valley Oaks North Totals

Parking Count

APPENDIX B: SUBMITTALS

Please follow the following link to the Dropbox Folders:

<https://www.dropbox.com/scl/fo/fdnayl0dlq12l6uaa1anc/h?dl=0&rlkey=uoaoadfnnv0cpbmqucjz31ztt3>

1. Narrative

- 2023_03_17 Narrative
- 2022_10_18 CBG Response to Comments

2. Application Report and Cost Recovery

- 2.1. 2021_05_18 Cost Recovery Form WCJA
- 2.2. Intentionally omitted.
- 2.3. Intentionally omitted
- 2.4. Intentionally omitted
- 2.5. 2022_05 GPA application WCJA executed
- 2.6. Intentionally Omitted

3. Title Matters

- 3.1 Intentionally omitted
 - 3.2. Intentionally omitted
 - 3.3. Intentionally omitted.
 - 3.4. Intentionally omitted
 - 3.5. Assessors Parcel Map 125-180-28 and 38 Wright
 - 3.6. Assessors Parcel Map 125-580-17 WCJA
 - 3.7. 2022_07_25 FATCO Policy WCJA including Wright
 - 3.8. 2022_10_06 0034267 Bio-Retention Basin Encroachment and Drainage Easement Agreement
 - 3.9. Pinkston Road Deeds:
 - A) APRIL 11, 1884 IN BOOK 1 OF DEEDS AT PAGE 43, MARIN COUNTY RECORDS de Long to County of Marin
 - B) JANUARY 20, 1885 IN BOOK 2 OF DEEDS AT PAGE 28, MARIN COUNTY RECORDS de Long to the County of Marin
 - C) JULY 18, 1891 IN BOOK 17 OF DEEDS AT PAGE 297, MARIN COUNTY RECORDS Atherton Peters to Marin County
 - D) JUNE 19, 1916 IN BOOK 178 OF DEEDS AT PAGE 392, MARIN COUNTY RECORDS Atherton to County of Marin
- BY INSTRUMENT RECORDED DECEMBER 23, 1921 IN BOOK 235 OF DEEDS AT PAGE 203, MARIN COUNTY RECORDS, A PORTION OF THE ABOVE ROADWAY WAS ABANDONED AS A PUBLIC HIGHWAY.

4. Plans and Maps

- 4.1. 2022_10_20 Constraint Maps EX1A to EX12A
- 4.2. 2022_10_20 Exhibit 1A -Land Use Designation
- 2022_10_20 Exhibit 2A -Master Plan
- 2022_10_20 Exhibit 3A -Slope Analysis Allowable Net
- 2022_10_20 Exhibit 4 A- Tree Removal
- 4.3. 2022_10_20 Precise Plan -Architectural

- 2022_10_20 Precise Plan – Landscape Plan
- 2022_10_20 Precise Plan – Landscape Plan Details
- 4.4. *Please see 4.3 above*
- 4.5. 2023_03_17 Vesting Tentative Map
- 4.6. 2022_10_18 Stormwater Control Plan
- 4.7. Valley Oaks Vicinity Map aerial
- 4.8. 2023_03_17 Valley Oaks Project Description
- 4.9. 2023_03_17 Valley Oaks Precise Plan – Architectural
- 4.10. 2023_00_00 Three Lot Subdivision Parcel Map

5. Biological Reports

- 5.1. 2015_05_14 Monk Special Status Plant Survey WCJA Wright Black John Rd
- 5.2. 2022_10_20 Biological Resources Analysis, Valley Oaks, prepared by Monk & Associates

6. Geotechnical Reports

- 6.1. 1982_04_28 Donald Herzog Geotech Report
- 6.2. 1982_04_28 Donald Herzog Plates
- 6.3. 1985_02_14 Donald Herzog Report
- 6.4. 1998_09_24 Kleinfelder Area C D E Prelim Geotech Report
- 6.5. 1999_03_09 Area D Geotech 3_9_99
- 6.6. 1999_08_19 Kleinfelder Geotech Area E Report
- 6.7. 2000_10_31 Kleinfelder Supplemental Area E Part I
- 6.8. 2000_10_31 Kleinfelder Supplemental Area E Report Part 2
- 6.9. 2000_11_07 Upp Geotech Report
- 6.10. 2001_10_19 Kleinfelder Deformation Analysis
- 6.11. 2021_05_01 Engeo Valley Oaks Summary Letter Report
- 6.12. 2021_10_24 Herzog Deformation Analysis Conclusion
- 6.13. 2023_01_12 Engeo Geotechnical Report

7. Other Background Reports and Materials

- 7.1. 2001_01_26 Balance Hydrologic Hydrological Report
- 7.2. 2005_03_05 Salter Noise Report
- 7.3. 2019_02_04 Edward Pack 7711 Redwood Blvd Noise Report
- 7.4. 2021_10_07 Gurka Arborist report Valley Oaks
- 7.5. 2022_10_20 Further Updated Gurka Tree Inventory
- 7.6. 2022_12_26 Cultural Resources Evaluation Report prepared by Archeological Resource Service.
- 7.7. 2023_00_00 Illingworth & Rodkin Noise Report
- 7.8. 2023_02_06 Balance Hydrologic Hydrological Report

8. Wetland Delineations

- 8.1. 2019_07_17 Approved Wetland Delineation Map and Letter WCJA

8.2. 2020_01_14 Confirmed Wetland Delineation Map Pinkston Road and Wright

9. Valley Oaks Objective Standards

2023_03_17 Valley Oaks Objective Standards

Appendix A - Tables

VALLEY OAKS NORTH AREA 1, 2 AND 3 - UNIT SUMMARY															
Unit Type	QTY	QTY Market Rate per Area			TOTAL QTY Market Rate	QTY BMR per Area			TOTAL QTY BMR	# of Bdrm includes JADU where applicable	# of Bath includes JADU where applicable	JADUs	Garage	Est. Unit Sq.Ft. per Dwelling (+/-). (Include JADU)	Total Unit Sq.Ft. (+/-)
		VO1	VO2	VO3		VO1	VO2	VO3							
Plan 1-Duet	12	2	2	0	4	4	0	4	8	4	2.5	0	2-Car Garage	1,900	22,800
Plan 2-SFD	20	3	3	10	16	2	0	2	4	4	2.5	16	2-Car Garage	2,500	50,000
Plan 3-SFD	21	4	5	12	21	0	0	0	0	5	3.5	21	2-Car Garage	2,800	58,800
Plan 4-SFD	8	2	2	4	8	0	0	0	0	5	3.5	8	2-Car Garage	3,000	24,000
Total	61	11	12	26	49	6	0	6	12	273	-	45	-	-	155,600

Note: JADUs are available on Plans 2, 3 and Plan 4. A JADU will convert 1 Bedroom and 1 Bathroom within the primary unit into an accessory dwelling unit with a kitchenette.

VALLEY OAKS SOUTH - UNIT SUMMARY									
Unit Type	QTY	TOTAL QTY Market Rate	TOTAL QTY BMR	# of Bdrm	# of Bath	JADUs	Garage	Est. Unit Sq.Ft. per Dwelling (+/-). (Include Roof Deck)	Total Unit Sq.Ft. (+/-)
Unit 1	5	3	2	3	2.5	N/A	2-Car Garage	1,800	9,000
Unit 1X	4	4	0	3	2.5	N/A	2-Car Garage	1,850	7,400
Unit 2	7	5	2	3	3	N/A	2-Car Garage	2,000	14,000
Unit 2X	4	4	0	3	3	N/A	2-Car Garage	2,100	8,400
Total	20	16	4	48	-		-	-	38,800

VALLEY OAKS TOTAL PROJECT UNIT SUMMARY					
	QTY	TOTAL QTY Market Rate	TOTAL QTY BMR	JADUs	Total Unit Sq.Ft. (+/-)
Total	81	65	16	45	194,700

VEHICLE PARKING SUMMARY

Parking Standard			
	Total Homes/ Units	Required Spaces/Du	Total Required
Single-Family dwellings	61	2	122
Multi-Family dwellings	0		0
	20	2	40
Guest Parking (Multi-family only) [1]		Additional 1 space for each 3 units	7
Total Parking Spaces			169
Provided Parking			
	VO NORTH	VO SOUTH	Total Provided
Garage Spaces (min. 10' x 20')	122	40	162
Driveway (Off Street)	122	0	122
On-Street / Parallel Space (8' x 24')	33	0	0
Standard Parking spaces (9' x 19') [1]	0	10	0
Total Parking Spaces	277	50	327

BICYCLE PARKING SUMMARY

Number of Bicycle Spaces Required (s. 19.30.090)			
	Total Provided Vehicle Spaces	Bicycle Required Spaces	Total Required
Multi-Family dwellings [2]	50	10% of the provided vehicle spaces	5

Note:

[1] Per Section 19.30.060 Disabled / Handicapped Parking Requirements, and Section 1129B of the Uniform Building Code and the Federal Accessibility Guidelines.

[2] Per section 19.30.090.A.1 Bicycle Parking and Support Facilities