

PLANNING COMMISSION  
RESOLUTION NO. 2023-011

RESOLUTION OF THE NOVATO PLANNING COMMISSION RECOMMENDING THE NOVATO CITY COUNCIL (1) RESCIND ALL PREVIOUSLY APPROVED MASTER PLANS AND AMENDMENTS THERETO AS APPLICABLE TO THE PROJECT SITE; AND (2) ADOPT A MASTER PLAN, PRECISE DEVELOPMENT PLAN, AND DESIGN REVIEW FOR VALLEY OAKS ON AN APPROXIMATELY 38-ACRE SITE LOCATED ON THE WEST SIDE OF REDWOOD BLVD (APNS 125-580-34 AND 125-580-37)

WHEREAS, the City received applications for a Master Plan (P2021-048), Precise Development Plan (P2022-065), and Design Review (P2021-049) from Campus Properties (“Applicant”) proposing to develop 81 residential units with up to 49 junior accessory dwelling units (hereafter collectively “Project”), on an approximately 38-acre site located on the west side of Redwood Blvd (APNs 125-580-34 and 125-580-37) (hereafter “Project Site”); and

WHEREAS, Novato Municipal Code Section 19.42.060.C.3 allows for a Master Plan and Precise Development Plan to be combined and reviewed as a single plan; and

WHEREAS, the Applicant also submitted applications for a general plan amendment, vesting tentative map and development standards exceptions, and vacation of right of way; and

WHEREAS, by separate resolution adopted prior hereto, the Planning Commission recommended the City Council adopt an Initial Study/Mitigated Negative Declaration (“IS/MND”) for the Project, and considered the IS/MND prior to taking action on the Project, including the Project at issue herein; and

WHEREAS, by separate resolution adopted prior hereto, the Planning Commission recommended the City Council amend Novato General Plan 2035 to modify the land use designation applicable to the Project Site from Business/Professional Office (BPO) to Medium Density Residential (R5), High Density Multiple Family Residential (R20), and Open Space (OS) to accommodate the Project; and

WHEREAS, on September 21, 2022, and April 19, 2023, the Novato Design Review Commission conducted a publicly noticed hearing to consider providing a recommendation to the Planning Commission and City Council regarding the design aspects of the Project; and

WHEREAS, on September 21, 2022, and April 19, 2023, the Design Review Commission adopted motions recommending the Planning Commission and City Council approve the design aspects of the Project; and

WHEREAS, public notices describing the Planning Commission's public hearing on the Project were sent to all affected property owners within 600 feet of the boundaries of the Project

site, all public agencies potentially serving the Project or having some oversight of the Project's construction, all responsible and trustee agencies, and all persons requesting notice pursuant to Novato Municipal Code Section 19.58.020 and California Government Code Sections 65905 and 65091, on November 3, 2023, and published in the Marin Independent Journal, a newspaper of general circulation, on November 3, 2023; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 13, 2023, to consider and receive public testimony on the Project; and

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

### **Section 1. Recitals**

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

### **Section 2. Record**

The Record of Proceedings (“Record”) upon which the Planning Commission bases its recommendation includes, but is not limited to: (1) the IS/MND and the appendices and technical reports cited in and/or relied upon in preparing the IS/MND, (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the IS/MND and the Project (3) the evidence, facts, findings and other determinations set forth in this resolution, (4) the City of Novato 2035 General Plan and its related EIR and the Novato Municipal Code, (5) all designs, plans, studies, data and correspondence submitted by the City in connection with the IS/MND and the Project (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the IS/MND and the Project (7) all other matters of common knowledge to the Planning Commission including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas.

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

### **Section 3. Findings**

#### **Master Plan**

The Planning Commission hereby makes the following findings as required by Section 19.42.060.E.3. of the Novato Municipal Code with the respect to the Master Plan:

- a. The proposed Master Plan development is in conformance with the applicable goals and policies of the General Plan and any applicable specific plan.

Facts in Support: The proposed Master Plan, as detailed in Exhibit A and A1, have been reviewed for consistency with General Plan 2035, and found to be consistent with applicable policies of the

Novato General Plan as documented in Exhibit B, attached hereto and incorporated herein by reference. Exhibit B lists each applicable policy of the General Plan followed by facts supporting the Project's consistency therewith. There is no specific plan applicable to the Project Site.

Based on the observations above, the Project is consistent with Findings a.

- b. The proposed Master Plan development can be adequately, conveniently, and reasonably served by public conveniences, facilities, services, and utilities.

Facts in Support: The Project was referred to the Novato Public Works Department, Novato Sanitary District, North Marin Water District, and the Novato Fire Protection District. These government entities are responsible for ensuring the provision of adequate infrastructure for water, sewer, emergency medical/fire, and stormwater control. Each agency provided draft conditions of approval intended to ensure the Project provides adequate infrastructure and improvements related to utilities and emergency access. These conditions of approval are to be adopted for the Project and implemented at the time construction detail drawings are submitted for grading, site improvement, and building permits.

The IS/MND prepared for the Project analyzed the ability of local government services and public utilities to serve future development at the Project Site based on the land use, development intensity, and design of the Project. The IS/MND also reviewed the demand for public parks and other government service facilities (e.g., post office, library, etc.). The IS/MND confirmed that public services have sufficient capacity, facilities, infrastructure, equipment, and staff to meet the needs of the Project on an individual and cumulative basis.

Based on the observations above, the Project is consistent with Findings b.

- c. The proposed Master Plan development concepts are reasonably suited to the specific characteristics of the site and the surrounding neighborhood; and
- d. The location, access, density/building intensity, size and type of uses proposed in the Master Plan are compatible with the existing and future land uses in the surrounding neighborhood.

Facts in Support (*Findings c and d*): Plan Set Map 9A (Composite Map) depicts the site constraints, along with the proposed street network, limits of grading, and the boundary between the residential land uses and the open space land use. The majority of development under the Master Plan will be located on areas with slopes of 0-10 percent, with some development on areas sloped 10-25 percent (See Plan Set Sheet EX 3A). Mature, native trees on the site will be avoided.

Based on these observations, the Project has been designed to avoid most site constraints by locating proposed development on the less steep and unconstrained portions of the Project Site. Where it was not feasible to avoid constraints, such as certain wetland areas and a drainage way, feasible mitigation measures have been proposed to compensate for impacts to said resources. Said mitigation measures are to be adopted as conditions of approval for the Project.

Surrounding land uses include the Buck Institute, located to the north/northwest, the Verandah at Valley Oaks townhome project currently under construction to the east, US 101 freeway and other commercial/industrial uses further to the east of the freeway, residential uses in the Partridge Knolls II neighborhood to the west, and commercial and vacant land to the south. The former Fireman's Fund office campus is located further south of the site. Additionally, Gness Field Airport is located 1 mile northeast of the site.

The Project would have a gross density of 2.13 dwelling units per acre and a net density of 5.47 units per acre in the Valley Oaks North portion of the site and 28.05 units per acre in the Valley Oaks South portion of the site. The Valley Oaks North portion of the site is compatible with the low-density residential uses in the Partridge Knolls II residential area to the west and the Valley Oaks South portion of the site is compatible with the adjacent Verandah at Valley Oaks development.

An IS/MND was prepared to determine if the Project would result in potentially significant environmental impacts. This analysis included review of various technical topics addressing the compatibility of the Project with the Project Site and its surrounding environment, including existing and future development in the area. In no instance did the IS/MND identify any significant impacts associated with the Master Plan or construction and operation of the Project that could not be mitigated to a less than significant level. The findings of the IS/MND confirm the suitability of the Project Site to accommodate the Project as contemplated by the Master Plan. The mitigation measures recommended by the IS/MND to reduce or avoid potential environmental impacts in the areas of Biological Resources, Cultural Resources, Geology and Soils, Noise, Tribal Cultural Resources, and Wildfire are applied as conditions of approval to the Project.

The Project plans were referred to public agencies responsible for reviewing and providing services to the Project, including but not limited to the Novato Sanitary District, North Marin Water District, Novato Fire Protection District, Novato Building Division, and Novato Public Works Department. These agencies provided recommended conditions of approval as necessary to ensure post-entitlement construction plans incorporate all necessary provisions to meet public utility and safety requirements. These recommended conditions are applied through this Master Plan.

The Project was presented to the Novato Design Review Commission on September 21, 2022, and April 19, 2023, for formal recommendations to the Planning Commission and City Council regarding whether the Project would be compatible with the Project Site and surrounding area. The Design Review Commission recommended the Planning Commission and City Council approve the site design proposed for the Project, recognizing the Project's well resolved site plan, appropriate height and massing, and extensive landscaping, and architectural treatments indicating design compatibility with the Project Site and surrounding area.

Based on the observations above and the General Plan consistency findings included in Attachment B, the Master Plan is consistent with Findings c. and d.

## Precise Development Plan

The Planning Commission hereby makes the following findings as required by Section 19.42.060.F.3. of the Novato Municipal Code with the respect to the Precise Development Plan (“PDP”):

- a. The proposed Precise Development Plan is consistent with the General Plan, any applicable specific plan, and master plan.

Facts in Support: The Precise Development Plan (PDP), consisting of the project plans, PDP text, as documented in Exhibit A and A1, and objective design standards detailed in Exhibit B, and attached hereto and incorporated herein by reference, has been reviewed against the applicable policies of the Novato General and Master Plan, and is found to be consistent with all applicable policies and programs of the General Plan as documented in Exhibit B, *General Plan Consistency Findings for the Valley Oaks Project*, and the proposed Master Plan.

- b. The proposed precise development plan would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of land uses and structure sizes, high quality architectural design, appropriate and attractive amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than might otherwise occur from more traditional development applications;

Facts in Support: The PDP, consisting of the Project plans, Objective Design Standards, and PDP text, describes the Project’s site design, development standards, landscaping, and parking. These components of the Project have been designed based on the residential use and density of the Master Plan, the development standards and design guidelines specified in the Master Plan, applicable sections of the Novato Municipal Code, as well as physical constraints and surrounding land uses. The Project’s design is complimentary to and compatible with adjacent uses, including the adjacent residential uses and Buck Institute located to the north/northwest.

The Project has been designed to avoid existing easements on the Project Site, including easements containing PG&E natural gas transmission lines, and new residential buildings have been sited on the flatter portions of the site, avoiding slopes over 25 percent. The landscaping plan includes extensive landscaping and park space throughout the Project as resident amenities. The buildings have been designed to complement the more rural setting of the project site with the use of complimentary materials and colors. Building designs include fully articulated elevations with varying horizontal wall planes and recesses. These features avoid buildings presenting a flat appearance when viewed from Redwood Blvd. The height and bulk of new residences has been designed in consideration of the physical characteristics of the Project Site and its surroundings.

The Project includes approximately 20 acres of open space and additional, more formally developed parks and amenity spaces. Each of the 61 single-family residential lots has adequate space for private outdoor areas and each of the townhomes in the Valley Oaks South portion of the site will have private ground-level outdoor areas, balconies, and/or rooftop decks. The amount

of private and common open space is greater than the 150-square foot per unit requirement found in the Novato Municipal Code for similar multi-family residential projects.

On September 21, 2022, and April 19, 2023, the Design Review Commission conducted a public hearings to consider making a formal recommendation to the Planning Commission and City Council regarding the Project's site design, height/massing/scale, landscape plan, and architecture. The DRC was pleased with the Project and adopted a motion recommending the Planning Commission and City Council approve the site design, height/massing/scale, and general architecture and landscape concepts proposed for the Project.

Based on these observations, the Project plans, and the DRC's recommendation, the PDP is considered to present a comprehensive development plan that is of superior quality to what might occur from the application of the traditional development standards of the Novato Municipal Code, consistent with Finding b., above.

- c. The design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water, etc.), would ensure that the proposed development would not endanger, jeopardize, or otherwise be detrimental to the public health, safety, or general welfare, or injurious to the property, or improvements in the vicinity and zoning district in which the property is located;
- d. The proposed precise development plan standards are reasonably suited to the specific characteristics of the site, and are compatible with the existing and future land uses in the surrounding neighborhood; and
- e. The subject site is:
  - 1. Physically suitable for the type and density/intensity of development being proposed;
  - 2. Adequate in shape and size to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by the zoning code; and
  - 3. Served by streets and pedestrian facilities adequate in width and pavement type to carry the quantity and type of traffic expected to be generated by the proposed development.

Facts in Support of Finding c, d, and e.

The Project Site is an approximately 38-acre site located on the west side of Redwood Blvd and US 101. Access to the site is via Redwood Blvd. The Project propose a private street system that is adequate to accommodate anticipated vehicle traffic associated with the Project. Frontage improvements to accommodate pedestrians will include curb, gutter, and sidewalks connecting to existing pedestrian facilities at Redwood Boulevard.

The Project was referred to utility and emergency service providers for review and comment. Emergency service and utility providers did not identify any site-specific conditions that would result in adverse impacts or hinder their ability to serve or access the Project Site.

The findings of the IS/MND confirm the suitability of the Project Site to accommodate the Project. The analysis in the IS/MND did not identify any impacts to the public health, safety, or general welfare that could not be mitigated to a less than significant impact. The mitigation measures recommended by the IS/MND to reduce or avoid potential environmental impacts in the area of Biological Resources, Cultural Resources, Geology and Soils, Noise, Tribal Cultural Resources, and Wildfire are applied as conditions of approval to the Project.

Based on these observations, the Project plans, and the DRC's recommendation, the PDP is consistent with Findings c, d, and e.

### **Design Review**

The Planning Commission hereby makes the following findings as required by Section 19.42.030.F of the Novato Municipal Code with the respect to the Project's Design Review, based on the findings and recommendation of the Novato Design Review Commission:

1. The design, layout, size, architectural features and general appearance of the proposed project is consistent with the General Plan, and any applicable Specific Plan and with the development standards, design guidelines and all applicable provisions of the Municipal Code, including this Zoning Ordinance and any approved Master Plan and Precise Development Plan.

### Facts in Support of Finding

#### *General Plan*

The Project is consistent with applicable General Plan policies, as documented in Exhibit B, attached hereto and incorporated herein by reference. Exhibit B lists each applicable policy of the General Plan and details facts supporting the Project's consistency therewith, including those relevant to Design Review.

#### *Master Plan*

As set forth above, the Master Plan reflects the Project's design. As such, the Project's design is consistent with the Master Plan.

#### *Precise Development Plan*

As set forth above, the PDP reflects the Project's design. Such As such, the Project's design is consistent with the PDP.

2. The proposed project would maintain and enhance the community's character, provide for harmonious and orderly development, and create a desirable environment for the occupants, neighbors, and visiting public.

#### Facts in Support of Finding

The Project was presented to the Design Review Commission (DRC) at two public workshops and two public hearings. The DRC commended the site plan and layout of the improvements given the site constraints, appreciated the architectural-styles and overall project design. On September 21, 2022, and April 19, 2023, the Design Review Commission adopted motions recommending the Planning Commission and City Council approve the design aspects of the Project.

Based on these observations, the Project plans, and the DRC's recommendation, the Project is considered to be consistent with Finding 2.

3. The proposed development would not be detrimental to the public health, safety, or welfare; is not materially injurious to the properties or improvements in the vicinity; does not interfere with the use and enjoyment of neighboring existing or future developments and does not create potential traffic, pedestrian or bicycle hazards.

#### Facts in Support of Finding

Refer to the findings above for the Master Plan and PDP addressing the Project.

### **Section 4. Master Plan, Precise Development Plan, & Design Review Recommendation**

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission hereby recommends the City Council adopt an ordinance approving the proposed Valley Oaks Master Plan, Precise Development Plan, and Design Review, as described in Exhibit A and A1 and depicted on the Plan Set drawn by WHA (Sheets CS-A12, 20 pages), dated October 20, 2023, the Landscape, Amenity, and Fence Plans drawn by SWA (14 Sheets), dated October 20, 2023, and Valley Oaks Objective Standards (32 pages), dated October 20, 2023, based on the findings set forth herein and subject to the conditions of approval noted below and included in Exhibit C and Exhibit D.

#### Conditions of Approval

1. The project shall comply with the conditions of approval specified in Exhibit C and the Mitigation Monitoring Program specified in Exhibit D, attached hereto and incorporated by reference.

#### Indemnity and Time Limitations

- a. The Applicant, property owner, and any successor in interest, whether in whole or in part, shall defend, indemnify, and hold harmless the City and its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against the City or its agents,



officers, attorneys, or employees to attack, set aside, void, or annul the Planning Commission's recommendation to the City Council at issue herein. This indemnification shall include damages or fees awarded against the City, if any, costs of suit, attorney's fees, and other costs and expenses incurred in connection with such action whether incurred by the Applicant, property owner, and/or any successor in interest, the City, and/or parties initiating or bringing such action.

- b. The Applicant, property owner and any successor in interest, whether in whole or in part, shall defend, indemnify, and hold harmless the City, its agents, employees, and attorneys for all costs incurred in additional investigation of or study of, or for supplementing, preparing, redrafting, revising, or amending any document, if made necessary by said legal action and the developer desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents in a form and under conditions approved by the City Attorney.
- c. In the event that a claim, action, or proceeding described in no. a or b above is brought, the City shall promptly notify the Applicant, property owner, and any successor in interest of the existence of the claim, action, or proceeding, and the City will cooperate fully in the defense of such claim, action, or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action, or proceeding; the City shall retain the right to (i) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the developer in the defense of said claim, action, or proceeding. If the City chooses to have counsel of its own to defend any claim, action, or proceeding where the Applicant, property owner, and/or any successor in interest has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the Applicant, property owner, and/or any successor in interest.
- d. The Applicant, property owner, and any successor in interest, whether in whole or in part, indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
- e. Unless a shorter limitation period applies, the time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure, Section 1094.6.
- f. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), the conditions constitute written notice of a statement of the amount of such fees and a description of dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the 13<sup>th</sup> day of November 2023, by the following vote:

AYES: Commissioners Crockett, Dawson, Derby, Havel, Engdahl, Heath, and Tiernan

NOES: None

ABSTAIN: None

ABSENT: None

\* \* \* \* \*

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of the resolution, which was adopted by the Planning Commission, City of Novato, County of Marin, State of California, on the 13<sup>th</sup> day of November 2023.

*Lia Heath*

\_\_\_\_\_  
Chair

Attachments

Exhibits A & A1 – Valley Oaks Master Plan and Precise Development Plan Text

Exhibit B – General Plan Consistency Findings

Exhibit C – General Project Conditions of Approval

Exhibit D – Mitigation Monitoring and Reporting Program

**EXHIBIT A**

**VALLEY OAKS  
MASTER PLAN & PRECISE DEVELOPMENT PLAN  
LAND USE & DEVELOPMENT STANDARDS**

The following land use and development standards apply to all new development proposed within the Valley Oaks Master Plan and Precise Development Plan area (hereafter “Development Area Plan”) and as detailed in Exhibit A1– *Valley Oaks Objective Standards*, dated October 20, 2023, (hereafter “Valley Oaks Objective Standards”) attached hereto and incorporated herein by reference.

**LAND USE STANDARDS****A. Permitted Land Uses.**

## 1. Valley Oaks North Development District (R5 Land Use Designation):

Land Use	Controlling City Standards
Single-Family Detached Dwellings Single Family Attached Dwellings	Novato Municipal Code (NMC) Exhibit A Exhibit A1
Accessory Dwelling Units	NMC 19.34.030 Exhibit A1
Junior Accessory Dwelling Units	NMC 19.34.031
Accessory Structures	NMC 19.34.034
Animal Keeping	NMC 19.34.060 (R4/R5 District)
Cannabis Cultivation – Personal Indoor	NMC 19.34.065
Common Open Space/Outdoor Use	Novato Municipal Code Exhibit A Exhibit A1
Child/Adult Day Care - 14 or Fewer Persons	Same as Primary Residence
Group Homes - 6 or Fewer Persons	Same as Primary Residence
Home Occupations	NMC 19.34.080

## 2. Valley Oaks South Development District (R20 Land Use Designation):

Land Use	Controlling Standards
Attached Multi-Family Residences (Townhomes)	Novato Municipal Code (NMC) Exhibit A Exhibit A1
Accessory Dwelling Units	NMC 19.34.030 Exhibit A1
Junior Accessory Dwelling Units	Prohibited

Accessory Structures	NMC 19.34.034
Animal Keeping	NMC 19.34.060 (R20 District)
Cannabis Cultivation – Personal Indoor	NMC 19.34.065
Common Open Space/Outdoor Use	Novato Municipal Code Exhibit A Exhibit A1
Child/Adult Day Care, 14 or fewer persons	Same as Primary Residence
Group Homes, 6 or fewer persons	Same as Primary Residence
Home Occupations	NMC 19.34.080

3. Open Space District (OS Land Use Designation):

Land Use	Controlling Standards
Community Gardens	Use Permit
Hiking Trails	Permitted
Nature Preserves	Permitted
Outdoor Recreation Facilities, Passive	Permitted
Parks and Playgrounds	Use Permit

**B. Minimum and Maximum Number of Primary Dwelling Units.**

The Development Area Plan shall be developed with 81 primary dwelling units (single-family detached, sing-family attached, and multi-family), as depicted on the lot plan included in the Vesting Tentative Map prepared by CBG Civil Engineers, dated October 20, 2023. The dwelling unit type and distribution of the primary dwelling units shall be consistent with the density ranges of the proposed land use densities for the R5 and R20 land use designations, as follows:

1. Valley Oaks South (R20) shall be developed with 20 multi-family residential units.
2. Valley Oaks North (R5) shall be developed with 61 single-family attached and detached residential units. See Section C, below regarding junior accessory dwelling units (JADUs).
3. The Valley Oaks Open Space (OS) shall not be developed with residential dwelling units. The Open Space general plan land use designation does not allow for residential uses.

**C. Junior Accessory Dwelling Units Required**

All single-family detached residential units that are not designated as an “affordable unit” pursuant to the City’s Affordable Housing Requirements (NMC Division 19.24) shall be designed and constructed to include a junior accessory dwelling unit (JADU) meeting the requirements of Novato Municipal Code Section 19.34.031. Junior accessory dwelling units represent an accessory use and shall not be counted against the maximum residential density allowed in the Plan Area. The required junior accessory dwelling units shall not be counted toward satisfying the affordable housing requirements of Section D below.

#### **D. Affordable Housing Requirements**

The Project shall meet all requirements of Novato Municipal Code Division 19.24 including by complying with one of the following options:

1. Reserving 20% of the for-sale dwellings in Valley Oaks North and 20% of the for-sale dwellings in Valley Oaks South for low and moderate income households. The required affordable units shall be split equally between the low and moderate income categories. Accordingly, Valley Oaks North is required to provide 12.2 affordable dwelling units (based on 61 single-family dwellings) with six (6) units reserved for-sale to low income households and six (6) units set aside for-sale to moderate income households; an in-lieu fee shall apply to the fractional affordable housing unit as specified in Division 19.24. Valley Oaks South is required to provide four (4) affordable dwelling units (based on 20 townhome condominiums) with two (2) units reserved for-sale to low income households and two (2) units reserved for-sale to moderate income households. The required affordable housing units shall be constructed and occupied as specified in Novato Municipal Code Section 19.24.070 D.; or
2. Reserving all of the dwelling units (20 townhome condominiums) in Valley Oaks South as for-sale affordable dwellings. Eight (8) dwelling units shall be reserved for-sale to low income households and twelve (12) dwelling units shall be reserved for-sale to moderate income households. If this option is selected then no affordable housing units are required in Valley Oaks North. The required affordable housing units shall be constructed and occupied as specified in Novato Municipal Code Section 19.24.070 D. based on the timing of construction of the market rate housing units in Valley Oaks North unless an alternative construction timing schedule is approved by the Community Development Director through the affordable housing agreement required by Municipal Code Section 19.24.090.

#### **E. Common Open Space/Outdoor Use Areas**

1. The common open space and outdoor use/activity areas and associated amenities detailed in the Landscape Precise Plan, prepared by SWA and dated October 20, 2023, shall be accessible to and service all future residents occupying the residential units developed in the Development Area Plan regardless of the Development Area Plan subareas (i.e. Valley Oaks South, Valley Oaks North areas 1, 2, and/or 3).
2. The phasing and construction of common open space and outdoor use areas shall be as follows:
  - a. At the time Valley Oaks South is developed, the amenities proposed within Parcel P shall be constructed prior to completion of the residential units proposed on Lots 62-65. The City will not issue grant occupancy for the last 25 percent of the residential units until the amenities are constructed/installed.

- b. At the time Valley Oaks North Areas 1 and/or Area 2 are developed, the amenities proposed within Parcel O shall be constructed prior to completion of the residential units proposed on Lots 1 – 29. Irrespective of the construction phasing of Valley Oaks North Areas 1 and 2, the City will not grant occupancy for the last 25 percent of the residential units until the amenities are constructed/installed.
- c. At the time Valley Oaks North Area 3 is developed, the amenities proposed within Parcel L shall be constructed prior to completion of the residential units proposed on Lots 30-61. The City will not grant occupancy for the last 25 percent of the residential units until the amenities are constructed/installed.

3. Amenity Requirements of Open Space and Outdoor Use Areas

- a. The following is a list of the minimum number and type of amenities required on Parcel P (Valley Oaks South Common Amenity Area):
  - i. Seating Area. At least two benches that can each accommodate at least three (3) persons shall be installed. The seating area shall be surfaced with a material, such as decomposed granite, that is accessible.
  - ii. Multi-use Area Groundcover. An area that is a minimum of 1,000 square feet and covered with natural turf or synthetic turf.
  - iii. The outdoor use area on Parcel P shall be accessible based on state and/or federal requirements and standards.
- b. The following is a list of the minimum number (or area) and type of amenities required on Parcel O (Valley Oaks Central Community Space):
  - i. The minimum site area is 0.33 acres (14,375 square feet).
  - ii. The Central Community Space boundary (Parcel O) shall be located within a 500-foot radius of eighty (80) percent of all single-family residential units.
  - iii. Seating Areas: A minimum of three (3) picnic tables that can accommodate six (6) persons per table shall be installed.
  - iv. A bocce court that is a minimum of 60 feet in length and 10 feet in width and a maximum of 86.92 feet in length and 13.12 feet in width shall be installed. Acceptable court surfaces are crushed stone, decomposed granite, oyster shells, clay, or synthetic carpets consistent with surfaces permitted by the United States Bocce Federation. Concrete curbing with a minimum height of 4 inches shall be installed around the perimeter of the court, and a bumper board installed to protect

the concrete and balls from impact damage. A minimum of two (2) benches that can each accommodate at least two (2) persons shall be installed in proximity (10 feet or closer) to the bocce court.

- v. Bicycle parking. A minimum of eight (8) bicycle racks shall be installed. Inverted “U”-type racks, consistent with the City’s Bicycle and Pedestrian Plan shall be installed. The racks shall be affixed to a concrete surface.
  - vi. Additional seating that can accommodate a minimum of twelve (12) persons shall be provided.
  - vii. A minimum of one shade structure with a height of not less than eight (8) feet and not more than twelve (12) feet with an aggregate area of not less than 600 square feet shall be installed. The shade structure(s) shall be constructed of wood or other durable materials.
  - viii. A multi-use area groundcover with an area of not less than 1,500 square feet shall be installed. The multi-use groundcover area shall be covered with natural or synthetic turf.
  - ix. The outdoor use area on Parcel O shall be accessible based on state and/or federal requirements and standards.
- c. The following is a list of the minimum number (or area) and type of amenities required on Parcel L (Valley Oaks Multi-age Play Area):
- i. The minimum site area is 15,000 square feet.
  - ii. A minimum of three (3) pre-school age play structures (Ages 2-5) and a minimum of three (3) school aged play structures (Ages 5 to 12) shall be included in the plan area.
  - iii. At least one wooden shade structure with a height of not less than eight (8) feet and not more than twelve (12) feet with an aggregate area of not less than 450 square feet shall be installed. The shade structure(s) shall be constructed of wood or other durable materials.
  - iv. A minimum of one (1) picnic table that can accommodate six (6) persons per table shall be installed.
  - v. Additional seating that can accommodate a minimum of ten (10) persons shall be provided.

- vi. Bicycle parking. A minimum of four (4) bicycle racks shall be installed. Inverted “U”-type racks, consistent with the City’s Bicycle and Pedestrian Plan shall be installed. The racks shall be affixed to a concrete surface.
  - vii. The outdoor use area on Parcel L shall be accessible based on state and/or federal requirements and standards.
- d. The following is a list of hiking trail and trail-related amenities required in the area designated as Open Space (OS) on the General Plan Land Use Map GP-1, including parcels I, H, and L:
- i. A minimum trail length of 2,000 linear feet shall be installed.
  - ii. A minimum of six (6) par course station areas, each with at least one par course station, shall be included adjacent to the trail. The par course equipment shall be of a durable material constructed for outdoor use that has a minimum lifespan of 20 years. Each piece of par course equipment shall be unique and not a duplicate of another piece of equipment.
  - iii. Community Overlook. A community gathering space adjacent to the required trail shall be placed in the open space area, as shown on the Landscape Precise Plan, dated October 20, 2023, identified as Amenity No. 11. The location of the Community Overlook is located in the relatively flat area of the site between the 65 and 70-foot elevation contours. Amenities shall include at least one picnic bench that can accommodate six (6) persons and additional seating to accommodate at least six (6) persons. A shade structure with a with a height of not less than eight (8) feet and not more than twelve (12) feet with an aggregate area of not less than 450 square feet shall be installed. The shade structure(s) shall be constructed of wood or other durable materials.
  - iv. Oak Woodland Picnic Space. A seating and picnic area shall be located in the area, as detailed on the Landscape Precise Plan, dated October 20, 2023, identified as Amenity No. 12. The location is in an area of the site between the 90 and 95-foot elevation and located 100 to 150 feet south of the property line with a bearing of N 59° 57’ 07” W, as noted on the Marin County Assessor’s Map Book 125-58. A minimum of three (3) picnic tables that can each accommodate six (6) persons shall be installed.
- e. Pedestrian Bridge. A pedestrian bridge shall be constructed/installed over the drainageway that is located within the bounds of Parcel G, and the bridge shall provide a pedestrian connection between Parcel O and Parcel S. If state and/or federal permitting agencies will not issue a permit associated with the potential impacts of the bridge on identified wetlands or other regulated waters, the pedestrian bridge may be



eliminated. The Applicant shall actively attempt to obtain approval for the pedestrian bridge and shall provide adequate evidence that one or more state and/or federal agencies will not permit the construction/installation of said bridge.

## **DEVELOPMENT STANDARDS**

### **F. Permit Requirements & Development Standards**

1. Any development proposal consisting of two (2) or more dwelling units shall be subject to design review for the purpose of confirming compliance with applicable objective standards and the mitigation measures of the certified environmental impact report prepared for Novato General Plan 2035 as specified in Novato City Council Resolution No. 2020-068 and the project specific mitigations measures detailed in the Initial Study/Mitigated Negative Declaration for Valley Oaks.
2. New subdivision proposals shall be subject to applicable requirements of the California Subdivision Map Act, Novato Municipal Code Chapter V – Development Standards, Chapter VI – Excavations and Fills, Chapter IX – Land Subdivision, and Chapter XV – Streets and Sidewalks, and Chapter XIX - Zoning.
3. New development proposals and subsequent modifications involving one (1) dwelling unit shall be subject to all applicable permit requirements and review processes specified in the Novato Municipal as applicable to the given unit type (e.g., detached single-family dwelling, multi-family dwelling) and project proposal.
4. All development proposals shall be subject to the requirements of Novato Municipal Code Chapter IV – Building and Housing, Chapter V – Development Standards, Chapter VI – Excavations and Fills, and Chapter XV – Streets and Sidewalks as applicable to the given unit type (e.g., detached single-family dwelling, multi-family dwelling) and project proposal.
5. New development and all modifications thereafter shall comply with the standards and requirements specified in Exhibit A1 – *Valley Oaks Design Standards* incorporated herein by reference. In addition, new development and modifications thereafter shall comply with the standards and requirements listed below under “Supplemental Objective Development Standards.”
6. New development and all modifications thereafter shall be subject to the requirements of the California Environmental Quality Act (CEQA) as may be applicable.
7. In the event of any conflict between applicable standards of the Novato Municipal Code and those listed in this Master Plan/Precise Development Plan, including Exhibit A1 *Valley*

*Oaks Design Standards*, then the standards of this Master Plan/Precise Development Plan, including Exhibit A1 - *Valley Oaks Objective Standards*, shall control.

## **G. Supplemental Objective Development Standards**

### 1. Fences, Walls, and Hedges.

#### a. Fence types:

- i. Three- and Six-Foot Privacy fence: A solid (opaque) fence material of three (3) or (6) feet in height at the locations allowed by G.1.b. The listed maximum height is the exposed portion of the fence measured from finished grade.
- ii. Eight-Foot Privacy Fence: A solid fence material that is not more than eight (8) feet in height with a maximum of six (6) feet in height of solid fence material at the locations allowed by G.1.b. The remaining fence material, not to exceed two (2) feet in height, shall be an open fence material (50% open) such as lattice. The open fence material shall only be allowed on the upper portion of the fence above the solid fence material(s). The listed maximum height is the exposed portion of the fence measured from finished grade.
- iii. Open View Fencing: Fences bordering parcels under common ownership that are not adjacent to a wetland or drainageway shall be of an open view design. Such fencing shall be a maximum of eight (8) feet in height, with 4" x 4" posts, a 2" x 4" stringer, and a 2" x 4" cap, and a 2" x 4" (10 gauge) galvanized wire mesh. Posts shall be pressure treated. The listed maximum height is the exposed portion of the fence measured from finished grade.
- iv. Wetland and Drainageway Fencing: Fencing adjacent to wetlands and/or drainageways that does not adjoin side or rear yard areas of privately owned residential lots shall be wood post and three strand wire fences. Barbed wire shall not be permitted.

#### b. Allowable fences based on location:

- i. Rear or side property lines adjoining developable residential lots. Six (6) foot or eight (8) foot privacy fence.
- ii. Rear or side property lines adjoining commonly owned parcels. Six (6) foot or eight (8) foot privacy fence or open view fencing.
- iii. Fences located within a front yard area. Three (3) foot privacy fence.

- iv. Fences within a street-side yard area. Six (6) foot or eight (8) foot privacy fence.
  - v. Common ownership parcel fences along property lines that adjoin residential lots. Six (6) foot or eight (8) foot privacy fence or open view fencing.
  - vi. Common ownership parcel fences along property lines that do not adjoin residential lots. Maximum (8) foot open view fencing.
  - vii. Fences adjacent to wetlands or drainageways – wetland and drainage fencing type.
2. Sight Distance. New development shall be designed to comply with the sight distance requirements of Novato Municipal Code Section 19.20.070.D.
3. Wall & Ground Mounted Electrical/Mechanical Equipment. Wall and ground mounted mechanical and electrical equipment (e.g., air conditioning units, heat pumps, water heaters, pool and spa pumps, electrical transformers and meters, etc.) at individual residences and residential buildings shall be screened from view of adjoining streets and noise attenuated pursuant to the following requirements:
  - a. Wall and/or ground mounted mechanical and electrical equipment shall not be located at, along, or affixed to any street facing façade of a new residence or residential building unless screened by fencing located and constructed in accordance with Novato Municipal Code Section 19.20.040 or placed in an equipment closet integrated into a residence or residential building. The equipment closet shall be architecturally compatible, meaning the same material type and color, as the residential building to which it is affixed.
  - b. Wall and ground-mounted mechanical and electrical equipment shall be sound attenuated to maintain a maximum noise level of 45 dBA measured at the property line closest to the equipment.
  - c. Wall or ground mechanical equipment shall not be located in a front yard area.
4. Roof Mounted Mechanical Equipment Screening shall comply with the Screening Requirements as specified in NMC Section 19.20.090.
5. Solid Waste & Recyclables Storage.
  - a. Single-Family Dwellings (Valley Oaks North) – Waste Carts. Each detached single-family residence shall provide a minimum waste cart storage area of 3-feet deep by 8-feet long to accommodate three carts for solid, recyclable, and green/compostable waste. The required waste cart storage area may be provided within a garage meeting

the minimum parking stall dimensions applicable to the development and the minimum dimensions of the required waste storage area. Alternatively, the required waste cart storage area may be located within a side yard or rear yard area provided the storage area is screened from view of any street by fencing complying with Novato Municipal Code Section 19.20.040 and where there is a minimum 4-foot-wide path of travel to and from to the storage area.

- b. Multi-Family Dwellings (Valley Oaks South). Multi-family dwellings in Valley Oaks South shall comply with the following solid waste and recyclable storage requirements:
  - i. Each multi-family residence shall provide a minimum waste cart storage area of 3-feet deep by 8-feet long to accommodate three carts for solid, recyclable, and green/compostable waste. The required waste cart storage area may be provided within a garage meeting the minimum parking stall dimensions applicable to the development and the minimum dimensions of the required waste storage area; or
  - ii. Provide common waste bin storage areas that comply with the space requirements specified in Table 3-3 of Novato Municipal Code Section 19.20.120, and with the location and design criteria detailed in subsections iii. through viii., below.
  - iii. Common waste bin storage areas shall be located in a designated structure with enclosure walls matching the architectural style utilized for the development.
  - iv. Common waste bin storage areas shall be located within 120 feet of an access doorway to each dwelling unit which they are intended to serve.
  - v. Common waste bin storage areas shall be accessible to pedestrians through a doorway independent of service gates and designed so that bin lids face the pedestrian access location.
  - vi. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel pursuant to the minimum clearance requirements of Novato Disposal Service or any other waste collector serving the development.
  - vii. Common waste bin storage areas shall comply with all requirements of the California Building Code.
  - viii. Multi-family dwellings shall be designed to provide an interior space in each dwelling unit to store solid waste and recyclable material prior to placement in a common storage area. A minimum of 3-cubic feet of space shall be provided for the storage of solid waste and a minimum of 3-cubic feet shall be provided for recyclable material.

6. Art Program. New development shall comply with the requirements of Novato Municipal Code Division 19.21 – Art Program by designing and installing an art piece subject to following subsections of Division 19.21: 19.21.020 – Definitions, 19.21.030 – Applicability, 19.21.050 – Residential Requirements, 19.21.060 D. – Location, and 19.21.060 E. – Timing of Installation.
7. Exterior Lighting. All exterior light fixtures shall be Dark Sky compliant as certified by the International Dark-Sky Association. All exterior lighting shall have a correlated color temperature (CCT) of 3,000K or lower (up to 3220K actual measured value – ANSI C78.377). Street lighting shall be provided as required by NMC Section 5-43.
8. Landscaping.
  - a. Open Space (OS) land use designated area.
    - i. Areas designated as Open Space shall not be landscaped or irrigated, except for the area within Parcel L that is proposed as the “Multi-age Play Area.”
    - ii. Multi-age Play Area. The Multi-age Play Area shall be designed consistent with the requirements detailed in Subsection E.3.c. of this document.
  - b. Medium Density Residential (R5) and High-Density Multiple Family Residential (R20) land use designation areas.
    - i. Landscape Areas. All setback, outdoor use, and common open space areas shall be landscaped with the construction of new dwelling units and residential buildings within the project with the exception of fenced rear and side yard areas.
    - ii. Measurement of Required Landscape Areas. Wherever a landscape area is required to have specific dimensions those dimensions shall be exclusive of curbs, walls, and/or fences.
    - iii. Minimum Dimensions. Landscape areas shall have a minimum interior width of three feet. Landscape areas containing trees shall have a minimum interior width of four feet.
    - iv. Height Limits. Landscaping shall be designed to comply with the height limits for sight distance visibility areas established by Novato Municipal Code Section 19.20.070.D.
    - v. Safety Requirements. Trees and plants shall be selected and located so that at maturity they do not obstruct lighting, access to utilities meters and boxes, and bicycle, pedestrian, or motor vehicle ways.

- vi. Irrigation System. All landscaped areas (except areas to be maintained with intentionally unirrigated native plants) shall be provided with an automatic irrigation system complying with the requirements of North Marin Water District Regulation 15.
- vii. Plant Materials, Size, and Planting Techniques. Plant selection and planting techniques shall comply with the requirements of North Marin Water District Regulation 15 and the following:
  - A. Trees shall not be less than a container size of 15-gallons.
  - B. Shrubs and groundcovers shall not be less than a container size of 1-gallon.
- c. Trees.
  - i. At street yard areas (area between back of sidewalk or curb if no sidewalk and a building or fenced yard area), if any: one tree per 200-square feet of yard area;
  - ii. At non-street yard areas: one tree per 600-square feet of yard area; and
  - iii. Street trees (planter strip between curb and sidewalk, if any); one tree per 40-foot length of right-of-way.
- d. Shrubs & Groundcover.
  - i. Groundcover shall be provided throughout landscaped area and shall be planted at least 6 inches on center.
  - ii. Artificial groundcover (not including artificial turf) or shrubs shall not be allowed.
  - iii. Crushed rock, bark mulch, pebbles, stone, and similar materials shall be allowed as groundcover for up to 15 percent of the total area of a given landscape space.
- e. Trees in landscape planters less than 10 feet in width or located closer than five feet from a permanent structure and/or paved surfaces (sidewalks, curbs, street, etc.) shall be installed with root barriers.
- f. Landscape Plans. Landscape plans for new development shall be prepared by a licensed landscape architect.

- g. Pacific Gas and Electric Easement. Trees are not permitted within the Pacific Gas and Electric easement areas. See the *Proposed Landscape Elements Within PG&E Easements* plan sheet included in the Landscape, Amenity, and Fence Plans drawn by SWA (14 Sheets), dated October 20, 2023.
- h. Landscape Completion Certification. The landscape architect of record shall certify in writing that all required landscaping and irrigation improvements have been installed pursuant to the landscape plan approved for the development upon the completion of construction of each individual residential unit the Valley Oaks development area.
- i. Maintenance Contract. A two-year landscape maintenance contract which includes a security (cash deposit or irrevocable bond) in an amount equal to 50 percent of the cost of the landscape contract of a given development shall be posted as a prerequisite to a final building inspection, except for subdivisions with landscaping which is included in the subdivision improvement agreement, in which case a one-year maintenance period is acceptable. The developer may transfer maintenance responsibility to another party, for example, homeowners' association, provided that the security remains posted for the remainder of the originally required time period.
- j. In the event of any conflict between these landscape requirements and the requirements of the North Marin Water District and PG&E, the requirements of the North Marin Water District and PG&E shall control.

**9. Vehicle, Motorcycle, and Bicycle Parking.**

- a. Parking to be Unrestricted. Owners, lessees, tenants, or persons having control of the operation of a premises for which parking spaces are required shall not prevent or restrict authorized persons from using these spaces.
- b. Number of Parking Spaces Required. The following minimum number of off-street automobile parking spaces shall be provided unless otherwise directed by State law:
  - i. Single-Family Detached and Single-Family Attached Residences (Valley Oaks North): Two (2) off-street parking stalls per single-family residence.
  - ii. Multi-Family Residences (Valley Oaks South):
    - a. Two (2) off-street parking spaces per unit; and
    - b. Guest Parking: One (1) off-street parking space for every three (3) residential units.

- c. Rounding Rule. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
- d. Parking Configuration. The following parking configurations shall be required unless otherwise directed by State law:
  - i. Valley Oaks North. Two (2) off-street parking spaces shall be provided in an enclosed garage.
  - ii. Valley Oaks South: At least one (1) of the required parking spaces shall be provided in an enclosed garage. Off-street parking may be in a tandem configuration. Guest parking is not required to be enclosed.
- e. Vehicle Parking Design Standards. Parking areas shall be designed and constructed in compliance with the following standards:
  - i. Minimum Parking Space Dimensions.
    - A. Each single-family residential parking space within a garage shall be a minimum of 10-feet wide by 20-feet long.
    - B. Each standard off-street unenclosed parking space shall be a minimum of 9 feet wide by 19 feet long. The width of a parking space shall be increased by one foot if either side of the space is adjacent to a wall, fence, support column, or other structure. Each parking space within a garage shall be a minimum of 10-feet wide by 20-feet long for side-by-side parking and 10-feet wide by 40-feet long for tandem parking. Standard (90-degree and diagonal) surface parking stalls shall be a minimum 9-feet wide by 19-feet long. On-street Parallel surface parking stalls shall be a minimum of 8-feet wide by 24-feet long. The width of a surface parking space shall be increased by one foot if either side of the space abuts a wall, fence, support column, or other structure.
  - ii. Concrete Curbing. Continuous concrete curbing at least 6-inches high and 6-inches wide shall be provided along the edges of parking spaces adjacent to fences, walls, sidewalks, other structures, and landscaping. Parking spaces adjacent along their length to landscaped areas shall incorporate an additional curbing width of 12-inches (for a total of 18 inches) to provide a place to stand while exiting and entering vehicles.
  - iii. Vehicle Bumper Overhang. A maximum of 2-feet of the required parking stall depth may be landscaped with low-growth plants in lieu of paving, thereby allowing a 2-foot bumper overhang while maintaining the required parking dimensions. In the



case where a walkway is necessary in lieu of landscaping, the walkway shall be widened by two feet to provide for a safe curb stop.

- iv. Directional Arrows and Signs. Parking spaces, drive aisles, approach lanes and maneuvering areas shall be clearly marked with directional arrows and lines to ensure the safe and efficient flow of vehicles.
- v. Grade of Parking Areas. Parking areas should not exceed a grade of five percent, and shall not exceed 10 percent measured in any direction.
- vi. Landscaping. Surface parking areas shall be landscaped in compliance with the following requirements:
  - A. Surface parking areas adjoining a street shall be designed to provide a 10-foot wide landscaped planting strip, exclusive of curbing, between the back of sidewalk or curb/street if no sidewalk exists and the parking area. Trees shall be provided at minimum rate of one tree for each 20 linear feet within this landscape strip.
  - B. Surface parking areas adjoining side or rear property lines shall be designed to provide a perimeter landscape strip of at least 5-feet wide, exclusive of curbing, between the parking area and property line. Trees shall be provided at minimum rate of one tree for each 20 linear feet within this landscape strip.
  - C. Minimum Area of Landscaping. A minimum of 5-percent of the total area of a surface parking area shall be landscaped with trees, shrubs, and groundcover of the types and sizes specified in Section G.8. above. The perimeter landscape strips required for a surface parking area (reference to preceding landscape requirements) shall not be counted toward satisfying the minimum area of landscaping required herein.
  - D. Required Tree Plantings. Trees shall be provided throughout a surface parking area at a minimum ratio of 1-tree for every 3-parking spaces in a row, except in areas where the PG&E gas line easement(s) is located.
  - E. Landscape Planters. Planters with trees shall have a minimum interior dimension of four feet. All ends of parking lanes shall be separated from drive aisles by landscaped islands. A landscape finger shall be provided between the side lines of adjacent parking spaces at least every eight parking spaces.
- vii. Lighting. Parking area light fixtures, if installed, shall be Dark Sky compliant as certified by the International Dark-Sky Association. All exterior lighting

shall have a correlated color temperature (CCT) of 3,000K or lower (up to 3220K actual measured value – ANSI C78.377).

- viii. Striping and Identification. Parking spaces shall be clearly outlined with four-inch-wide lines painted on the surface of the parking area. Circulation aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines to ensure safe traffic movement.
- ix. Surfacing. Parking spaces, drive aisles, and maneuvering areas shall be paved and permanently maintained in compliance with the standards in Novato Municipal Code Subsection 5-17.008e.
- x. Landscape Maintenance Security. Security to guarantee parking lot landscape maintenance shall be provided in compliance with Item 8.(i). - Maintenance Contract Required above.
- xi. Driveways and Aisles.
  - A. Each single-family dwelling (attached or detached) in Valley Oaks North shall have a continuous Portland cement concrete or concrete paver driveway from the street to its garage. Driveways shall have a minimum width of 16 feet and a length matching setback as specified for Valley Oaks North in the Exhibit A - *Valley Oaks Objective Standards* or longer as necessary.
  - B. Attached multi-family residences in Valley Oaks South shall have a continuous Portland cement concrete or concrete paver driveway from the street or drive aisle to each garage. Driveways shall have a minimum width of 16 feet for side-by-side garage parking configuration.
  - C. Drive Aisles – Drive aisles within multi-family residential surface and structured parking areas shall be designed and constructed in compliance with the following:

Angle of Parking	Minimum Aisle Width
45 degrees or less	12 Feet
46 to 52 degrees	13 Feet
53 to 55 degrees	14 Feet
56 to 60 degrees	15 Feet
61 to 70 degrees	18 Feet
71 to 80 degrees	20 Feet
81 or more degrees	20 Feet

- D. Clearance from Obstruction. The nearest edge of a driveway apron or curb return shall be at least 5 feet from the nearest property line, centerline of a fire hydrant, utility pole, traffic signal, light standard, or other similar facility.
  - E. Visibility. Driveways and drive aisles shall be designed and located so to comply with the sight distance requirements of NMC Section 19.20.070.D.
- xii. Bicycle Parking & Support Facilities. Bicycle parking shall be provided for all multi-family apartments as follows:
- A. Number of Bicycle Spaces Required – Multi-family projects shall provide bicycle parking spaces in an amount equal to a minimum of 10-percent of the vehicle parking spaces required for the project unless a separate secured garage space is provided for each unit.
  - B. Bicycle Parking Equipment. Where bicycle parking is required, each bicycle parking space shall include a stationary parking device (e.g., storage rack, floor stand, etc.) to secure bicycles.
- xiii. Bicycle Parking Layout.
- A. Aisles providing access to bicycle parking spaces shall be at least 5 feet in width.
  - B. Each bicycle space shall be a minimum of 2 feet in width and 6 feet in length and have a minimum of 7 feet of overhead clearance.
  - C. Bicycle spaces shall be separated from motor vehicle parking spaces or aisles by a fence, wall, or curb, or by at least 5 feet of open area, marked to prohibit motor vehicle parking.
- xiv. In the event of any conflict between these Vehicle, Motorcycle, and Bicycle Parking landscape requirements and the requirements of the North Marin Water District and PG&E, the requirements of the North Marin Water District and PG&E shall control.

**10. Signs - Subdivision or Multi-Family Residential Building Identification.**

Allowed Sign Types	Maximum Number	Maximum Sign Area	Maximum Sign Height	Lighting Allowed
Monument	Two per entrance or street frontage	32 sq. ft. maximum each; 64 sq. ft. total for all signs	Monument: 6 ft.	Indirect only; Dark Sky compliant as certified by the International Dark-Sky Association.

**11. Condominium Dwelling Storage Requirements**

Condominium dwelling units shall include additional storage space within each dwelling unit, in addition to closet space normal to the unit, as follows:

- a. One cubic foot or storage area for each three-square feet of net unit floor area. Net area shall not include stairs, closets, or mechanical rooms.
- b. The minimum internal dimension of such space shall not be less than four feet.
- c. The additional storage space may be located in an enclosed garage space so long as it does not impede the parking of vehicles; impede into the solid waste, recycling, and green waste designated bin area; or any other areas required in the units.

# Exhibit A1

# Valley Oaks

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Objective Standards  
Novato, California  
October 20, 2023





Prepared For:



Prepared By:



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## INTRODUCTION

### 1.1 PURPOSE AND INTENT

This document contains two sets of Standards, the Site Development Objective Standards (SDOS) and the Architectural Objective Standards (AOS). Both sets of Standards provide information pertaining to the development of Valley Oaks North and Valley Oaks South.

The Site Development Objective Standards (SDOS) are those standards shown on the approved Precise Plan site plan, the Vesting Tentative Map, and Tables 1-1 and 1-2 and Figures 1-1 through 1-6 of this document, otherwise as shown in the Novato Municipal Code. These Standards provide minimum standards for the development of the Project and add site planning certainty.

The purpose of Architectural Objective Standards (AOS) is to provide the public, project sponsors, building and design professionals, and Review Authorities with clear objective design standards for Valley Oaks. The intent is to add certainty in the architectural design



process by providing acceptable standards for a range of alternative architectural styles that enhances the project's unique character and sense of place, respects existing neighborhood compatibility and privacy, and ensures a high-quality living environment.

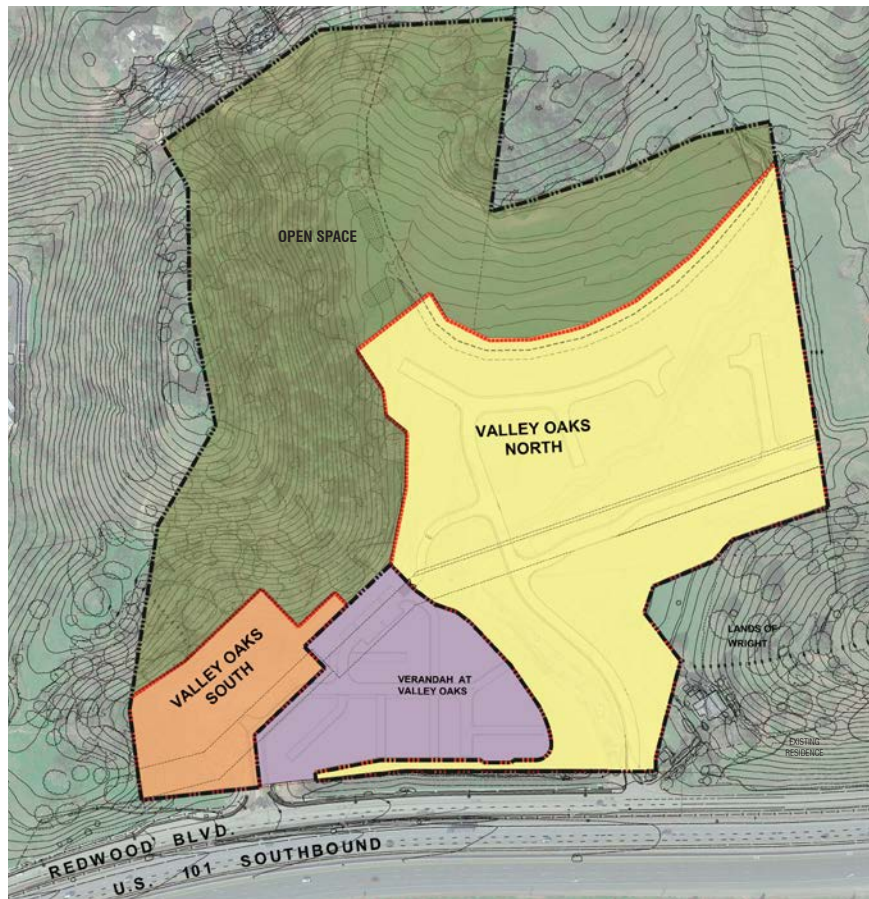
The AOS address particular architectural styles. These AOS pertain to buildings, not site planning, zoning or building codes. These Standards focus on features characteristically found in the chosen styles. As noted in the individual style descriptions, not every design element is required. Instead, the Menus of Features provide direction on design elements that can be used to successfully execute a specific style.

If a design feature is introduced by an applicant that is not included in the provided Menus of Features, it is still acceptable as long as the feature is complimentary to the overall building architecture and authentic to the style.

# Project Description

## 1.2 PROJECT DESCRIPTION

The Property is located on Redwood Boulevard north of the San Marin /Atherton freeway exit in a bowl below the Buck Institute. It is a total of +/- 37.6 acres of which just 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.



**Figure 1-1: Development Area Plan (North and South)**



**Figure 1-2: Precise Plan (North and South)**

Valley Oaks South will comprise of 20 townhomes immediately to the south of Verandah, each with direct access 2-car garages and some may have private roof decks. Guest parking is provided within the site design.

Valley Oaks North will comprise of 61 single-family detached homes and duets. Each home will have a direct access 2-car garage and private yard space. 45 of these homes will have Junior Accessory Dwelling Units (JADUs) on the ground floor, which if rented, would be restricted to very-low income households.



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## SITE DEVELOPMENT OBJECTIVE STANDARDS

### 1.3 SITE DEVELOPMENT OBJECTIVE STANDARDS (SDOS)

The Site Development Objective Standards for Valley Oaks shall be those standards shown on the approved Precise Plan site plan, the Vesting Tentative Map, and Tables 1-1 and 1-2 and Figures 1-1 through 1-6 of this document, otherwise as shown in the Novato Municipal Code. In the case of any conflict, the Approved Vesting Tentative Map shall prevail.

Please refer to Tables 1-1 and 1-2 for Development Standards in addition to Figures 1-3 and 1-4 which illustrate setbacks per building type. Figure 1-5 exhibits a section taken between two of the buildings in Valley Oaks South.



Table 1-1: Site Development Standards*			
	Valley Oaks North		Valley Oaks South
	Single Family Detached	Duets	Multi-Family
<b>Density</b>			
Dwelling Units per Acre	5.1 to 10.0	5.1 to 10.0	20.1 to 30
Min. Lot Size- Area	3,000 sf.	2,000 sf.	8,000 sf.
Maximum No. Dwellings	1 unit per 3,000 sf. of lot area	1 unit per 2,000 sf. of lot area	1 unit per 8,000 sf. of lot area
Min. Lot Depth	75'	75'	50'
Min. Lot Width	45'	30'	100'
<b>Setbacks</b>			
Front [4]	8' to a Roofed Porch 10' to Living Space 19' to Garage	8' to a Roofed Porch 10' to Living Space 19' to Garage	Minimum setback of 3' from edge of vehicle drive aisle to roofed porches, living spaces, and garages [5].
Side, Each [4]	4'	4'	4' / 8' Building Separation
Street Side [4]	8' 19' if garage	8' 19' if garage	8'
Rear [4]	10' [1]	10' [1]	Minimum setback of 3' from edge of vehicle drive aisle to roofed porches, living spaces, and garages [5].
Building to Building Separation (in private drive)	-	-	26'
Building Coverage [2]	55%	55%	60%
Height Limit [3]	35'	35'	45'
<b>Parking</b>			
Parking	2 Spaces per Unit	2 Spaces per Unit	2 Spaces per Unit; Guest 1 Space per each 3 Units
Notes: [1] When a residential lot has no rear property line or a rear property line with an angle that deviates more than 15 degrees from a 90 degree angle, a 5-foot setback from the rear property line (or the side property line in the case of a triangular lot) is allowed for a building element if the building element does not occupy more than 35 percent of the required rear yard setback area. A one-story building element is allowed when the rear-yard abuts another residential lot. A two-story building element is allowed (i) in the case of a triangular lot with no rear property line, and (ii) when the rear-yard does not abut another residential lot. [2] Maximum percentage of site / lot area that may be covered by structures. [3] Maximum allowed height of structures. [4] Allowed projections Per City's Municipal Code. * Hillside Standards are not applicable since Development Areas do not exceed 10% slope.			[5] 6' (min) separation building elevation to pedestrian access areas (sidewalks and other paths) if any located in common open space areas.

# Site Development Objective Standards

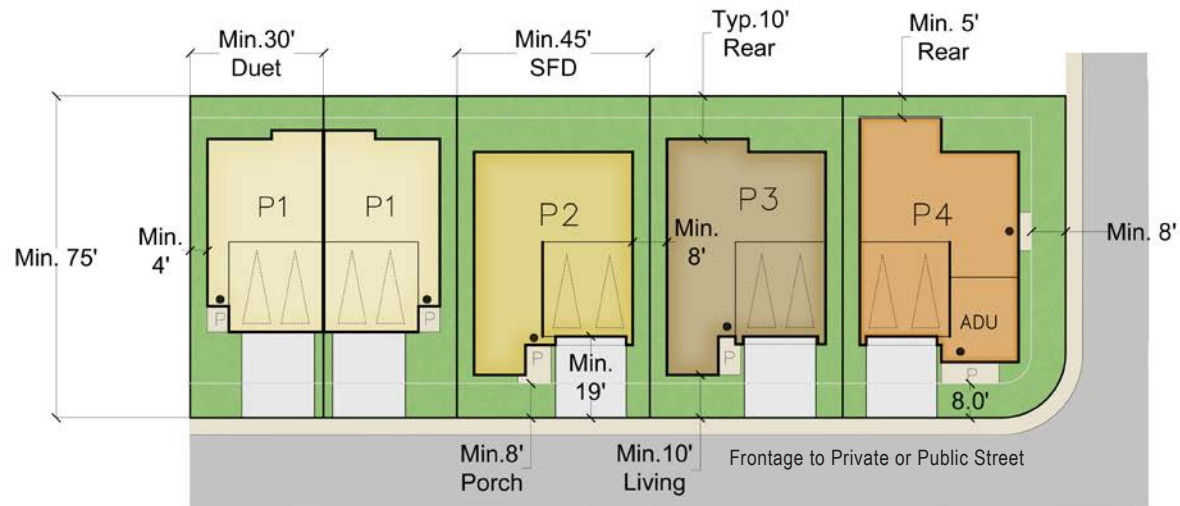
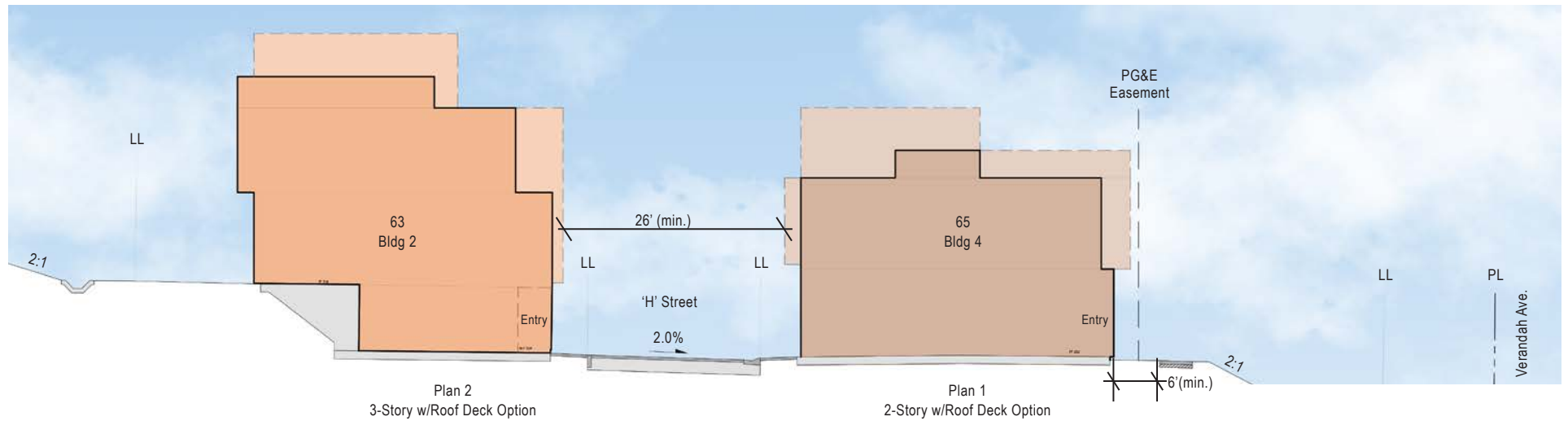


Figure 1-3: Single Family Detached / Duet Plotting Diagram



**Figure 1-4: Townhome Plotting Diagram**



**Figure 1-5: Valley Oaks South Section Diagram**



# Site Development Objective Standards

Table 1-2: Landscape Standards (Applies to both Valley Oaks North and Valley Oaks South)	
Element	Requirement
Applicability	All landscaped areas (excludes open space areas, fuel break area and wetlands including setbacks).
Irrigation	All landscaped areas
Phasing	Landscaping may be phased
Trees	Not permitted within the PG & E easement areas
Number of Trees – Street Setback	1 per 200 sf. of landscaped areas within street setback
Number of Trees – Outside Street Setback	1 per 600 sf. of landscape area
Street Trees	1 per 40' of length of right-of-way
Artificial or synthetic ground cover/ shrubs	Not permitted except in Central Community Space, Mixed Use Areas and Multi-Age Play Areas
Turf	Not permitted in front yards
Lot Fencing	Per Approved Precise Plan
Unit Fencing	Per Approved Precise Plan
Trees & Protection Standards	
Trees adjacent to riparian areas, wetlands	Native trees only to be protected and preserved unless impacting slope stability
Mitigation Ratio	3:1 native trees only
Wetland Protection & Mitigation	
On-Site Mitigation Ratio	1:1
Off-Site Mitigation Ratio	1:1
Wetland Buffer (Minimum)	0
Waters Buffer (Minimum)	25'

Table 1-2: Landscape Standards (Applies to both Valley Oaks North and Valley Oaks South)	
Element	Requirement
Engineering	
Sidewalk – Limited Residential Street	One side only
Sidewalk – Minor Residential Street	None
Sidewalk – Residential Street	One side only
Limited Residential Street Right-of-Way	24'
Minor Residential Street Paved Width Curb-to-Curb (Minimum)	24' except for Multi Family (20')
Minor Residential Street Right-of -Way (Minimum)	28' except for Multi Family (21')
Residential Street Paved Width Curb-to-Curb (Minimum)	24'
Residential Street Right-of-Way (Minimum)	30'
Emergency Vehicle Access Street	Refer to VTM



## 1.4 ARCHITECTURAL STYLE MIX

Valley Oaks North should be designed for compatibility within itself, using a blend of architectural styles and a balanced palette of colors and materials. Although visual character is encouraged from one house to the next, architectural designs shall avoid clashing in order to achieve harmony.

Different plans are defined as those with variation in either floor plans, massing, or bedroom count. In order to ensure architectural diversity, the following is encouraged:

- Like elevations cannot be plotted adjacent to or immediately across the street from one another.
- The plan and elevation style on the two adjacent homes and on the one lot most directly across from it shall be different.
- The color scheme on the two adjacent homes and on the three lots most directly across from it shall be different.

Refer to Figure 1-6 and 1-7 for examples illustrating visual diversity.



**Figure 1-6: Plan and Elevation Diversity Diagram (SFD)**

**Figure 1-7: Color Scheme Diversity Diagram (SFD)**

### *Criteria (minimums):*

Single Family Detached:

- 3 floorplans
- 3 elevation styles
- 2 color schemes per elevation

Duets:

- 1 floorplan
- 3 elevation styles
- 2 color schemes per elevation

Townhomes:

- 2 floorplans
- 1 elevation style
- 1 color scheme per elevation



# ARCHITECTURAL OBJECTIVE STANDARDS

## 1.5 ARCHITECTURAL OBJECTIVE STANDARDS (AOS)

Massing, character and detailing of an architectural style should be expressive of and authentic to that style. Traditional architecture is based on recognizable, authentic and historically derived forms, materials and details that reasonably represent a particular style.

Adapted or progressive elevations focus on character-defining elements but allow for the integration of modern materials, colors, forms, details, and artistic interpretation to generate a more contemporary, yet recognizable, expression of a traditional architectural style.

The Architectural Objective Standards strive for authentic architecture that can be adapted to current design preferences and construction practices. The following pages contain Menus of Features for each style to provide architectural design inspiration and direction. The following architectural styles have been chosen for Valley Oaks:

- Contemporary
- Craftsman
- Farmhouse
- Mediterranean



## Contemporary

*(Applies to Valley Oaks South and Valley Oaks North)*

The Contemporary style is often composed of simple, geometric forms with generous window areas, accented by materials and/or colors. Contemporary balcony railings and canopies may be an additional touch. Flat roofs are typical but pitched roofs may also be utilized. Details that enhance the building such as corners wrapped with glass or color blocking to articulate the massing can also contribute to the building's aesthetic. Although contemporary buildings can successfully boast an all-white stucco façade, other colors and architecture features such as siding, or panels can be used. Windows help articulate the form too and may be in horizontal or vertical compositions.

The following Menu of Features provides directions to implement the Contemporary style. Not all features need to be used. Purposeful design is key such as windows being placed in logical locations and roof forms that follow the footprint. Items that are not listed on the following menu but are provided in a plan set are acceptable if they are authentic to the Contemporary vernacular.



# Contemporary Style Illustrative Architecture





## Contemporary Menu of Features/Standards

(Not all features need to be included in every building.)	(Not all features need to be included in every building.)	(Not all features need to be included in every building.)
<b>Roof Component (Primary Roof)</b>	<b>Entry (Primary and JADUs)</b>	<b>Exterior Materials</b>
<p>Appropriate roof forms:</p> <ul style="list-style-type: none"> <li>• Flat without parapet</li> <li>• Flat with parapet</li> <li>• Gable</li> <li>• Hip</li> <li>• Shed</li> <li>• Roof pitch: flat up to 12:12</li> </ul>	<p>Front Entry elements (1 per entry):</p> <ul style="list-style-type: none"> <li>• Porch</li> <li>• Stoop</li> <li>• Roof canopy/awning</li> </ul>	<p>Appropriate exterior wall materials include (other materials may be proposed):</p> <ul style="list-style-type: none"> <li>• Brick veneer</li> <li>• Stone veneer</li> <li>• Stucco</li> <li>• Horizontal or vertical siding</li> <li>• Poured in place concrete</li> <li>• Concrete block</li> <li>• Cementitious board</li> <li>• Ceramic tiles</li> <li>• Metal</li> </ul>
<p>Break in roofline for roofs longer than 30': Variation may be accomplished by changing the roof height, offsets, direction of slope and/or projections.</p>	<p><b>Windows</b></p> <p>Appropriate window style:</p> <ul style="list-style-type: none"> <li>• Windows with no grids</li> </ul>	<p>Appropriate railing materials:</p> <ul style="list-style-type: none"> <li>• Metal railing with cables</li> <li>• Wood/composite railing</li> <li>• Glass panel railing</li> </ul>
<b>Roof Component (Accent Roof)</b>	<p>Windows on all exterior sides of structures. Window sizes shall comply with CBC/CRC.</p>	<p>Building ornamentation</p> <ul style="list-style-type: none"> <li>• Window awnings (shall not be on every window)</li> </ul>
<p>Appropriate roof forms:</p> <ul style="list-style-type: none"> <li>• Shed</li> <li>• Hip</li> <li>• Gable</li> <li>• Flat</li> <li>• Roof pitch: flat up to 12:12</li> </ul>	<p>Appropriate window frame material:</p> <ul style="list-style-type: none"> <li>• Wood</li> <li>• Metal</li> <li>• Fiberglass</li> <li>• Vinyl</li> <li>• Composite</li> </ul>	<b>Acceptable Roof Materials</b>
<b>Walls</b>	<b>Exterior Doors</b>	<p>Appropriate types of roof materials include:</p> <ul style="list-style-type: none"> <li>• Composition shingles</li> <li>• Clay or flat concrete tile roofs</li> <li>• Metal</li> <li>• Composite roofing materials made of recycled natural fiber and recycled plastic</li> <li>• Tar, gravel, composition, or elastomeric materials (concealed by a parapet/cornice)</li> </ul>
<p>4-Sided Architecture [1]: Minimum 1 material, Maximum 3 materials, and/or color variation per elevation side.</p>	<p>Appropriate door styles:</p> <ul style="list-style-type: none"> <li>• Solid</li> <li>• Door with horizontal panels</li> <li>• Door with glazing</li> </ul>	
<p>Wall articulation: offset of 18" (minimum) in depth to at least one story of a wall plane that exceeds 30' in linear length.</p>	<b>Exterior Trim</b>	
<p>Footnote [1]: 4-sided architectural details apply to façades facing directly toward public/private streets and/or open space. Façades located on interior lot, not visible to the public, may have significant less architectural detail.</p>	<p>Appropriate trim material (if being used):</p> <ul style="list-style-type: none"> <li>• Wood/composite wood</li> <li>• Stucco</li> <li>• Metal</li> </ul>	
	<p>Trim (if used): 2" width (nominal minimum) around windows and/or exterior doors.</p>	

# Contemporary Architectural Features/Standards Examples



**Contemporary Roof Styles**



**Wall Articulation**



**Entry Porch/Stoop**



**Windows without Grids**



**Window Frame Material Example: Metal**



**Door Design Example: With Glazing**



**Trim Example: No Trim Used**



## Craftsman

*(Applies to Valley Oaks North)*

The Craftsman style was inspired by the English Arts and Crafts Movement of the late 19th century. Of the utmost importance was that design details received both tasteful and “artful” attention. The movement influenced numerous California architects such as Greene and Greene, and Bernard Maybeck.

The resulting Craftsman style responded with built-in elements and by treating elements such as windows or ceilings as if they were furniture. The style was further characterized by the rustic texture of building materials, broad overhangs with exposed rafter tails at the eaves and trellises over the porches. The overall effect was the creation of a natural, warm and livable home.

The following Menu of Features provides directions to implement the Craftsman style. Not all features need to be used. Purposeful design is key such as windows being placed in logical locations and roof forms that follow the footprint. Items that are not listed on the following menu but are provided in a plan set are acceptable if they are authentic to the Craftsman vernacular.





# Craftsman Style Illustrative Architecture





## Craftsman Menu of Features/Standards

(Not all features need to be included in every building.)
<b>Roof Component (Primary Roof)</b>
Appropriate roof forms: <ul style="list-style-type: none"> <li>• Gable</li> <li>• Hip</li> <li>• Shed</li> <li>• Roof pitch: 3.5:12 to 8:12</li> </ul>
Break in roofline for roofs longer than 30': Variation may be accomplished by changing the roof height, offsets, direction of slope, and by including elements such as dormers.
<b>Roof Component (Accent Roof)</b>
Appropriate roof forms: <ul style="list-style-type: none"> <li>• Gable</li> <li>• Shed</li> <li>• Hip</li> <li>• Roof pitch: 3.5:12 to 8:12</li> </ul>
<b>Exterior Walls</b>
4-Sided Architecture [1]. Minimum 1 material, Maximum 3 materials, and/or color variation per elevation side.
Wall articulation (applies to front and rear elevation sides): offset of 18" (minimum) in depth to at least one story of a wall plane that exceeds 30'in linear length.
<b>Entry (Primary and JADUs)</b>
Front Entry elements (1 per entry): <ul style="list-style-type: none"> <li>• Porch or stoop</li> <li>• Roof canopy</li> <li>• Trellis</li> </ul>

(Not all features need to be included in every building.)
<b>Windows</b>
Appropriate window styles: <ul style="list-style-type: none"> <li>• Windows with grids (typically on upper portion of window only)</li> <li>• Vertically or horizontally proportioned windows</li> <li>• Grouped windows/ribbon windows</li> <li>• Square windows</li> </ul>
Windows on all exterior elevation sides. Window sizes shall comply with CBC/CRC.
Appropriate window frame material (when included): <ul style="list-style-type: none"> <li>• Wood</li> <li>• Metal</li> <li>• Fiberglass</li> <li>• Vinyl</li> <li>• Composite</li> </ul>
<b>Details</b>
Appropriate details (choose 2 per elevation minimum): <ul style="list-style-type: none"> <li>• Knee brace</li> <li>• Brackets</li> <li>• Exposed rafter tails</li> <li>• Window trim</li> <li>• Extended eaves (12" gable/rake ends, 18" min for extended).</li> <li>• Porch with square or tapered columns</li> <li>• With or without stone/brick veneer base of columns</li> </ul>

Footnote [1]: 4-sided architectural details apply to façades facing directly toward public/private streets and/or open space. Façades located on interior lot, not visible to the public, may have significant less architectural detail.

(Not all features need to be included in every building.)
<b>Exterior Doors</b>
Appropriate door styles: <ul style="list-style-type: none"> <li>• Solid</li> <li>• Door with wood and/or window panels</li> </ul>
<b>Trim</b>
Appropriate trim material: <ul style="list-style-type: none"> <li>• Wood</li> <li>• Simulated wood</li> <li>• Stucco</li> </ul>
Trim: on all sides of windows (top, bottom, sides), trim typical on exterior doors. <ul style="list-style-type: none"> <li>• 3.5" width (nominal minimum)</li> </ul>
<b>Exterior Materials</b>
Appropriate building materials include (other materials may be proposed): <ul style="list-style-type: none"> <li>• Stucco</li> <li>• Board and batt</li> <li>• Wood/composite wood</li> <li>• Horizontal or vertical siding (may be composite)</li> <li>• Shingle siding (may be composite)</li> <li>• Stone veneer</li> <li>• Brick veneer</li> </ul>
Appropriate railing materials: <ul style="list-style-type: none"> <li>• Wood or composite wood posts and railing</li> <li>• Other composite material posts and railing</li> </ul>
<b>Acceptable Roof Materials</b>
Appropriate types of roof materials include: <ul style="list-style-type: none"> <li>• Concrete tile with slate or shake pattern</li> <li>• Flat concrete tile</li> <li>• Architectural grade asphalt shingle (shall be multi-layer, high definition)</li> </ul>

# Craftsman Architectural Features/Standards Examples



**Craftsman Roof Styles and Form**



**Wall Articulation**



**Entry Porch**



**Windows with Grids**



**Window Frame Material Example: Composite**



**Detail Examples: Window Trim, Rafter Tails, Column with Stone Base**



**Door Examples: with Window Panels**





## Farmhouse

*(Applies to Valley Oaks North)*

The American Farmhouse represents a practical and picturesque country house. Its beginnings are traced to both Colonial styles from New England and later the Midwest. As the American Frontier moved westward, the American Farmhouse style evolved according to availability of materials and technological advancements.

Predominant features of the style are front and/or wrapping porches with a variety of wood columns and railings. Two-story massing, dormers and symmetrical elevations occur most often on the New England Farmhouse variations. The asymmetrical, casual cottage look, with a more decorated appearance, is typical of the Midwest American Farmhouse. Roof ornamentation is a characteristic detail consisting of cupolas, weathervanes, and dovecotes (these are not required).

Due to the simple and honest nature of this architectural form, the Farmhouse style can be easily adapted to a more abstract solution. The modernized Farmhouse style blends the sleek clean lines of contemporary design with warm farmhouse charm to create a uniquely fresh take on this country living inspired style.

The following Menu of Features provides directions to implement the Farmhouse style. Not all features need to be used. Purposeful design is key such as windows being placed in logical locations and roof forms that follow the footprint. Items that are not listed on the following menu but are provided in a plan set are acceptable if they are authentic to the Farmhouse vernacular.



# Farmhouse Style Illustrative Architecture





## Farmhouse Menu of Features/Standards

(Not all features need to be included in every building.)	(Not all features need to be included in every building.)	(Not all features need to be included in every building.)
<b>Roof Component (Primary Roof)</b>	<b>Windows</b>	<b>Trim</b>
Appropriate roof forms: <ul style="list-style-type: none"> <li>• Gable</li> <li>• Hip</li> <li>• Shed</li> <li>• Roof pitch: 3.5:12 to 12:12</li> </ul>	Appropriate window styles: <ul style="list-style-type: none"> <li>• Windows with or without grids</li> <li>• Vertically or horizontally proportioned</li> </ul>	Appropriate trim material: <ul style="list-style-type: none"> <li>• Wood</li> <li>• Composite wood</li> <li>• Stucco</li> </ul>
Break in roofline for roofs longer than 30': Variation may be accomplished by changing the roof height, offsets, direction of slope, and by including elements such as dormers.	Windows on all exterior elevation sides. Window sizes shall comply with CBC/CRC.	Trim: 2" width (minimum) if applied to windows or doors.
<b>Roof Component (Accent Roof)</b>	<b>Appropriate window frame material:</b>	<b>Building Materials</b>
Roof pitch: 3.5:12 to 12:12	<ul style="list-style-type: none"> <li>• Wood</li> <li>• Metal</li> <li>• Fiberglass</li> <li>• Vinyl</li> <li>• Composite</li> </ul>	Appropriate building materials include (other materials may be proposed): <ul style="list-style-type: none"> <li>• Stucco</li> <li>• Board and batt</li> <li>• Horizontal or vertical siding</li> <li>• Stone veneer</li> <li>• Brick veneer</li> </ul>
Appropriate roof forms: <ul style="list-style-type: none"> <li>• Gable</li> <li>• Shed</li> </ul>	<b>Details</b>	Appropriate railing materials: <ul style="list-style-type: none"> <li>• Wood or composite wood posts and railing</li> </ul>
<b>Walls</b>	Appropriate details (choose 1 per elevation minimum): <ul style="list-style-type: none"> <li>• Shutters</li> <li>• Simple gable ends</li> <li>• Pot shelves</li> <li>• Window trim</li> <li>• Decorative louvers vents</li> </ul>	<b>Acceptable Roof Materials</b>
4-Sided Architecture [1]. Minimum 1 material, Maximum 3 material, and/or color variation per elevation side.	<b>Exterior Doors</b>	Appropriate types of roof materials include: <ul style="list-style-type: none"> <li>• Concrete tile with slate or shake pattern</li> <li>• Architectural grade asphalt shingle (shall be multi-layer, high definition)</li> <li>• Metal</li> </ul>
Wall articulation (applies to front and rear elevation sides): offset of 18" (minimum) in depth to at least one story of a wall plane that exceeds 30' in linear length.	Appropriate door styles: <ul style="list-style-type: none"> <li>• Solid</li> <li>• Door with panels and/ or with glazing</li> </ul>	
<b>Entry (Primary and JADUs)</b>		
Front Entry elements (1 per entry): <ul style="list-style-type: none"> <li>• Porch</li> <li>• Stoop</li> <li>• Roof canopy</li> <li>• Trellis</li> </ul>		

Footnote [1]: 4-sided architectural details apply to façades facing directly toward public/private streets and/or open space. Façades located on interior lot, not visible to the public, may have significant less architectural detail.

# Farmhouse Architectural Features/Standards Examples



**Farmhouse Roof Styles and Form**



**Wall Articulation**



**Entry Porch**



**Window Example: With Grids**



**Window Frame Material Example: Composite**



**Detail Examples: Window Trim, Shutters, Decorative Louvre Vent**



**Door Examples: with Panels and with Glazing**





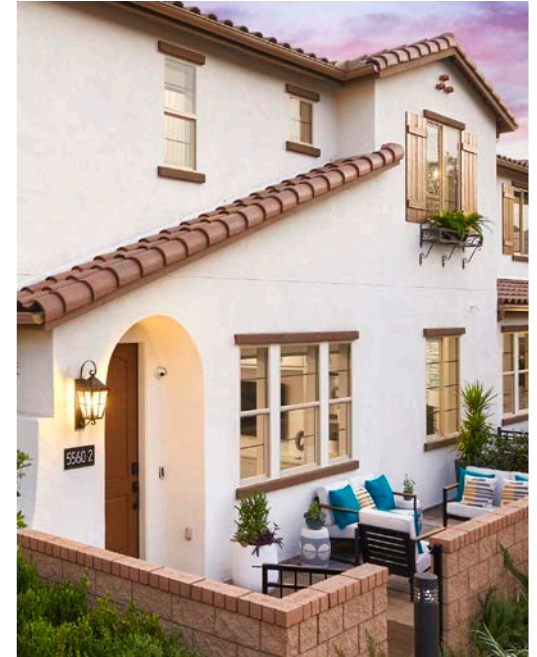
## Mediterranean

*(Applies to Valley Oaks North)*

The Mediterranean style is a prime example of an old-world traditional style adapted to California climate and aesthetic. This traditional style has been refined, transformed, and embellished into a truly eclectic classic style.

This style elicits a rustic character, expressed in warm colors, textures, materials and simple massing. Elements such as S-tile, arched features, and metal are commonly provided on the Mediterranean style. Use of classically shaped decorative trim elements, columns, and cornice details are characteristic but not mandatory.

The following Menu of Features provides directions to implement the Mediterranean style. Not all features need to be used. Purposeful design is key such as windows being placed in logical locations and roof forms that follow the footprint. Items that are not listed on the following menu but are provided in a plan set are acceptable if they are authentic to the Mediterranean vernacular.





# Mediterranean Style Illustrative Architecture





## Mediterranean Menu of Features/Standards

(Not all features need to be included in every building.)	(Not all features need to be included in every building.)	(Not all features need to be included in every building.)
<b>Roof Component (Primary Roof)</b>	<b>Windows</b>	<b>Building Materials</b>
Appropriate roof forms: <ul style="list-style-type: none"> <li>• Gable</li> <li>• Hip</li> <li>• Shed</li> <li>• Flat roof with parapet</li> <li>• Roof pitch: flat up to 6:12</li> </ul>	Appropriate window styles: <ul style="list-style-type: none"> <li>• Windows with no grids</li> <li>• Windows with grids</li> <li>• Arched feature window</li> <li>• Horizontally or vertically proportioned</li> <li>• Grouped windows</li> </ul>	Appropriate building materials include (other materials may be proposed): <ul style="list-style-type: none"> <li>• Stucco</li> <li>• Stone veneer</li> <li>• Brick veneer</li> <li>• Ceramic tiles</li> <li>• Metal accents</li> </ul>
Break in roofline for roofs longer than 30': Variation may be accomplished by changing the roof height, offsets, direction of slope, and by including elements such as dormers.	Windows on all elevation sides. May not be applicable in conditions or narrow attached homes and size shall comply with CBC/CRC.	Appropriate railing materials: <ul style="list-style-type: none"> <li>• Metal or wood/composite wood railing</li> </ul>
<b>Roof Component (Accent Roof)</b>	<b>Appropriate window frame material:</b>	<b>Details</b>
Appropriate roof forms: <ul style="list-style-type: none"> <li>• Shed</li> <li>• Hip</li> <li>• Gable</li> <li>• Flat roof with parapet</li> <li>• Roof pitch: flat up to 6:12</li> </ul>	<ul style="list-style-type: none"> <li>• Wood</li> <li>• Metal</li> <li>• Fiberglass</li> <li>• Vinyl</li> <li>• Composite</li> </ul>	Choose 2 per elevation (minimum): <ul style="list-style-type: none"> <li>• Decorative ornamentation</li> <li>• Tile or stone accents</li> <li>• Decorative vents (if authentic to the derivative Mediterranean style)</li> <li>• Archways or arched features</li> <li>• Wrought iron or metal railings, gates, or grilles</li> <li>• Shutters (if authentic to the derivative Mediterranean style)</li> <li>• Corbels</li> <li>• Wood posts or beams (composite wood is acceptable)</li> </ul>
<b>Walls</b>	<b>Doors</b>	<b>Acceptable Roof Materials</b>
4-Sided Architecture [1]. Minimum 1 material, Maximum 3 materials, and/or color variation per elevation side.	Appropriate door styles: <ul style="list-style-type: none"> <li>• Solid</li> <li>• Door with grooves</li> <li>• Door with glass</li> <li>• Panel door</li> </ul>	Appropriate types of roof materials: <ul style="list-style-type: none"> <li>• S-tile</li> <li>• Flat tile</li> </ul>
Wall articulation (applies to front and rear elevation sides): offset of 18" (minimum) in depth to at least one story of a wall plane that exceeds 30' in linear length.	<b>Trim</b>	
<b>Entry</b>	Appropriate trim material: <ul style="list-style-type: none"> <li>• Wood/Composite Wood</li> <li>• Stucco</li> </ul>	
Front Entry elements (1 per entry): <ul style="list-style-type: none"> <li>• Porch</li> <li>• Arched feature</li> <li>• Trellis</li> </ul>	Trim: 2" width (minimum) if applied to windows or doors.	

Footnote [1]: 4-sided architectural details apply to façades facing directly toward public/private streets and/or open space. Façades located on interior lot, not visible to the public, may have significant less architectural detail.

# Mediterranean Architectural Features/Standards Examples



**Mediterranean Roof Styles and Form**



**Wall Articulation**



**Entry Porch**



**Window Example: With Grids**



**Window Frame/Trim Example: Composite Frame/Stucco Trim**



**Detail Examples: Metal Accents, Decorative Ornamentation, Shutters**



**Door Example: Panel Door with Arch Feature**



**EXHIBIT B**

**VALLEY OAKS  
REDWOOD BLVD  
APNS 125-580-34 AND 125-580-37**

**NOVATO GENERAL PLAN  
CONSISTENCY FINDINGS**

The Planning Commission hereby finds the Project to be consistent with the Novato General Plan, including, but not limited to, the following applicable General Plan policies and programs:

**NOVATO GENERAL PLAN 2035**

***LAND USE CHAPTER***

**LU 1 Implementation of Land Use Map.** Implement the Land Use Map (GP-1) and Land Use Designations (Table GP-3) by approving development and conservation projects consistent with the adopted land use designations, densities, and intensities. Ensure consistency between the General Plan, Zoning Ordinance, and other land use regulations.

**LU 1b Development Consistent with General Plan.** Allow development at any density within the range shown by the Land Use Designations Map provided applicable objectives, policies and programs of all chapters of the General Plan are met. Maximum densities (top of stated density range applied to total gross acreage) may in some cases be achieved, but there is no guarantee of achieving the maximum density.

*Facts in Support:* The Project is consistent with the Open Space (OS), Medium Density Residential (R5), and High Density Multiple Family Residential (R20) land use designations of General Plan 2035 as applied to the Project Site. In particular, land uses and residential densities proposed for the Project are consistent with those allowed by the noted land use designations.

The Project includes 81 residential units plus junior accessory dwelling units on an 18±-acre portion of the 38±-acre site. The remaining 20± acres would be designated OS. The OS area would remain free of structures and improvements except for limited passive recreation uses and improvements consistent with the OS land use designation. The residential portions of the Project are consistent with the densities of the R5 (5.1 to 10.0 DUA) and R20 (20.1 to 30.0 DUA) designations. The residential net developable area subject to the R5 designation is 11.16 acres, resulting in a net density of 5.5 units per acre. The residential net developable area subject to the R20 designation is 0.713 acres, resulting in a net density of 28.05 units per acre.

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

**LU 4 Development to Pay Fair Share.** Require new development to pay its fair

share of infrastructure improvements and public service costs to maintain infrastructure capacity and service levels in the City, to the extent allowed by law and except as provided by other policies and programs in the Plan.

*Facts in Support:* The Project was referred to the Novato Public Works Department, Novato Sanitary District, North Marin Water District, and the Novato Fire Protection District. These government entities are responsible for ensuring the provision of adequate infrastructure for water, sewer, emergency medical/fire, and stormwater control. Each agency provided draft conditions of approval intended to ensure the Project provides adequate infrastructure. These conditions of approval are applicable to the Project and implemented through the construction design and physical construction phases of the Project. These agencies did not identify any constraints relating to service of the Project on an individual or cumulative basis. The applicant will pay development impact fees, as applicable to the Project.

Based on these facts set forth above and the Record as a whole, the Planning Commission finds the Project to be consistent with and advance Policy LU 4.

**CC 2 Archaeological Resources Protection.** Recognize the importance of protecting significant archaeological resources and implement measures to preserve such resources.

**CC 2A Tribal Cultural Resources Protection.** The City shall comply with AB 52, which may require formal tribal consultation on a project-by-project basis.

*Facts in Support:* The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for Valley Oaks included an analysis of potential impacts to archaeological resources and tribal cultural resources. The analysis concluded there are no known resources at the Project Site, but due to the potential for unknown or unforeseen resources that may be discovered during land disturbance activities, three mitigation measures are recommended should an unknown resource be discovered. The three mitigation measures will reduce potential impacts to a less than significant level. The City notified local Native American tribes of the Project in compliance with AB 52. The City did not receive a request for consultation from the contacted tribes.

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

**CC Hillsides.** Protect Novato's hillsides and ridgelines from erosion, slope failure and visual impacts by limiting the extent and location of new development and ensuring that new development complies with the requirements of the Hillside and Ridgeline Protection ordinance in the Zoning Code.

*Facts in Support:* Most of the areas of the Project Site that are over 25 percent slope are within the Open Space (OS) land use designation area and residential development is clustered at lower elevations of the Site. Residential building pads are below the 40-foot above mean sea level (AMSL) elevation, and the upper elevations of the site near the westerly property lines and southerly property lines exceed 120 feet and near the southerly property lines exceed 190 feet AMSL. Additionally, the Project's residential unit count of 81 primary dwellings is based on the density reduction standards of the Hillside and Ridgeline Protection Ordinance (Novato Municipal

Code Division 19.26).

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

**CC 4 Environmental Constraints.** Assess environmental constraints when considering development of lands with high environmental value (e.g., wetlands or scenic ridgelines) or significant hazards (e.g., soil stability, fire or flood hazards).

*Facts in Support:* The IS/MND included an analysis of potential impacts of the Project on the environment for the 20 topical areas included in the Appendix G checklist of the CEQA Guidelines. The analysis concluded that potentially significant impacts can be mitigated to a less than significant impact through the implementation of feasible mitigation measures. Mitigation measures are recommended for biological resources, cultural resources, geology and soils, hazards/hazardous materials, noise, tribal cultural resources, and wildfire. The recommended mitigation measures are applied to the Project as conditions of approval.

Based on these facts set forth above and the Record as a whole, the Planning Commission finds the Project to be consistent with and advance Policy CC 4.

**CC 12 Compatibility of Development with Surroundings.** Ensure that new development is sensitive to the surrounding architecture, topography, landscaping, and to the character, scale, and ambiance of the surrounding neighborhood, and consistent with adopted City policies and design guidelines. Recognize that neighborhoods include community facilities needed by Novato residents as well as homes, and integrate facilities into neighborhoods.

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

*Facts in Support:* The Project was presented to the Design Review Commission (DRC) at two public workshops and two public hearings. The DRC recommended the Planning Commission and City Council approve the design aspects, including architectural design, of the Project recognizing the proposed development is compatible with the topography and physical constraints at the Project Site and surrounding development. In addition, the DRC supported the objective design standard developed by the Applicant to guide the architectural design, including finish materials, of the new residences proposed at Valley Oaks.

Based on these facts set forth above and the Record as a whole, the Planning Commission finds the Project to be consistent with and advance policies CC 12 and 13.

## ***HOUSING ELEMENT***

**HO 1.2 Adequate Supply of Housing Sites.** Ensure an adequate supply of housing sites to achieve the City's RHNA numbers for the 2023-2031 planning period.

**HO 2.1 Supply of Affordable Housing.** Promote the development of homes that are

affordable to extremely low-, very low-, low-, and moderate-income households in all new residential developments, as well as in existing single-family neighborhoods.

*Facts in Support:* The Project Site is listed in the Housing Element as a “pipeline project” and was acknowledged to potentially contribute to meeting the City’s Regional Housing Need Allocation (RHNA) of 2,090 units. The Project will reserve at least 20 percent of the 81 proposed dwelling units as affordable housing consistent with the City’s inclusionary affordable housing ordinance (Novato Municipal Code Division 19.24). In addition, the Project includes up to an additional 49 junior accessory dwelling units (JADUs) which are considered affordable by design based on the unit sizes (less than 500 square feet).

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with Policies HO 1.2 and 2.1.

## ***ENVIRONMENT***

**ES 1 Ecology of Creeks and Streams.** Preserve and enhance the ecology of creeks and streams, including riparian vegetation. Prohibit further degradation and require restoration of previously-degraded riparian areas as a condition of development approval when restoration is feasible, taking into account the project’s size and cumulative impacts.

**ES 1a Waterway and Riparian Protection.** Ensure that new development complies with the requirements of the Waterway and Riparian Protection ordinance in the Zoning Code for watercourses shown on Figure ES-1.

*Facts in Support:* The Applicant submitted a Biological Resources Analysis (BRA) that analyzed the Project to identify any impacts the development could have on biological resources from the construction and operation of the Project. As part of the IS/MND, the City’s consultant peer reviewed the Applicant’s BRA. The IS/MND, based on the BRA, identified four mitigation measures necessary to reduce potentially significant impacts to biological resources to a less than significant level. Implementation of feasible mitigation measures will ensure that biological resources are protected. The recommended mitigation measures are applied to the Project as conditions of approval.

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

**ES 6 Wetlands Ecology.** Preserve and enhance wetlands ecology.

**ES 6a Wetland Protection.** Ensure that new development complies with the requirements of the Wetland Protection and Restoration ordinance in the Zoning Code

*Facts in Support:* The Project Site includes 1.6 acres of wetlands and 0.11 acres of other regulated waterways. Approximately 0.39 acres of wetlands would be impacted by the Project. Permits from the Regional Water Quality Control Board and US Army Corps of Engineers will be required prior to any construction activities that could impact the wetlands. Mitigation Measure BIO-3 and BIO-



4 of the IS/MND will ensure compliance with the State and Federal regulations regarding waterways, wetlands, and associated riparian habitat. It is anticipated that on-site wetland replacement will be achieved at a rate of over 1:1 (replacement:loss). Since impacted wetlands will be replaced and result in an increase of wetlands onsite, the Project is consistent with the intent of policies ES 6 and ES 6a. The recommended mitigation measures are applied to the Project as conditions of approval.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with Policies ES 6 and 6a.

**ES 15 Scenic Resources.** Protect visual values on hillsides, ridgelines, and other scenic resources. Development should be located and designed to protect views of important scenic resources identified on Figure ES-6.

**ES 15a Hillside and Ridgeline Protection.** Ensure that new development complies with the requirements of the Scenic Resources Protection Ordinance and the Hillside and Ridgeline Protection Ordinance in the Zoning Code.

*Facts in Support:* The Project Site is not included as a ridgeline and scenic resource on Figure ES-6. The Project has been reviewed for consistency with the City's Hillside and Ridgeline Protection Ordinance. The level of residential development (81 primary dwelling units) was established based on the density reduction factors of the Hillside Ordinance. In addition, residential development is clustered on the lower portions of the Project Site as required by the Hillside Ordinance.

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

**ES 20 Native Woodlands.** Maintain age and species diversity of native woodlands, and preserve the health of trees and other vegetation wherever feasible.

**ES 23 Trees in New Development.** Require that the site planning, construction and maintenance of development preserve existing healthy trees and native vegetation on site to the maximum extent feasible. Replace trees and vegetation not able to be saved.

*Facts in Support:* The Project Site hosts a native oak woodland. The Project does not proposed the development of new structures in the oak woodland area. In addition, this area is designated Open Space (OS) which will preserve the oak woodlands. The Project may result in the loss of some trees, including native vegetation. However, Mitigation Measure BIO-4 of the IS/MND requires any native trees that are removed be replaced at a ratio of 3:1 (replacement:loss). The recommended mitigation measure is applied to the Project as a condition of approval.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with policies ES 20 and ES 23.

## ***LIVING WELL***

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

*Facts in Support:* Outdoor art is proposed to be developed at the Project Site in compliance with Policy LW 12 and Municipal Code Division 19.21.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with Policy LW 12.

**NS 1 Compatibility of New Development.** Protect people in new development from excessive noise by applying the Land Use Compatibility Standards in Figure LW-5 in locating and designing new development.

**NS 1a Acoustical Compatibility Study.** Require an acoustical study for all new residential projects with a future exterior noise exposure of 60 dBA Ldn or greater as shown on Figure LW-6 and consider mitigation measures to lower noise exposure.

**NS 1b Indoor Noise Standard.** The maximum acceptable interior noise level for all new residential development, including hotels and motels, is 45 dBA Ldn.

**NS 1c Residential Near Gross Field.** An acoustical investigation and noise mitigation should be considered for residential development within the 55 dBA CNEL contour. For any residential development where outdoor noise exceeds 60 dBA Ldn require deed disclosure to all residents of the noise levels anticipated.

**NS 1d Exterior Noise Standard.** New residential development should be located in areas where outdoor noise levels are no greater than 60 dBA Ldn in areas where outdoor use is a major consideration, such as backyards in single family developments and recreation areas in multifamily developments. This standard should not be applied to outdoor areas such as small decks and balconies typically associated with multifamily residential developments, which can have a higher standard of 65 dBA Ldn. This standard shall not apply to outdoor areas for residences in mixed use developments. Additional standards may be applied on a case-by-case basis where supported by acoustical analysis to mitigate the effects of single-event noise sources such as aircraft noise.

**NS 2a Acoustic Impact Study.** Require acoustical studies and mitigation measures for new developments and transportation improvements which affect sensitive receptors such as schools, hospitals, libraries, group care facilities, and convalescent homes.

**NS 2b Noise Mitigation.** Consider mitigation measures for new projects or land uses that would cause a substantial increase in noise (i.e., cause an increase above 60 dBA Ldn or cause an increase in 5 dBA Ldn or more in the noise ambient noise levels) in adjacent residential areas or in residential areas affected by traffic generated by the Project.

*Facts in Support:* The IS/MND included an analysis of noise impacts associated with the Project. It was determined that the Project would not have an adverse impact on the environment or future residents with the inclusion of Mitigation Measures N-1 and N-2. Mitigation Measure N-1 would ensure construction-related noise does not adversely impact the existing adjacent residential land uses and N-2 would ensure that new outdoor mechanical equipment does not impact future residents. The analysis also concluded the Project would be consistent with the above-listed policies. The recommended mitigation measures are applied to the Project as conditions of approval.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with NS policies 1, 1a, 1b, 1c, and 1d, and policies NS 2a and 2b.

### ***A CITY THAT WORKS***

**MO 2 Level of Service Standard.** Establish traffic Level of Service (LOS) standards as follows for use in evaluating the impacts of proposed development projects so the project can be redesigned or effective mitigation measures can be implemented, making improvements to the roadway system, and determining appropriate traffic impact fees. Continue to consider LOS standards in evaluating the merits of proposed development or traffic infrastructure projects in addition to consideration of standards associated with Vehicle Miles Traveled (VMT) in the required environmental review process.

Acceptable LOS standards for intersections in the City are:

- a. At intersections with signals or four-way stop signs: operation at LOS D;
- b. At intersections with stop signs on side streets only: operation at LOS E.

*Facts in Support:* The Project has been analyzed to determine if its construction and operation would result in unacceptable levels of service (LOS) at impacted intersections. The analysis determined that vehicle trips associated with the Project would not result in an unacceptable LOS. The future cumulative build-out along the Redwood Boulevard corridor would result in the need for intersection improvements, but the General Plan EIR has mitigation measures in place for the upgrade of impacted intersections based on the anticipated increase in vehicle traffic. Payment of development impact fees will cover the Project's proportionate share for the future intersection improvements.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with Policy MO 2.

**MO 7 Design for Complete Streets.** Incorporate Complete Streets practices in the planning, design and operation of the City's circulation network, where feasible, consistent with the other objectives, policies and programs of the General Plan.

**MO 8 Enhance Multimodal Infrastructure.** When developing plans for new or retrofitted roadways, incorporate infrastructure as appropriate that enhances multimodal circulation in addition to auto circulation, such as sidewalks, pedestrian

paths, bike lanes, pedestrian refuge islands, accessible curb ramps, transit shelters, and pedestrian-scale lighting.

**MO 8b Pedestrian and Bicycle Facilities.** Incorporate pedestrian and bicycle facilities into the design and construction of roadway improvements where practicable, in accordance with the adopted Bicycle and Pedestrian Master Plan. Construct bike facilities according to the standards established by Caltrans and/or other nationally recognized design standards consistent with good engineering practices, adjusting as necessary to minimize impacts to environmentally sensitive areas

**MO 19 Bicycle Parking.** Assure the provision of adequate bicycle parking to encourage bicycle use.

**MO 19a Bike Parking in New Development.** Continue to require new development and use changes to provide adequate bicycle parking.

**MO 20 Safe and Convenient Pedestrian Facilities.** Promote, provide and maintain a safe and convenient pedestrian system, including consideration of lighting, sidewalk condition, road surface conditions, roadway crossings, access points, signage, shade landscaping, and street furniture.

**MO 20a New Development and City Projects.** Require new development projects to include a sidewalk, path or shoulder on all property street frontages as deemed appropriate by City staff, and routinely include projects to close gaps in the pedestrian system on existing streets through the City's Capital Improvement Program.

*Facts in Support:* The Project frontage along Redwood Blvd includes sidewalks and bicycle lanes that connect the Project Site to points north and south, including the San Marin SMART rail station and bus stop. Internal streets will include sidewalks on one side of the street and vehicle volumes will be low since the internal street network does not connect to other off-site streets. Vehicle traffic will be limited to residents, their guests, and typical commercial traffic (e.g., delivery and service vehicles) associated with residential development. Due to the low traffic volumes, bike lanes are not necessary within the Project Site. The proposed internal street design includes narrow vehicle lanes, which should contribute to slower vehicle traffic speeds. The proposed dwellings all have garages that can store bicycles. Additionally, bicycle racks are proposed at common outdoor spaces.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with policies MO 7, 8, 8b, 19, 19a, 20, and 20a.

**SH Policy 1 Seismic and Geologic Hazards.** Reduce the risk of loss of life, personal injury and property damage resulting from seismic and geologic hazards including ground shaking, land sliding, liquefaction and slope failure.

**SH 1a Geotechnical Evaluation.** Require preparation of a report by an engineering geologist or geotechnical engineer for new construction and grading as required by City code on sites in seismically and geologically hazardous areas and for all critical (high occupancy, health or emergency response) structures. These reports should include, but not be limited to: evaluation and recommendations to mitigate the effects of ground shaking, landslides, surficial debris flows, expansive soils, subsidence and settlement, fault displacement, and Bay mud areas. Implement the recommendations of geotechnical reports through the planning, grading and building permit processes.

*Facts in Support:* A geotechnical investigation, dated January 12, 2023, was prepared and submitted to the City regarding the feasibility of constructing the Project at the Project Site. The investigation concluded the Project is geotechnically feasible and site conditions are suitable for the proposed improvements. The investigation includes design and construction recommendations regarding undocumented existing fill and expansive soils. The report also includes recommendations regarding earthwork, building foundations, retaining walls, pavement design, and construction monitoring. Mitigation Measure GEO-1 will help ensure that the Project is constructed consistent with the geotechnical engineer's recommendations. The recommended mitigation measure is applied to the Project as a condition of approval.

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

**SH 3 Fire Hazards.** Reduce the risk of loss of life, personal injury and property damage resulting from wildland and urban fire hazards through code enforcement and coordination with the Novato Fire Protection District.

**SH 3a Fire Risk in New Development.**

1. Review all development proposals for fire risk, and require mitigation measures to reduce the probability of fire. Require all new development and substantial remodels to meet the adopted state and local fire codes. Refer all applications for new development that is subject to NFPD regulation to the District for review, comment and conditions of approval.
2. Encourage attractive native and drought-tolerant, low-maintenance landscaping responsive to fire hazards.
3. Require adequate access for emergency vehicles, adequate street width and vertical clearance, driveway access and parking restrictions for new development.
4. Ensure new development meets the peak load water supply standard for fire hydrants of the Novato Fire Protection District. 5. All development that includes private access roads or fire roads shall provide recorded access rights and keys to any gates to the Novato Fire Protection District.

**SH 3c Wildland-Urban Interface.** Require new development within Wildland-Urban Interface (WUI) areas shown on Figure CW-5 to develop and implement a Vegetation Management Plan in accordance with City and Fire District regulations and requirements.

*Facts in Support:* The Novato Fire Protection District has reviewed the Project and recommended conditions of approval to ensure that WUI standards regarding building design and construction meets minimum WUI standards and that a vegetation management plan be approved and implemented at the Project Site. Additionally, Mitigation Measure WF-1 requires a post-fire erosion control plan to be implemented to reduce potential impacts concerning landslides that may result from post-fire runoff, slope instability, or drainage changes. The recommended mitigation measure is applied to the Project as a condition of approval.

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

**PF 3 Water Supply.** Work with the North Marin Water District to ensure an adequate water supply for new and existing development.

*Facts in Support:* The North Marin Water District has reviewed the Project and determined there is adequate water supply and delivery infrastructure to serve the Project. Recycled water infrastructure will be included for outdoor irrigation purposes.

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

**EXHIBIT C**

**Valley Oaks**

**Redwood Blvd**

**APNs 125-580-34 and 125-580-37**

**General Project Conditions of Approval**

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

1. The Applicant, property owner, or any successor in interest to the Project, shall develop the Project in compliance with the applicable mitigation measures, as detailed in the Mitigation Monitoring and Reporting Program, as set forth in Exhibit B, attached hereto and incorporated as conditions of approval by reference.
2. The Project shall be constructed in accordance with the Vesting Tentative Map (13 Sheets; C.1 – C.13), prepared by CBG Civil Engineers, dated October 20, 2023 (referred to herein as Tentative Map), Fire Access Exhibit, prepared by CBG Civil Engineers, dated October 20, 2023, each prepared for the Valley Oaks Project. Lots 1 through 61 are approved for attached and detached single-family residences and Lots 62 through 65 are approved for condominium airspace ‘lots’ for a total of 20 units. Parcels A through S are common parcels to be owned and maintained by a Homeowner’s Association and are not approved for residential development.
3. The vesting tentative subdivision map shall remain valid for 24 months from the date of approval. If the vesting tentative subdivision map is granted an extension(s) pursuant to Novato Municipal Code, Division 9-7.
4. The approval granted herein shall not become effective until all appropriate fees billed by the City of Novato to the application account are paid in full in accordance with the City’s Cost Based Fee System. Failure to pay said fees may result in the City withholding issuance of related building permits, certificate of occupancy, and recordation of final maps or other entitlements.
5. The Applicant, property owner, or any successor in interest to the Project, shall be subject to paying all applicable development impact fees as specified in City Council Resolutions No. 67-02 and 69-02, as subsequently amended from time to time.
6. Site specific tree protection measures shall be developed and included with construction documents for observance during site development. The tree protection plan shall include measures that protect the root zones and tree crowns specific to individual tree species. A certified arborist or landscape architect shall prepare the plan.
7. The applicant, or any successor in interest to the Project, shall implement all uniform standards specified for construction work over and near the natural gas transmission lines

crossing the project site as specified by Pacific Gas and Electric (PG&E), as detailed in a correspondence dated November 16, 2022, on file with the Novato Community Development Department.

8. The Project shall meet all requirements of Novato Municipal Code Division 19.24 including by complying with one of the following options:
  - a. Reserving 20% of the for-sale dwellings in Valley Oaks North and 20% of the for-sale dwellings in Valley Oaks South for low and moderate income households. The required affordable units shall be split equally between the low and moderate income categories. Accordingly, Valley Oaks North is required to provide 12.2 affordable dwelling units (based on 61 single-family dwellings) with six (6) units reserved for-sale to low income households and six (6) units set aside for-sale to moderate income households; an in-lieu fee shall apply to the fractional affordable housing unit as specified in Division 19.24. Valley Oaks South is required to provide four (4) affordable dwelling units (based on 20 townhome condominiums) with two (2) units reserved for-sale to low income households and two (2) units reserved for-sale to moderate income households. The required affordable housing units shall be constructed and occupied as specified in Novato Municipal Code Section 19.24.070 D.; or
  - b. Reserving all of the dwelling units (20 townhome condominiums) in Valley Oaks South as for-sale affordable dwellings. Eight (8) dwelling units shall be reserved for-sale to low income households and twelve (12) dwelling units shall be reserved for-sale to moderate income households. If this option is selected then no affordable housing units are required in Valley Oaks North. The required affordable housing units shall be constructed and occupied as specified in Novato Municipal Code Section 19.24.070 D. based on the timing of construction of the market rate housing units in Valley Oaks North unless an alternative construction timing schedule is approved by the Community Development Director through the affordable housing agreement required by Municipal Code Section 19.24.090.
9. The Applicant, or any successor in interest to the Project, shall prepare Covenants, Conditions and Restrictions (CC&R's) which shall be recorded prior to or concurrent with the relevant final map, addressing the following:
  - a. Provisions for maintenance of structures with common walls and roofs.
  - b. Provisions for the maintenance of the common areas such that those areas are kept in good condition and repair.
  - c. Provisions prohibiting residential accessory structures or additions to the condominium residential units in the Project.
  - d. Provisions requiring that enclosed garage vehicle parking space shall be free and clear of non-vehicle storage.
  - e. At the time the purchaser is presented with the documents required by Civil Code Section 1368, the purchaser shall also be presented with a listing of the estimated assessments to



be imposed on the owners broken down into the various assessment categories, as required by the regulations of the CA Department of Real Estate.

- f. The City shall be noted as a third-party beneficiary to the CC&Rs, providing the right, but not the obligation, to enforce the CC&Rs or select provisions thereof.
  - g. The CC&Rs shall note those sections of the CC&Rs requiring City consent to rescind or amend, including, but not limited to, measures addressing parking management and enforcement.
  - h. The requirement for professional property management for a minimum of 2 years.
  - i. The CC&Rs shall be submitted to the City Engineer, Community Development Director, and City Attorney for review and approval prior to recordation.
  - j. Maintenance and management provisions required by Novato Municipal Code Chapter 5 may not be deleted or amended without the prior approval of the City.
10. The following Air Quality and Dust Control Measures shall be implemented for the duration of land disturbances and construction:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered or maintain at least two feet of freeboard.
  - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - e. Enclose, cover, water daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
  - f. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - g. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - h. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.

- i. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- j. Post a publicly visible sign with the telephone number and contact information of the Contractor's Site Superintendent and the City of Novato regarding dust complaints. The Contractor shall respond and take corrective action within 48 hours. The air district's phone number shall also be included and visible to ensure compliance with applicable regulations.

The following conditions of approval shall be met to the satisfaction of the Novato Chief Building Official:

15. Building permits shall be obtained, as required by the California Building Code and Novato Municipal Code Chapter IV.

The following conditions of approval shall be met to the satisfaction of the Novato Fire Protection District (NFPD), as detailed in the NFPD Inspection Report dated April 24, 2023:

16. Fire hydrants capable of supplying 1,500 gallons per minute minimum will be required to be installed so that spacing between hydrants does not exceed 300 feet. The fire hydrant(s) shall be spotted by the Fire Marshal and contain at least one (1) four and one-half-inch and one (1) two and one-half-inch outlets. Installation shall conform to the specifications of the North Marin Water District. Where flag lots are present and homes are set back from the street, a fire hydrant shall be located within 150 feet of all points of the first story as measured by an unobstructed route or an on-site fire hydrant is required.
17. Fire hydrants shall be installed in accordance with the applicable standard, tested and operational prior to framing.
18. Proposed roads and driveways shall not exceed 18% grade.
19. Roadways and parking aisle driveways shall have a minimum clearance of not less than 20 feet horizontal by 14 feet vertical clearance. No object shall encroach into this horizontal and vertical plane.
20. Roadways shall be not less than 20 feet wide capable of accommodating a 60,000 GVW and driveways and parking aisles not less than 16 feet wide capable of accommodating a 40,000 GVW, all weather surface (AC Paving or concrete), unobstructed, and shall be installed prior to lumber delivery or framing.
21. No combustible construction may start until approved access roads and water supply are installed and accepted by the Novato Fire Protection District.

22. A second means of emergency ingress and egress for fire apparatus shall be installed capable of accommodating Novato Fire District apparatus and conform to NFD standard #210. A recorded and dedicated emergency vehicle access (EVA) shall be provided for and installed capable of accommodating Novato Fire District apparatus at locations approved by the Fire Marshal.
23. An approved fire apparatus turn around shall be designed and installed at the driveway end so as not to exceed 150 feet from the street and shall be capable of accommodating Novato Fire District apparatus. The turnaround shall be recorded, dedicated, and clearly delineated on the subdivision map as 'Dedicated Fire Apparatus Turnaround'.
24. All driveways and parking areas shall accommodate Novato Fire District apparatus turning radius, including engines, latter trucks, and additional emergency vehicles, per NFD standards.
25. An approved fire gate at the Emergency Vehicle Access Road shall be located by the Fire Marshal and installed to NFD Standard #221.
26. 'No parking fire lane' curbs and signs shall be installed in accordance with NFD Standard #204, as required by the Fire Marshall.
27. Knox key access shall be installed at the premises conforming to Novato Fire Protection District Standard #202.
28. An irrigated greenbelt Vegetation Management Plan (VMP) Fuels Management Plan conforming to the standards of the Novato Fire District shall be prepared and implemented at the site. The VMP-Fuels Management Plan shall conform to Novato Fire Protection Standard #220. The plan shall be incorporated into the landscape plan for the Project and submitted to the Fire Marshal for review prior to implementation. The plan shall be implemented prior to building final.
29. The Project is located in a wildland-urban interface area and must meet all applicable CBC requirements. See CBC Chapter 7A.
30. Permit application and associated fees shall be submitted with plan submittal package.
31. The address shall be posted clearly visible from the street with numerals illuminated and contrasting color to their background conforming to Novato Fire Protection Standard #205.
32. Due to the high fire hazard severity area, and the inability to meet the required fire flow, non-combustible exterior siding will be required throughout and 'fire lite' window assemblies (or equal) will be required on the sides of the residences that cannot meet the VPM zones due to property line limitations. The underside of decks and eaves shall be enclosed and deck surfaces shall be of non-combustible or approved fire resistant materials.

33. The facility and improvements shall comply with California Building Code and State Fire Marshall building standards and regulations.
34. Portable fire extinguishers shall be installed and maintained in accordance with CFC Chapter 9.
35. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) shall be fire sprinklered and shall have a dedicated address.
36. Contact the NFD for all noted inspections at least 48 hours in advance.
37. Fire hydrants shall be painted Rustoleum high gloss yellow or equal. Hydrants shall have a blue reflective roadway marker installed per NFD Standards.
38. Roadways that provide access to buildings that exceed 30 feet in height shall have a minimum width of 26 feet to accommodate aerial apparatus.

The following conditions of approval shall be met to the satisfaction of the North Marin Water District (NMWD), as detailed in the NMWD letter dated April 5, 2023:

39. The Project shall install both in-track and off-track potable and recycled water mains in compliance with District regulations and standards.
40. The Project shall dedicate easement, where necessary, for District facilities (both potable and recycled water) to serve the Project.
41. The Project shall conform to District Regulation 15 – Mandatory Water Conservation Measures. Occupancy approval shall not be granted until compliance with water conservation measures, as applicable, can be verified.
42. Installation of an above-ground, reduced pressure principle (RPP) backflow prevention device at the meter is required in accordance with the District's Regulation 6 and CA Department of Health Regulations Title 17. Upon installation, an inspection report (device testing) must be completed.
43. The owner must apply to the District, enter into an agreement with the District, and complete financial arrangements for the new facilities prior to recording the final map. Occupancy approval shall not be granted until water service installation is complete.

The following conditions of approval shall be met to the satisfaction of the Novato Sanitary District, as detailed in a letter dated April 12, 2023:

44. Portions of the Project site are currently outside of the Novato Sanitary District service area. The Applicant shall apply to annex the property into the District through Marin LAFCo. The entire project site must be annexed into the District prior to the District issuing a Private Sanitary Sewer Construction Permit.
45. The onsite sanitary sewers shall be privately owned and maintained by a homeowner's association (HOA). The District will require that the HOA documents be reviewed and approved by the District prior to issuance of a permit to construct the private sewer system to the District sewer mains.
46. The utilities plan shall conform to the Novato Sanitary District and CA Plumbing Code standards and requirements.

The following conditions of approval shall be met to the satisfaction of the Novato Public Works, Engineering Division, as detailed in a memo dated October 25, 2023:

General Conditions of Approval:

47. Applicant shall design and construct all necessary and required improvements and facilities in accordance with Chapter V – Development Standards of the Novato Municipal Code (NMC) and the Uniform Construction Standards All Cities and County of Marin, unless specific design exceptions have been approved. Approval of a site plan depicting improvements that do not conform to the NMC does not constitute approval of a design exception, unless explicitly stated herein or in another approved City resolution.
48. Applicant shall be responsible for all City plan check, map check and inspection costs. The Applicant shall enter into a Cost Recovery Agreement and deposit funds with the City upon the initiation of plan check services. The amount of the initial deposit shall be determined by the City Engineer. Additional funds may be required based upon actual plan check, map check and inspection costs.
49. Applicant shall submit for review and approval Improvement Plans prepared by a California Registered Civil Engineer for all necessary and required on-site and off-site public and private improvements. The Improvement Plans shall show all existing and proposed utilities, above and below ground, including water, sanitary sewer, storm sewer, communication lines, electricity, natural gas, transformers, vaults and meters. The final plan set shall include all civil, landscape and joint trench drawings under a single cover sheet. Improvement Plans must be approved by the City Engineer prior to any on-site or off-site construction. An Encroachment Permit is required for any work within City right of way. An Encroachment Permit will not be issued prior to the approval of the Improvement Plans.
50. All existing and proposed electrical and communications lines, both on the site and along its frontages, shall be placed underground at the Applicant's expense. All pull boxes, junction structures, service cabinets, vaults, valves and similar devices shall be installed behind the

back edge of walkways within the City right-of-way or within a public utility easement, at locations approved by the City Engineer. Pad mounted/above ground facilities are permitted and shall be painted a color approved by the City. New improvements within existing and proposed utility easements shall be subject to the approval of the appropriate utility company.

51. Unless otherwise explicitly permitted, all existing wells, septic tanks and/or underground fuel storage tanks shall be abandoned under permit and inspection of Marin County Department of Environmental Health Services or other designated agency. If there are none, the project engineer shall provide a letter describing the scope of the search done to make this determination. A letter from the Civil or Geotechnical Engineer stating that they have filed reviewed the property and found no evidence of existing wells, septic tanks and/or underground fuel storage tanks is sufficient. This condition shall be satisfied prior to approval of the Improvement Plans. No new wells or septic systems are permitted on the subject property.
52. A detailed design level Geotechnical Report shall be prepared and submitted for review with the initial submittal of the Improvement Plans. The report shall address, at a minimum, potential for liquefaction, R-values, expansive soils and seismic risk. The improvement plans shall incorporate all design and construction criteria recommended in the Geotechnical Report. Prior to City approval of the Improvement Plans, the geotechnical engineer shall sign off on the cover sheet confirming that the plans are in conformance with their recommendations.

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

53. A final drainage study prepared by a California Registered Civil Engineer shall be submitted for review with the initial submittal of the Improvement Plans. The report shall include hydrologic and hydraulic calculations, narrative and exhibits to support the design and sizing of all public and private drainage facilities including storm drains and detention facilities. The post-development peak runoff rate shall not exceed the pre-development peak runoff rate for the 25-year storm. The report shall address existing downstream storm drain facilities and hydraulic conditions which may impact the design of proposed facilities and improvements. This study shall include a hydraulic grade line analysis of the existing downstream storm drain. Analyses of the conveyance of onsite and downstream facilities shall be based on the 25-year storm. The report shall also include an analysis of the 100-year storm overland flow and potential inundation.
54. Applicant shall submit for review and approval a final Stormwater Control Plan prepared in accordance with the current Bay Area Stormwater Management Agencies Association (BASMAA) Post Construction Manual. Site improvements shall incorporate Low Impact Design (LID) principles and permanent post-construction storm water pollution BMPs. The

Stormwater Control Plan shall be submitted for review with the initial submittal of the Improvement Plans.

55. Prior to the approval of the Improvement Plans and prior to the issuance of a grading permit, the applicant shall obtain all necessary permits, approvals and/or clearances from any other regulatory agencies with jurisdiction over the project, including but not limited to the Marin County Flood Control District, Regional Water Quality Control Board, Department of Fish and Game and U.S. Army Corp of Engineers. A complete set of improvement plans shall be submitted to all agencies, districts, and utilities affected by, or providing service to the development, for review and comment.
56. The Applicant shall obtain and approval from Novato Fire Protection District (NFPD) for requirements for emergency vehicular access and appropriate posted signage and markings. Applicant shall locate signs and red painted curbs as required by NFPD to the satisfaction of the City Engineer.
57. Prior to City approval of the Improvement Plans, Applicant shall obtain signatures from representatives of the Novato Fire Protection District and the Novato Sanitary District on the final Improvement Plans acknowledging their review.
58. The Applicant shall design and construct all new pedestrian walkways, ramps and accessible parking spaces to meet current Americans with Disabilities Act Accessibility Guidelines, California Title 24 requirements, and City maximum cross-slopes and grades.
59. All outside garbage facilities shall be designed to be fully covered with a roof meeting Marin County's storm water pollution prevention best management practices.
60. Stenciling shall be provided on curb inlets to prohibit dumping of pollutants. The stencil detail shall be included in the improvement plans.
61. Landscape plans shall be submitted with the Improvement Plans on a phase-by-phase basis and shall meet the requirements of sight distance to the satisfaction of the City Engineer.
62. Prior to the approval of the Improvement Plans, the Applicant shall submit a copy their Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) for coverage under the State Water Resources Control Board's General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ).

Special Conditions of Approval:

63. The Applicant shall submit a complete set of Improvement Plans for each phase of the development, including both onsite and all offsite improvements, prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the Vesting Tentative

Map (13 sheets) prepared by Carson, Barbee & Gibson, Inc., dated October 20, 2023, referred to herein as “Tentative Map”.

64. All on-site (defined as within the subdivision boundaries) streets, parking lots, sidewalks, streetlights, storm drain facilities, stormwater quality facilities, landscaping and other amenities shall be privately owned and maintained.
65. Applicant shall construct all of the Public Improvements generally as shown on the Tentative Map and more specifically described below.
  - a. Where no existing curb, gutter, and sidewalk in good condition exists, construct new curb, gutter and 5-foot-wide sidewalk (exclusive of the curb width) along the Redwood Boulevard frontage of the subject parcel.
  - b. Construct pedestrian curb-ramps on either side of the entrance street and mark a crosswalk between them.
66. Applicant shall construct all of the Private Improvements generally as shown on the Tentative Map and more specifically described below.
  - a. Install onsite storm drain facilities in accordance with the final approved drainage report.
  - b. Construct the permanent on-site and offsite private post-construction stormwater treatment facilities in accordance with the approved final Stormwater Control Plan.
  - c. Construct all onsite curbs, gutters, sidewalks, roadway improvements, storm drainage facilities, water facilities, sewer facilities, street lighting, signage, striping, and other utilities in accordance with the approved Improvement Plans.

Final Map Conditions of Approval:

67. Final maps, as defined in the State Subdivision Map Act, shall be prepared by a licensed land surveyor or civil engineer. The Final Maps shall show all lots, parcels, rights-of-way, and easement(s), and shall be submitted to the City Engineer for review. The Final Maps shall be in substantial conformance with the approved Tentative Map and all applicable conditions of approval. Final Maps are not valid until approved by the City and recorded. Closure calculations shall be provided at the time of initial Final Map submittals. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the Final Maps shall be directly verifiable by information shown on the closure calculation printout. The point(s) of beginning shall be clearly defined. All lot and parcel sizes shall be shown on the Final Maps and shall be verifiable from information shown on the closure calculation printout. A current title report (within past 30 days) shall be submitted at the time of initial Final Map submittals.



68. The Applicant shall transmit by certified mail a copy of the conditionally approved Tentative Map together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility that is an easement holder of record.
69. A Final Map will not be approved prior to approval of the Improvement Plans for that phase.
70. On the Final Maps, the Applicant shall indicate that all common parcels and lots are or will be dedicated to the Homeowner's Association.
71. On the Final Maps, the Applicant shall make irrevocable offers of dedication of the public utility easements.
72. Easements for any new on-site public sewer lines and waterlines shall be dedicated by separate instruments. Legal descriptions and plats for all easements shall be submitted to the City for review prior to recordation.
73. The existing Pinkston Road public roadway easement may be included within the boundary of a final map for the purpose of vacating that public easement on said map, subject to the satisfactory resolution of the underlying fee ownership. This deviation from the boundary of the Tentative Map shall not be considered as substantially different. Alternatively, the existing Pinkston Road public roadway easement may be vacated by separate instrument, subject to the approval of the City Council.
74. Prior to approval of the first Final Map, the Applicant shall enter into an Improvement Agreement in accordance with NMC Section 9-27 to ensure completion of all public off-site improvements and all on-site improvements within the boundaries of that map to the satisfaction of the City Engineer. Prior to the approval of any subsequent Final Map, the Applicant shall enter into an Improvement Agreement to ensure completion of all on-site improvements within the boundaries of that map. Improvements to be secured include, but are not limited to, grading and construction of any curbs, gutters, sidewalks, roadway improvements, storm drainage facilities, water facilities, sewer facilities, street lighting, signage, striping, and other utilities. The Improvement Agreements shall be secured to guarantee the faithful performance of the agreement in the amount of 100% of the estimated cost of the improvements and for the payment of labor and materials in the amount of 100% of the estimated cost of the improvements. A certificate of occupancy shall not be issued for any structure within a particular phase until required improvements are completed to the satisfaction of the City Engineer.
75. Concurrent with the recordation of the first Final Map, the Applicant shall establish a Homeowner's Association (HOA) in accordance with State law with recorded Covenants, Conditions & Restrictions (CC&Rs) to provide long-term and ongoing maintenance of all common onsite improvements. Specifically, the HOA will be responsible for the long-term and ongoing maintenance of all streets, parking lots, sidewalks, streetlights, storm drain facilities, stormwater quality facilities, common garbage facilities, landscaping and other improvements within the HOA owned common lots and parcels. The CC&Rs shall be submitted to the City Engineer and City Attorney for review and approval prior to

recordation. Subsequent phases may either be annexed into the HOA or establish independent HOAs.

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

76. Prior to the approval of each Final Map, the Applicant shall pay fifty percent (50%) of the total Park In-lieu Fees for all of the units that will be constructed within that map. The remainder of the Park In-lieu Fees for units within each Final map shall be paid prior to issuance of Building Permits. The total amount of the Park In-lieu Fees shall be calculated in accordance with NMC 9-20.008.
77. Prior to recordation of the first Final Map, Applicant shall submit for review and approval by the City Engineer, a Post Construction Stormwater Operations and Maintenance Plan that provides a plan sheet showing all storm drain and water quality infrastructure that is to be maintained (within all phases), along with detailed instructions and schedules for the ongoing maintenance and operation of all post-construction stormwater BMPs. Once approved and prior to recordation of the first Final Map, the property owner shall enter into a Stormwater Maintenance Agreement with the City that provides the terms, conditions, and security associated with the ongoing requirements of the Post Construction Stormwater Best Management Practices.

Construction Conditions of Approval:

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

Department, the Novato Fire Protection District, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.

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

as may be required by the City Engineer to conform to the City standards prior to receiving an occupancy permit for the building.

Occupancy Conditions of Approval:

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

## EXHIBIT D



**Valley Oaks**  
**Mitigation Monitoring and Reporting Program (MMRP)**  
**October 2023**



## Mitigation Monitoring and Reporting Program

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Valley Oaks Project proposed in the City of Novato. CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). This MMRP is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Initial Study-Mitigated Negative Declaration (IS-MND), specifications are made herein that identify the action required and the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in this MMRP.

In addition to ensuring implementation of mitigation measures, the MMRP provides feedback to agency staff and decision-makers during project implementation and identifies the need for enforcement action before irreversible environmental damage occurs. This MMRP will be used by City staff or the City's consultant to determine compliance with permit conditions.

The following table identifies each mitigation measure included in the IS-MND, the action required for the measure to be implemented, the time at which the monitoring is to occur, the monitoring frequency, and the agency or party responsible for ensuring that the monitoring is performed. In addition, the table includes columns for compliance verification. These columns will be filled out by the monitoring agency or party and would document monitoring compliance. Where an impact was identified to be less than significant, no mitigation measures were required.

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<b>Air Quality</b>							
<b>AQ-1: Construction Equipment With Low Diesel Particulate Matter Exhaust Emissions</b>							
<p>Implement a feasible plan to reduce DPM emissions by 65 percent such that increased cancer risk from construction would be reduced below BAAQMD significance thresholds as follows:</p> <ol style="list-style-type: none"> <li>1. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for PM (PM10 and PM2.5), if feasible, otherwise,                             <ol style="list-style-type: none"> <li>a) If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 65 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).</li> <li>b) Use of electrical or non-diesel fueled equipment.</li> </ol> </li> <li>2. Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a</li> </ol>	<ul style="list-style-type: none"> <li>▪ Construction Operations Plan to be submitted to the City and approved by the City prior to construction.</li> </ul>	Prior to issuance of a demolition, grading, or construction permit	Once, and on-going as necessary	City of Novato Community Development Department – Planning Division, Developer, and On-site Construction Manager			



Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<p>reduction in construction diesel particulate matter emissions by 65 percent or greater. Elements of the plan could include a combination of some of the following measures:</p> <ul style="list-style-type: none"> <li>a) Implementation of No. 1 above to use Tier 4 or alternatively fueled equipment,</li> <li>b) Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors,</li> <li>c) Use of electrically powered equipment,</li> <li>d) Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,</li> <li>e) Change in construction build-out plans to lengthen phases, and</li> <li>f) Implementation of different building techniques that result in less diesel equipment usage.</li> </ul> <p>Such a construction operations plan would be subject to review by an air quality expert and approved by the City prior to construction.</p>							

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<b>Biological Resources</b>							
<b>BIO-1: Burrowing Owl Mitigation</b>							
<p>A pre-construction survey shall be performed in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012) within 14 days of initial ground disturbance associated with the project. The pre-construction survey shall include suitable habitat within the project site and areas up to 656 feet (200 meters) from the project site. The pre-construction survey shall be conducted prior to the start of staging and construction, regardless of the time of year. If burrowing owls are detected within the project site proposed limits of grade (i.e., where ground-disturbing activities would occur) during the non-nesting season and the burrow cannot be avoided, a burrowing owl exclusion plan shall be prepared and implemented.</p> <p>The burrowing owl exclusion plan would reduce the project’s potentially significant impacts to burrowing owls to less than significant with mitigation. If a burrowing owl(s) is detected within the project site, but outside of the proposed limits of grade during the non-nesting season, vehicular traffic, construction noise and visual disturbance shall be minimized to the extent feasible to minimize the potential for flushing overwintering owls from protective burrows. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless, after consultation with the CDFW, a qualified biologist verifies that either: (1) burrowing owls have not begun egg laying and incubation; or (2) that juveniles from</p>	<ul style="list-style-type: none"> <li>▪ Verify completion of the pre-construction survey.</li> <li>▪ If burrowing owls are detected and cannot be avoided verify completion of burrowing owl exclusion plan.</li> <li>▪ Verify occupied burrows are not disturbed during the nesting season (February 1 through August 31) until qualified biologist determines the owls have not begun egg laying or juveniles are foraging.</li> </ul>	<p>Prior to issuance of a demolition, grading, or construction permit</p> <p>Prior to issuance of a demolition, grading, or construction permit</p> <p>Ongoing throughout construction as necessary</p>	<p>Once</p> <p>Once</p>	<p>City of Novato Community Development Department – Planning Division, Developer, and On-site Construction Manager</p>			

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
the occupied burrows are foraging independently and capable of independent survival.							
<b>BIO-2: Nesting Bird Surveys and Avoidance</b>							
<p>To reduce potential impacts to tricolored blackbird and raptors to less-than-significant and comply with CESA, CDFW recommends revising Mitigation Measure BIO-2 as described below.</p> <p>Initiation of construction activities, including vegetation clearing, are to occur during the nesting season for birds protected under the CA Fish and Game Code and MBTA (approximately February 15 through August 31), the applicant shall retain a qualified biologist to perform pre-construction surveys for protected birds (including Tricolored Blackbirds), including nesting raptors, or the project site (including off-site improvement corridors) and in the immediate vicinity including a minimum 500 foot radius around the project site. At least two surveys shall be conducted no more than seven (7) days prior to the initiation of construction activities, another nesting bird survey shall be conducted. In the event that protected birds, including nesting raptors, are found on the Project site or within 500 feet of the Project site, the Project proponent shall:</p> <ul style="list-style-type: none"> <li>Locate and map the location of the nest site and immediately notify CDFW if nesting tricolored blackbird or evidence of their presence is found;</li> </ul>	<ul style="list-style-type: none"> <li>Verify initial ground disturbance activities, including vegetation removal, does not occur during the general avian nesting season (February 15 – August 31).</li> <li>If construction commences, or is to occur, during the nesting season, retain a qualified biologist to conduct preconstruction nesting bird surveys for active nests within 7 days of ground disturbance and within 500 feet of the project site and establish avoidance area buffers if necessary.</li> <li>Verify no ground disturbing activities occur in buffer until qualified biologist has confirmed nesting is completed and young have fledged the nest.</li> </ul>	<p>Prior to issuance of a demolition, grading, or construction permit</p> <p>No more than 14 days prior to vegetation clearance and site demolition work</p> <p>Ongoing throughout construction as necessary</p>	<p>Once</p> <p>Once</p> <p>As needed</p>	<p>City of Novato Community Development Department – Planning Division, Developer, and On-site Construction Manager</p>			

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<ul style="list-style-type: none"> <li>Establish a clearly marked minimum no-disturbance buffer of 500 feet for tricolored blackbird, and a minimum no-disturbance buffer of 250 feet for raptor species and other avian species, unless otherwise approved in writing by CDFW;</li> <li>Within two working days of the nesting bird surveys prepare a survey report and submit it to the City and CDFW; and</li> <li>Monitor any active nest daily and ensure that the no disturbance buffer is maintained, unless otherwise approved in writing by CDFW.</li> </ul> <p>Project activities shall not occur within 500 feet of a tricolored blackbird nest without written approval from CDFW allowing the Project to proceed. The presence of nesting tricolored blackbird may require CESA consultation and an ITP before Project activities may commence.</p> <p>Construction can resume when a qualified biologist has confirmed that the birds have fledged. In the event of destruction of a nest with eggs, or if a juvenile or adult raptor should become stranded from the nest, injured or killed, the qualified biologist shall immediately notify the CDFW. The qualified biologist shall coordinate with the CDFW to have the injured raptor either transferred to a raptor recovery center or, in the case of mortality, transfer it to the CDFW within 48 hours of notification. If directed/authorized by the CDFW during the notification, the qualified biologist may transfer the injured raptors to a raptor recovery center.</p>							

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<b>BIO-3: Lake and Streambed Alteration Notification</b>							
<p>The Project shall notify CDFW pursuant to Fish and Game Code section 1600 et seq. using the Environmental Permit Information Management (see: <a href="https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS">https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS</a>) for Project activities affecting lakes or streams, associated riparian or otherwise hydrologically connected habitat, and any connected wetlands, and shall comply with the LSA Agreement, if issued. Impacts to riparian areas subject to the permitting authority of CDFW shall be mitigated by providing compensatory mitigation at a 3:1 ratio in area for permanent impacts and 1:1 ratio for temporary impacts, unless otherwise approved in writing by CDFW.</p> <p>The Project shall also obtain and comply with applicable permits from the RWQCB and USACE. Impacts to waters, which includes wetlands, subject to the permitting authority of RWQCB and USACE shall be mitigated by providing compensatory mitigation as provided in Mitigation Measure BIO – 4. A Habitat Mitigation and Monitoring Plan shall be prepared and implemented for the proposed mitigation approach. This plan shall be subject to approval by CDFW, RWQCB, and USACE, as applicable, prior to any disturbance of waters of the state, stream, or riparian habitat.</p>	<ul style="list-style-type: none"> <li>Verify compliance with CDFW, RWQCB, and USACE requirements.</li> </ul>	<p>Prior to any demolition, grading, or construction that would impact lands or habitat subject to Fish and Game Code Section 1600 et seq.</p>	<p>Once, or additionally as necessary for phased projects.</p>	<p>City of Novato Community Development Department – Planning Division</p>			

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<b>BIO-4: Wetland Mitigation Plan</b>							
<p>Prior to the City of Novato issuing a grading permit that would allow grading on portions of the site that would impact wetlands and/or other jurisdictional waters, the project applicant shall prepare and submit for approval a wetland mitigation plan to the U.S. Army Corp of Engineers and the CA Regional Water Quality Control Board. Any plan submitted to these agencies and approved would also need to satisfy the City of Novato’s Zoning Code requirements for a wetland management plan per the City’s Wetland Protection Ordinance. Any such approved plans shall be implemented by the project Applicant.</p> <p>The wetland mitigation plan shall include the following minimum requirements for mitigating impacts to wetlands:</p> <ul style="list-style-type: none"> <li>▪ Replacement of impacted wetlands at a 1:1 ratio. For permanent wetland impacts, wetlands can be replaced at a minimum ratio for one acre created for each acre, or fraction thereof, permanently impacted.</li> <li>▪ Creation of in perpetuity preservation. The Corps and other regulatory agencies generally require that wetlands not impacted by the proposed project and any new wetlands created to mitigate project impacts be set aside in perpetuity, either through deed restrictions or conservation easements.</li> <li>▪ Establishment of a five-year monitoring program to monitor the progress of the</li> </ul>	<ul style="list-style-type: none"> <li>▪ Verify approval of a wetland mitigation plan by the USACE and RWQCB.</li> <li>▪ Verify compliance with the City’s Wetland Protection Ordinance, as applicable to the Project Site</li> </ul>	<p>Prior to any demolition, grading, or construction that would impact wetlands and/or other jurisdictional waters.</p> <p>Prior to any demolition, grading, or construction that would impact USACE jurisdictional waters.</p>	<p>Once, or additionally as necessary for phased projects.</p> <p>Once, or additionally as necessary for phased projects.</p>	<p>City of Novato Community Development Department – Planning Division</p> <p>City of Novato Public Works Department</p>			

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<p>wetland mitigation toward an established goal. At the end of each monitoring year, an annual report will be submitted to the Corps, RWQCB and other resource agencies that permitted the project. This report will document the hydrological and vegetative conditions of the mitigation wetlands and will recommend remedial measures as necessary to correct deficiencies.</p> <ul style="list-style-type: none"> <li>In lieu of creating compensation wetlands, as approved by the Corps and RWQCB, the applicant may purchase mitigation credits from an approved mitigation bank at a 1:1 ratio or as otherwise required by the Corps and RWQCB at the time permits are issued.</li> </ul> <p>Aside from the minimum replacement ratio and in perpetuity protection, the Corps and the RWQCB may provide additional conditions and stipulations for permits which said conditions and stipulations shall be incorporated into the project and carried out by the Applicant.</p>							
<b>BIO-5: Native Tree Mitigation Plan</b>							
<p>Prior to the removal of any native trees or land disturbances that would adversely impact native trees, a Native Tree Mitigation Plan shall be submitted to the City for review and approval. The plan shall include the following items:</p> <ul style="list-style-type: none"> <li>Site plan that identifies native trees proposed for removal or that would be impacted by land disturbance activities.</li> <li>Identification (tree species and planting location) of replacement trees at a rate of no less than 3:1 replacement ratio.</li> </ul>	<ul style="list-style-type: none"> <li>Verify approval of a Native Tree Mitigation Plan</li> </ul>	<p>Prior to any demolition, grading, or construction that would impact native trees.</p>	<p>Once, or additionally as necessary for phased projects.</p>	<p>City of Novato Community Development Department – Planning Division</p>			

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<p>Replacement trees shall be from stock generated from on-site resources or local gene pools for each species planted.</p> <ul style="list-style-type: none"> <li>Planting installation details including size of plant materials, estimated height and spread at maturity, the area and type of top dressing, tree staking, and soil mix shall be included.</li> <li>Replacement trees shall be a 15-gallon container size or larger.</li> <li>Long-term management and maintenance plan with specified funding mechanism.</li> <li>Tree protection plan for trees not proposed for removal but would potentially be impacted by land disturbance activities.</li> </ul>							
<b>Cultural Resources</b>							
<b>CR-1: Archaeological Monitoring</b>							
<p>A qualified archaeological monitor shall be retained by the project Applicant to observe all project- related ground disturbing activities. Ground disturbing activities include, but are not limited to, asphalt removal, hand excavation, clearing, grubbing, and removing and/or recompacting unconsolidated soils near the ground surface. Archaeological monitoring shall be performed under the direction of an archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards for archaeology (National Park Service 1983). Monitoring shall occur within limits of the</p>	<ul style="list-style-type: none"> <li>Retain a qualified archaeologist meeting the Secretary of Interior’s Professional Qualifications Standards for archaeology to monitor all ground disturbing activities within the project site where alluvial fan deposits may be buried.</li> <li>Require that all work be halted within at least 60 feet if cultural artifacts are encountered and verify that a qualified archaeologist has evaluated the find.</li> </ul>	<p>Prior to construction and grading permit approval</p> <p>Ongoing throughout grading and excavation as necessary</p> <p>Ongoing throughout</p>	<p>Once, or additionally as necessary for phased projects.</p> <p>As needed</p>	<p>City of Novato Community Development Department – Planning Division</p>			



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<p>grading and project footprint and only where alluvial fan deposits may be buried.</p> <p>If suspected archaeological resources are encountered at any point during project construction on either project site, work within a minimum of 60 feet of the suspected resource must halt and the find evaluated for listing in the CRHR. If a resource is determined to be a tribal cultural resource, then the provisions of Mitigation Measures TCR-1 shall control. The 60-foot radius may be reduced or expanded at the discretion of the qualified archaeologist if the potential resource is not determined to be a tribal cultural resource subject to Mitigation Measures TCR-1. Archaeological monitoring may be reduced to spot-checking or eliminated at the discretion of the monitor, in consultation with the qualified archaeologist, Native American monitor required pursuant to TCR-1, and lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 60 percent of rough grading. If monitoring is reduced to spot-checking, spot-checking shall occur when ground-disturbance moves to a new location within the project sites and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).</p>	<ul style="list-style-type: none"> <li>Verify Mitigation Measure TCR-1 is implemented if the resources is determined to be a tribal cultural resource.</li> <li>Permit monitoring to be reduced to spot-checking or eliminated in consultation with the qualified archaeologist.</li> </ul>	<p>grading and excavation as necessary</p> <p>Ongoing throughout grading and excavation as necessary</p>	<p>As needed</p> <p>As needed</p>					
<b>CR-2: Unanticipated Discovery of Cultural Resources</b>								
<p>If archaeological resources are encountered during ground-disturbing activities, work within a minimum of 60 feet shall be halted and an archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards</p>	<ul style="list-style-type: none"> <li>Require all work within at least 60 feet be suspended if cultural resources is encountered during</li> </ul>	<p>Ongoing throughout grading and excavation work as necessary.</p>	<p>As needed</p>	<p>City of Novato Community Development Department</p>				

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
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for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the project, additional work, such as data and/or heritage recovery excavation, may be required. Treatment of the resource(s) shall be determined on a case-by-case basis based on the nature of the find between the qualified archaeologist, and lead agency. If a resource is determined to be a tribal cultural resource, then the provisions of Mitigation Measures TCR-1 shall control.	<p>construction and verify findings with a qualified archaeologist.</p> <ul style="list-style-type: none"> <li>Verify the resource has been evaluated.</li> <li>Implement avoidance or mitigation strategies if artifacts are found to be significant.</li> <li>Verify Mitigation Measure TCR-1 is implemented if the resources is determined to be a tribal cultural resource</li> </ul>	<p>Ongoing throughout grading and excavation work as necessary.</p> <p>Ongoing throughout grading and excavation work</p> <p>Ongoing throughout grading and excavation work</p>	<p>As needed</p> <p>As needed</p> <p>As needed</p>	- Planning Division			
<b>Geology and Soils</b>							
<b>GEO-1: Geotechnical Recommendation</b>							
The Geotechnical Exploration prepared by ENGEO (January 20, 2023, and August 22, 2023) provides recommendations that would ensure the project is suitable from a geotechnical standpoint and would increase the safety and integrity of the project. All recommendations in the Geotechnical Exploration, as described in Sections 4 through 7, shall be included as conditions of approval and shall be implemented during construction and prior to occupancy of the project. These recommendations address engineering design and construction issues associated with earthworks, foundations, retaining walls and roadway pavement.	<ul style="list-style-type: none"> <li>Ensure that project plans and specifications incorporate all geotechnical recommendations included in the Geotechnical Exploration.</li> </ul>	Prior to construction and grading permit approval	Once, or additionally as necessary for phased projects.	City of Novato Community Development Department – Planning Division			

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<b>GEO-2: Discovery of Previously Unidentified Paleontological Resources</b>							
In the event a previously unknown paleontological resource is uncovered during construction, all work shall cease until a certified paleontologist can investigate the find(s) and make appropriate recommendations. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the paleontologist.	<ul style="list-style-type: none"> <li>▪ Verify all work is suspended if a previously unknown paleontological resource is uncovered and verify findings with a certified paleontologist.</li> <li>▪ Ensure that recommendations for recording and storing the find(s) are followed.</li> </ul>	Ongoing throughout construction as necessary	As needed	City of Novato Community Development Department – Planning Division			
		Ongoing throughout construction as necessary	As needed				
<b>Noise</b>							
<b>NOI-1 Noise Control Plan</b>							
Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction material, are necessary to protect the health and safety of persons, promote the general welfare of the community, and maintain the quality of life. The construction crew shall adhere to the following construction best management practices to reduce construction noise levels emanating from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity.  The construction contractor shall develop a construction noise control plan, including, but not limited to, the following available controls:	<ul style="list-style-type: none"> <li>▪ Review the construction noise control plan.</li> <li>▪ Verify that all recommendations in the plan are implemented.</li> </ul>	Prior to construction	Once	City of Novato Community Development Department – Planning Division			
		Prior to issuance of the respective building permit	Once				
<ul style="list-style-type: none"> <li>▪ Ensure that grading and equipment operations are limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays only. Construction activities, including warming</li> </ul>							

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<p>up or servicing equipment and any preparation for construction shall be limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and to the hours of 10:00 a.m. to 5:00 p.m. on Saturdays. No construction is allowed on Sundays or official federal national holidays, except as otherwise authorized by the community development director.</p> <ul style="list-style-type: none"> <li>▪ Construct temporary noise barriers along the perimeter of the project site where activities would occur within 50 feet of adjoining noise-sensitive receptors when construction noise would exceed 70 dBA within the residential units (noise-sensitive receptors) with the windows and other openings closed. Temporary noise barriers (e.g., fences) should be designed to provide a five (5) dBA noise reduction by interrupting the line-of-sight between the noise source and receptor and constructing the barriers in a manner that eliminates any cracks or gaps.</li> <li>▪ Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</li> <li>▪ Unnecessary idling of internal combustion engines should be strictly prohibited.</li> <li>▪ Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where</li> </ul>							

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<p>feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.</p> <ul style="list-style-type: none"> <li>▪ Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</li> <li>▪ Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.</li> <li>▪ Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.</li> <li>▪ Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.</li> </ul>							

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<b>NOI-2 Acoustical Study</b>							
A detailed acoustical study shall be prepared during final building design to evaluate the potential noise generated by outdoor building mechanical equipment and demonstrate the necessary noise control to meet the City's nighttime threshold of 45 dBA Leq at the property lines of each residential lot per the requirements of the City's Municipal Code Section 19.22.070. Noise control features such as the installation and use of less noisy HVAC equipment, sound attenuators, baffles, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 45 dBA Leq at the property line of each residence located on the project site. The noise control features identified by the study shall be incorporated into the project prior to issuance of a building permit.	<ul style="list-style-type: none"> <li>Review the acoustical study for compliance with the City's Municipal Code Section 19.22.070</li> </ul>	Prior to issuance of the respective building permit	Once	City of Novato Community Development Department – Planning Division			
<b>Tribal Cultural Resources</b>							
<b>TCR-1 Unanticipated Discovery of Tribal Cultural Resources</b>							
If cultural resources of Native American origin are identified during construction of the project all earth-disturbing work in the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and	<ul style="list-style-type: none"> <li>Verify and approve a mitigation plan is prepared and implemented if a significant Native American cultural resource is identified.</li> </ul>	Ongoing throughout construction	As needed	City of Novato Community Development Department – Planning Division			

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
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implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American representative.							
<b>Wildfire</b>							
<b>WF-1 Implement Post-Fire Erosion Control Plan and Application</b>							
<p>As part of the permitting process, the project proponent shall develop a plan for immediate erosion control to be deployed in the event of a wildfire that affects slopes of 20 percent or more within the project site. The plan shall include provisions for erosion control as soon as possible after the event and shall include one or more of the following, as applicable:</p> <ol style="list-style-type: none"> <li>1. Install mulch to cover the soil and reduce rain drop impact, overland flow, and soil particle movement. This can be certified weed-free straw, slash, and geotextile fabrics and should be installed as quickly as possible after the fire event.</li> <li>2. Apply hydro-mulch mixture of water, fiber mulch, and tackifier on burned slopes to prevent soil erosion and foster revegetation. Seed, fertilizer, or soil stabilizing polymers can also be applied with the hydro-mulch.</li> <li>3. Spray seed grasses or legumes with a layer of straw mulch over seeded grasses.</li> </ol>	<ul style="list-style-type: none"> <li>▪ Ensure that an immediate erosion control plan is developed.</li> <li>▪ Verify that any applicable provisions were implemented.</li> </ul>	<p>During permitting process</p> <p>Prior to construction</p>	<p>Once</p> <p>Once</p>	<p>City of Novato Community Development Department – Planning Division</p>			

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Ensure the mix of seed includes native grasses and plants with value for local wildlife.							