

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 2023-012

RESOLUTION OF THE NOVATO PLANNING COMMISSION RECOMMENDING THE NOVATO CITY COUNCIL APPROVE A VESTING TENTATIVE MAP AND GRANT CERTAIN DEVELOPMENT STANDARDS EXCEPTIONS TO CREATE 61 SINGLE-FAMILY RESIDENTIAL LOTS, 4 MULTI-FAMILY RESIDENTIAL LOTS TO ACCOMMODATE 20 CONDOMINIUM AIRSPACE UNITS, AND COMMON-OWNERSHIP PARCELS ON AN APPROXIMATELY 38-ACRE SITE FOR THE VALLEY OAKS PROJECT, LOCATED ON THE WEST SIDE OF REDWOOD BLVD, NEAR PINKSTON ROAD AND VERANDAH AVENUE (APNS 125-580-34 AND 125-580-37)

WHEREAS, the City of Novato ("City") received a vesting tentative map application (P2020-073) and request for development standards exceptions (reduced street widths and sidewalks on one side of a street) submitted by Campus Properties (the "Applicant") proposing to create 61 developable lots (Lots 1-61) for single-family residential use, 4 developable multi-family residential lots (Lots 62-65) to accommodate 20 condominium airspace units, and 18 common-ownership parcels (Parcels A-S) (hereafter "Project"), on an approximately 38-acre site located on the west side of Redwood Blvd., APN 125-580-34 and 125-580-37 (hereafter "Project Site"), which is owned by WCJA, LP (the "Property Owner"); and

WHEREAS, in addition to the application for a vesting tentative map (VTM), the Applicant has also submitted applications for general plan amendment, master plan, precise development plan, design review, and a vacation of right of way; and

WHEREAS, the City determined the Project is subject to the environmental review requirements of the California Environmental Quality Act ("CEQA") and its implementing regulations (CEQA Guidelines); and

WHEREAS, by separate resolutions adopted prior hereto, the Planning Commission recommended the City Council adopt an Initial Study/Mitigated Negative Declaration ("IS/MND") for the Project and did consider the IS/MND prior to taking action on the Project, including the vesting tentative map and development standards exceptions at issue herein; and

WHEREAS, on July 20, 2022, and January 18, 2023, the Novato Design Review Commission conducted a publicly noticed workshop to review the design aspects of 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, including the Amendment at issue herein; and

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 Initial Study/Mitigated Negative Declaration (“IS/MND”) for the Project, 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, the Project, and the Project's associated development entitlement requests (3) the evidence, facts, findings and other determinations set forth in this resolution, (4) the City of Novato 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, the Project, and the Project's associated development entitlement requests (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, the Project, and the Project's associated development entitlement requests (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

Vesting Tentative Map Findings

The Planning Commission hereby makes the following findings as required by Section 9-35.014.b and Section 9-7.002.e.2 of the Novato Municipal Code with the respect to the vesting tentative map (VTM):

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

Facts in Support: The Project and its accompanying VTM have been reviewed for consistency with applicable General Plan policies (see Exhibit A attached hereto and incorporated herein by reference) and Novato Municipal Code Chapter 19, *Zoning*, Chapter 5, *Development Standards*, and Chapter 9, *Land Subdivision*. Chapter 5 includes development standards for residential lots, condominiums, lot size and configuration, easements, sewage disposal, solid waste disposal and recycling, street design, utilities, and water conveyance. Chapter 9 includes regulations and standards for access, park dedication, improvement plan requirements, and minimum tentative map submittal requirements.

The Applicant has submitted sufficient evidence that the VTM complies with said requirements, and the Project has been appropriately conditioned to ensure that development will occur in conformance with said subdivision requirements. The Project has been reviewed for conformance with Municipal Code Chapter 19, *Zoning*, including those standards for lot size and minimum lot dimensions. Based on said analysis and facts, the Planning Commission hereby finds the proposed Project and accompanying VTM to be consistent with findings a. and b. above.

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

Facts in Support: The Project includes 61 for-sale single family residential lots, 4 lots for multi-family development that would accommodate 20 for-sale residential condominium units, and common ownership parcels that would be maintained by a homeowner's association (HOA). The single-family residences would include up to 49 junior accessory dwelling units (JADUs). The addition of 81 new residences plus JADUs would incrementally expand Novato's housing stock and meet unmet demand for such units in the community. Notably, the Novato Housing Element anticipates incremental development of housing throughout the City.

The Project will provide at least sixteen affordable for-sale housing units to households with incomes as specified in NMC Division 19.24. NMC Division 19.24 requires that 10 percent of units be affordable to low-income households earning not more than 65 percent of area median

income (AMI) and that 10 percent of units be affordable to moderate-income households earning not more than 90 percent of AMI. The remaining 65 units will be market-rate units.

The service demands of the Project were considered by the Novato Public Works Department, Novato Sanitary District, North Marin Water District, Novato Police Department and the Novato Fire Protection District. These government entities are responsible for ensuring the provision of adequate infrastructure and service for water, sewer, emergency medical/fire, public safety, and stormwater control for residential subdivisions in Novato. Each agency provided draft conditions of approval, as necessary, to ensure the Project provides adequate infrastructure and safety improvements, such as stormwater control measures, fire suppression and rescue features. These conditions of approval will be applied to the Project and implemented through the construction design plans and construction phases of the Project. These agencies did not identify any service, fiscal, or resource (e.g., water) constraints that would negatively affect the ability to serve the Project or existing residents in Novato. Based upon the above, the Planning Commission finds the approval of the proposed Project balances the housing needs of the region against the public service needs of the residents of Novato and available fiscal and environmental resources.

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

Facts in Support: The Project is designed, to the extent feasible for passive heating and cooling. Rooftop solar is proposed on the units and the buildings are generally oriented to benefit from south and west solar exposure.

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

Additionally, the Planning Commission recommends the City Council determine that none of the findings that would support denial of the VTM under NMC Section 9-7.002.e.3 can be made.

Exception Request (Chapter V Development Standards) Findings

The Planning Commission hereby makes the following findings as required by Section 5-3.010.c.2 of the Novato Municipal Code with respect to the Chapter V Development Standards Exception Request:

- a. That the design, material, method or work proposed is, for the purpose intended, at least equivalent to the standards prescribed by this chapter; and
- b. That the granting of the exception will not be injurious or detrimental, with respect to public health, safety, convenience and general welfare.

Facts in Support (Findings a. and b.):

Street Widths: The Project’s proposed street widths are of an adequate width to accommodate vehicular traffic and vehicle parking (where proposed) based on the anticipated traffic volumes and speeds associated with the residential development proposed at the Project Site.

Based on the site characteristics and location, the City does not anticipate the streets will be extended to serve additional future development on the surrounding off-site lots. The proposed right-of-way widths are adequate to accommodate the proposed streets, vehicle parking, curb, gutter, and sidewalks, and public utility easements. The proposed materials and design of the streets will conform to the City’s structural design standards for streets.

In Valley Oaks North, Street “A” would have 12-foot travel lanes. Street “A” provides access to all 61 lots within Valley Oaks North. The proposed 12-foot travel lanes are adequate based on the anticipated traffic volumes associated with the 61 single-family residential lots. The other streets within the Valley Oaks North portion of the site include 10-foot travel lanes. The proposed streets with the 10-foot-wide travel lanes will have low traffic volumes since they will serve 3 and 28 lots. In the Valley Oaks South portion of the Project Site, Street “G”, which provides access from Verandah Avenue to Street “H” has 13-foot travel lanes, and Street “H” has 10-foot travel lanes. Street “H” provides access to the 20 residential townhome units.

The narrower travel lanes should reduce vehicle speeds and result in a safer environment for residents and their guests, while also providing adequate emergency service access throughout the Project Site. The Applicant submitted a Fire Access Exhibit to the City and Novato Fire Protection District for review and comment. The Fire Access Exhibit includes the Fire District’s turning radius templates for the District’s Aerial Ladder Fire Truck. The street widths, intersection radii, and hammerhead turnarounds can accommodate the District’s emergency vehicles. No conditions were identified that would be injurious or detrimental, with respect to public health, safety, convenience and general welfare.

Sidewalks: In the Valley Oaks North portion of the Project Site, the Applicant has proposed sidewalks on one side of the street, instead of one both sides of the street, as typically required by the City’s Development Standards. The sidewalks in Valley Oaks North would serve 61 single-family residences and associated junior accessory dwelling units. Since the sidewalks only serve the Project Site, and do not connect to other neighborhoods in the City, and since the (gross) density of the 61 residential lots is 4 units per acre, an exception to the sidewalk requirement is warranted. A six-foot wide sidewalk is proposed along Street “A” and four-foot-wide sidewalks are proposed on the other streets. Striped crosswalks are proposed at each street intersection along Street “A” to facilitate safe pedestrian crossing. No conditions were identified that would be injurious or detrimental, with respect to public health, safety, convenience and general welfare of pedestrians.

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

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission hereby recommends the City Council approve the Valley Oaks Vesting Tentative Map (13 Sheets; C.1 – C.13), prepared by Carlson, Berbee & Gibson (CBG) Civil Engineers, plot dated October 20,

2023, based on the findings set forth herein and subject to the following conditions of approval and those conditions of approval set forth in Exhibit B and Exhibit C, attached hereto and incorporated herein by reference:

1. The Vesting Tentative Map approval is conditioned on the approval of the General Plan Amendment, Master Plan, and Precise Development Plan associated with the Project.
2. The approval shall expire two years from the date of approval unless a Final Map is submitted for recordation to the satisfaction of the City Engineer.
3. The applicant, or any successor in interest to the Project, shall develop the project in compliance with the applicable mitigation measures of the IS/MND, as detailed in the Mitigation Monitoring and Reporting Program, as set forth in Exhibit C, attached hereto and incorporated as conditions of approval by reference.
4. The Project shall pay all applicable development impact fees prior to issuance of a building permit.
5. The project shall comply with the additional conditions of approval specified in Exhibit B attached hereto and incorporated by reference.
6. 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 action(s) at issue herein. This indemnification shall include damages or fees awarded against the City, if any, costs of suit, attorney's fees, and other costs and expenses incurred in connection with such action whether incurred by the Applicant, the property owner, and/or successor(s) 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 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 13th 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 13th day of November 2023.

Lia Heath

Chair

Attachments

Exhibit A – General Plan Consistency Findings

Exhibit B - Valley Oaks General Project Conditions of Approval

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

Reference: P2022-066

EXHIBIT A

**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 Gness 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 B
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 C



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
Air Quality							
AQ-1: Construction Equipment With Low Diesel Particulate Matter Exhaust Emissions							
<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"> 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"> 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). b) Use of electrical or non-diesel fueled equipment. 2. Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a 	<ul style="list-style-type: none"> ▪ Construction Operations Plan to be submitted to the City and approved by the City prior to construction. 	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"> a) Implementation of No. 1 above to use Tier 4 or alternatively fueled equipment, b) Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors, c) Use of electrically powered equipment, d) Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered, e) Change in construction build-out plans to lengthen phases, and f) Implementation of different building techniques that result in less diesel equipment usage. <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
Biological Resources							
BIO-1: Burrowing Owl Mitigation							
<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"> ▪ Verify completion of the pre-construction survey. ▪ If burrowing owls are detected and cannot be avoided verify completion of burrowing owl exclusion plan. ▪ 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. 	<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.							
BIO-2: Nesting Bird Surveys and Avoidance							
<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"> Locate and map the location of the nest site and immediately notify CDFW if nesting tricolored blackbird or evidence of their presence is found; 	<ul style="list-style-type: none"> Verify initial ground disturbance activities, including vegetation removal, does not occur during the general avian nesting season (February 15 – August 31). 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. Verify no ground disturbing activities occur in buffer until qualified biologist has confirmed nesting is completed and young have fledged the nest. 	<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"> 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; Within two working days of the nesting bird surveys prepare a survey report and submit it to the City and CDFW; and Monitor any active nest daily and ensure that the no disturbance buffer is maintained, unless otherwise approved in writing by CDFW. <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
BIO-3: Lake and Streambed Alteration Notification							
<p>The Project shall notify CDFW pursuant to Fish and Game Code section 1600 et seq. using the Environmental Permit Information Management (see: https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS) 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"> Verify compliance with CDFW, RWQCB, and USACE requirements. 	<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
BIO-4: Wetland Mitigation Plan							
<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"> ▪ 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. ▪ 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. ▪ Establishment of a five-year monitoring program to monitor the progress of the 	<ul style="list-style-type: none"> ▪ Verify approval of a wetland mitigation plan by the USACE and RWQCB. ▪ Verify compliance with the City’s Wetland Protection Ordinance, as applicable to the Project Site 	<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"> 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. <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>							
BIO-5: Native Tree Mitigation Plan							
<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"> Site plan that identifies native trees proposed for removal or that would be impacted by land disturbance activities. Identification (tree species and planting location) of replacement trees at a rate of no less than 3:1 replacement ratio. 	<ul style="list-style-type: none"> Verify approval of a Native Tree Mitigation Plan 	<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>			

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<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"> 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. Replacement trees shall be a 15-gallon container size or larger. Long-term management and maintenance plan with specified funding mechanism. Tree protection plan for trees not proposed for removal but would potentially be impacted by land disturbance activities. 							
Cultural Resources							
CR-1: Archaeological Monitoring							
<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"> 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. 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. 	<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>			

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification			
					Initial	Date	Comments	
<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"> Verify Mitigation Measure TCR-1 is implemented if the resources is determined to be a tribal cultural resource. Permit monitoring to be reduced to spot-checking or eliminated in consultation with the qualified archaeologist. 	<p>grading and excavation as necessary</p> <p>Ongoing throughout grading and excavation as necessary</p>	<p>As needed</p> <p>As needed</p>					
CR-2: Unanticipated Discovery of Cultural Resources								
<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"> Require all work within at least 60 feet be suspended if cultural resources is encountered during 	<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		
					Initial	Date	Comments
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"> Verify the resource has been evaluated. Implement avoidance or mitigation strategies if artifacts are found to be significant. Verify Mitigation Measure TCR-1 is implemented if the resources is determined to be a tribal cultural resource 	<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			
Geology and Soils							
GEO-1: Geotechnical Recommendation							
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"> Ensure that project plans and specifications incorporate all geotechnical recommendations included in the Geotechnical Exploration. 	Prior to construction and grading permit approval	Once, or additionally as necessary for phased projects.	City of Novato Community Development Department – Planning Division			

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
GEO-2: Discovery of Previously Unidentified Paleontological Resources							
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"> ▪ Verify all work is suspended if a previously unknown paleontological resource is uncovered and verify findings with a certified paleontologist. ▪ Ensure that recommendations for recording and storing the find(s) are followed. 	Ongoing throughout construction as necessary	As needed	City of Novato Community Development Department – Planning Division			
		Ongoing throughout construction as necessary	As needed				
Noise							
NOI-1 Noise Control Plan							
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"> ▪ Review the construction noise control plan. ▪ Verify that all recommendations in the plan are implemented. 	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"> ▪ 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 							

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<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"> ▪ 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. ▪ Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. ▪ Unnecessary idling of internal combustion engines should be strictly prohibited. ▪ 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 							

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<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"> ▪ 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. ▪ Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors. ▪ Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site. ▪ 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. 							

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
NOI-2 Acoustical Study							
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"> Review the acoustical study for compliance with the City's Municipal Code Section 19.22.070 	Prior to issuance of the respective building permit	Once	City of Novato Community Development Department – Planning Division			
Tribal Cultural Resources							
TCR-1 Unanticipated Discovery of Tribal Cultural Resources							
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"> Verify and approve a mitigation plan is prepared and implemented if a significant Native American cultural resource is identified. 	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		
					Initial	Date	Comments
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.							
Wildfire							
WF-1 Implement Post-Fire Erosion Control Plan and Application							
<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"> 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. 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. 3. Spray seed grasses or legumes with a layer of straw mulch over seeded grasses. 	<ul style="list-style-type: none"> ▪ Ensure that an immediate erosion control plan is developed. ▪ Verify that any applicable provisions were implemented. 	<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>			

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
Ensure the mix of seed includes native grasses and plants with value for local wildlife.							