

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 2023-022

RESOLUTION OF THE NOVATO PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL APPROVE AN AMENDMENT TO THE NOVATO GENERAL PLAN LAND USE MAP APPLICABLE TO THE PARCELS AT 7530 REDWOOD BOULEVARD, APNs 143-011-05 & 143-011-08, FROM GENERAL COMMERCIAL (CG) TO MIXED-USE (MU)

WHEREAS, Novato General Plan 2035 was adopted by the City Council in 2020; and

WHEREAS, the City of Novato (“City”) received an application from Metrovation LLC (“Applicant”), representing ROIC LLC (“Property Owner”), proposing to amend the General Plan Land Use Map (GP-1 Land Use Designations) to change the land use designation assigned to the parcels at 7530 Redwood Boulevard, APNs 143-011-05 & 143-011-08 (“Project Site”) from General Commercial (CG) to Mixed-Use (MU) (“Amendment”), as depicted on Exhibit A included herewith; and

WHEREAS, in addition to the application for a General Plan Land Use Amendment, the Applicant has also submitted applications for a Zoning Map Amendment, a Use Permit, Design Review and a Density Bonus Request (“Other Entitlements”) for the development of the Village at Novato Mixed-Use project, which includes 178-units, 14,000 square feet of commercial space and ancillary improvements. Collectively, the Other Entitlements and the Amendment are referred to herein as the “Project”; and

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

WHEREAS, on August 27, 2020, the Applicant hosted a neighborhood meeting to present the Project and to receive feedback from the public. This meeting was noticed and conducted in accordance with the requirements of Novato Zoning Ordinance Section 19.40.070.D; and

WHEREAS, on October 7, 2020, the Novato Design Review Commission conducted a publicly noticed workshop to review the site design, circulation, building massing, architectural design and landscaping proposed for the Project; and

WHEREAS, on May 19, 2021, the Novato Design Review Commission adopted a motion recommending the Planning Commission and City Council approve the Project’s site design, circulation, building massing, architectural design and landscaping; and

WHEREAS, public notices describing the Planning Commission public hearing on the proposed IS/MND prepared for 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 a notice pursuant to Section 19.58.020 of the Novato Municipal Code, and published in the Marin Independent Journal, a newspaper of local circulation, on December 1, 2023; and

WHEREAS, the Planning Commission held a duly noticed public hearing on December 11, 2023 to consider and receive public testimony on the Project, including the Amendment at issue herein.

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

Section 1. Recitals

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

Section 2. Record

The Record of Proceedings ("Record") upon which the Planning Commission bases its recommendation includes, but is not limited to: (1) the Initial Study/Mitigated Negative Declaration, and the appendices and technical reports cited in and/or relied upon in preparing the Initial Study/Mitigated Negative Declaration for the Project, (2) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to the Project, (3) the evidence, facts, findings and other determinations set forth in this resolution, (4) the Novato General Plan 2035 and its certified final EIR, the Novato 2023-2031 Housing Element, and the Novato Municipal Code, (5) all designs, plans, studies, data and correspondence submitted to the City in connection with the Initial Study/Mitigated Negative Declaration, the Project, and the Amendment, (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City, and (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 of Novato and its surrounding areas.

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

Section 3. Findings

The Planning Commission hereby makes the following findings as required by Section 19.56.070.A of the Novato Municipal Code with respect to the Amendment:

1. The proposed amendment is internally consistent with the General Plan;

Facts in Support: The Amendment would change the land use designation applied to the Project Site from General Commercial (CG) to Mixed-Use (MU), as depicted in Exhibit A, attached hereto and incorporated herein by reference. This action is intended to permit construction of the Project.

The Construction of the Project has been reviewed against applicable policies of Novato General Plan 2035. Based on this review, the Amendment is considered to be consistent with all applicable policies

of the General Plan, as documents in Exhibit B attached hereto and incorporated herein by reference. Exhibit B lists each applicable policy of the Novato General Plan 2035 and details facts supporting the Project's consistency therewith.

Based on these observations, the Amendment is internally consistent with Novato General Plan 2035. The Amendment is considered to be consistent with Finding No. 1.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;

Facts in Support: Approval of the Amendment would result in the assignment of the MU land use designation to the Project Site. This action is intended to support the construction of the Project. The City of Novato Community Development and Public Works Department did not identify any aspects of the Amendment that would be detrimental to the public interest, health, safety, convenience, or welfare of the City. Additionally, the Amendment and the larger Project were referred to the Novato Fire Protection District, Novato Police Department, North Marin Water District, and Novato Sanitary District (i.e., emergency service and utility providers) for review and comment. Emergency service and utility providers did not identify any conditions resulting from the Amendment that would result in adverse impacts.

A CEQA IS/MND was prepared for the Project, including the Amendment, to determine if approval of this request and subsequent construction of the Project, respectively, would result in significant impacts to the environment. This analysis included the review of various technical topics addressing the public interest, health, safety, convenience, and welfare, including nearby residents and employees, and the City's residents at a large. In no instance did the IS/MND identify any significant impacts associated with the Project, including the Amendment that could not be mitigated to a less than significant level with the implementation of feasible mitigation measures. The analysis identified potentially significant impacts to Biological Resources, Cultural Resources, Geology/Soils, Noise and Tribal Cultural Resources that could result from the Project associated with the Amendment. However, feasible mitigation measures are proposed to reduce those potential impacts to a less than significant level. Implementation of these mitigation measures through construction of the Project will reduce or avoid the potential for impacts detrimental to the public interest, health, safety, convenience, or welfare of the City. Accordingly, the Amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City. The mitigation measures presented in the IS/MND will be applied to the Project as conditions of approval.

Based on the conclusions and recommended mitigation measures presented in the IS/MND, the Amendment and subsequent construction of the Project would not be detrimental to the health, safety, convenience, or welfare of the public, including any nearby residents and workers and the City's residents at a large. The Amendment is considered to be consistent with Finding No. 2.

3. The proposed amendment would further the goals, objectives, policies and programs of the General Plan;

Facts in Support: The Amendment would support the construction of the Project which has been reviewed against applicable policies of Novato General Plan 2035. Accordingly, the Amendment advances the General Plan policy LU 1 and program LU 1b addressing land use and development intensity, as well as the policies and programs of Novato's 6th Cycle Housing Element aimed at providing additional housing opportunities in Novato. Based on this review, the Amendment is

considered to be consistent with and advance all applicable policies of the General Plan, as documented in Exhibit B attached hereto and incorporated herein by reference. Exhibit B lists each applicable policy of the General Plan and details facts supporting the Amendment and the Project's consistency therewith. The Amendment is considered to be consistent with Finding No. 3.

4. The site is physically suitable (including consideration of physical constrains, access, compatibility with adjoining land uses, and provisions of utilities) for the requested/anticipated land use.

Facts in Support: The Project, which includes the Amendment, was presented to the Design Review Commission on October 7, 2020, and May 19, 2021. The purpose of the review was to provide a recommendation to the Planning Commission and City Council regarding whether the Project's anticipated use and associated design components would be compatible with the Project Site and its surrounding context. The Design Review Commission's recommendation is intended to inform the Planning Commission and City Council's consideration of the Project, including the Amendment.

On May 19, 2021, the Design Review Commission adopted a motion recommending that the Planning Commission and City Council approve the site design, circulation, building massing, architectural design, and landscaping for the Project. The Design Review Commission's recommendation was based upon the required findings for Design Review, including applicable design related policies of Novato General Plan 2035.

The Project would receive water service from the North Marin Water District and sewer service from the Novato Sanitary District. Referrals were sent to both Districts describing the proposed Amendment and the accompanying Project, including plan documents. Both the North Marin Water District and the Novato Sanitary District indicated that they have capacity to serve the Project.

A CEQA IS/MND was prepared for the Project, including the Amendment to determine if approval of these requests would result in significant impacts to the environment. This analysis included the review of various technical topics addressing public interest, health, safety, convenience, and welfare, including that of nearby residents and employees and the City's residents at large. In no instance did the IS/MND identify any significant impacts associated with the Project, including the Amendment, that could not be mitigated to a less than significant level with the implementation of feasible mitigation measures. The mitigation measures presented in the IS/MND will be applied to the Project as conditions of approval.

Based on the observations above, the Amendment is consistent with Finding No. 4.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission hereby recommends that the City Council approve the Amendment as set forth in Exhibit A and B, attached hereto and incorporated herein by reference, to change the General Plan land use designation assigned to the parcels at 7530 Redwood Boulevard, APNs 143-011-05 & 143-011-08 from General Commercial (CG) to Mixed-Use (MU) subject to the following conditions of approval.

Section 4. Indemnity and Time Limitations

The Planning Commission hereby recommends the City Council apply the following conditions of approval to the Project:

1. Indemnity and Time Limitations:

- a. The Applicant, property owner and any successor(s) 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 decision(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 City, and/or parties initiating or bringing such action.
- b. The Applicant, property owner and any successor(s) 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 Applicant desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents in a form and under conditions approved by the City Attorney.
- c. In the event that a claim, action, or proceeding described above is brought, the City shall promptly notify the Applicant, property owner, and/or any successor(s) 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 Applicant, property owner, and/or any successor(s) in interest 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 developer 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(s) in interest.
- d. The Applicant 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 11th day of December 2023, by the following vote:

AYES: Commissioners Crockett, Dawson, Derby, Engdahl, Havel, Heath, 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 11th day of December 2023.

Lia Heath

Chair Lia Heath

Attachments

Exhibit A – General Plan Land Use Map Amendment
7530 Redwood Boulevard (APNs 143-011-05 & -08)

Exhibit B – General Plan Amendment Consistency Findings

Project Reference No.: P2020-037, P2021-040, P2021-041 & P2021-042

EXHIBIT A

Village at Novato Mixed-Use Project General Plan Land Use Amendment Exhibit

Project Site Information

Project Location: 7530 Redwood Boulevard
APN(s): 143-011-05 & 143-011-08
Total Lot Area: 5.85± acres

General Plan Land Use (LU) Amendment Information

Existing LU Designation: General Commercial (CG) *
Proposed LU Designation: Mixed-Use (MU)*

Land Use Designations Legend			
	Agriculture		Open Space
	Business and Professional Office		Parkland
	Downtown Core		Rural Residential
	Community Facilities		Very Low Density Residential
	General Commercial		Low Density Residential
	Commercial / Industrial		Medium Density Residential
	Neighborhood Commercial		Medium Density Detached Residential
	Conservation		Medium Density Multiple Family Residential
	Light Industrial / Office		High Density Multiple Family Residential
	Mixed Use		Research / Educational-Institutional

**The proposed LU amendment will not modify or change the existing Affordable Housing Opportunity (AHO) overlay assigned to a portion of the Project Site (APN 143-011-08).*

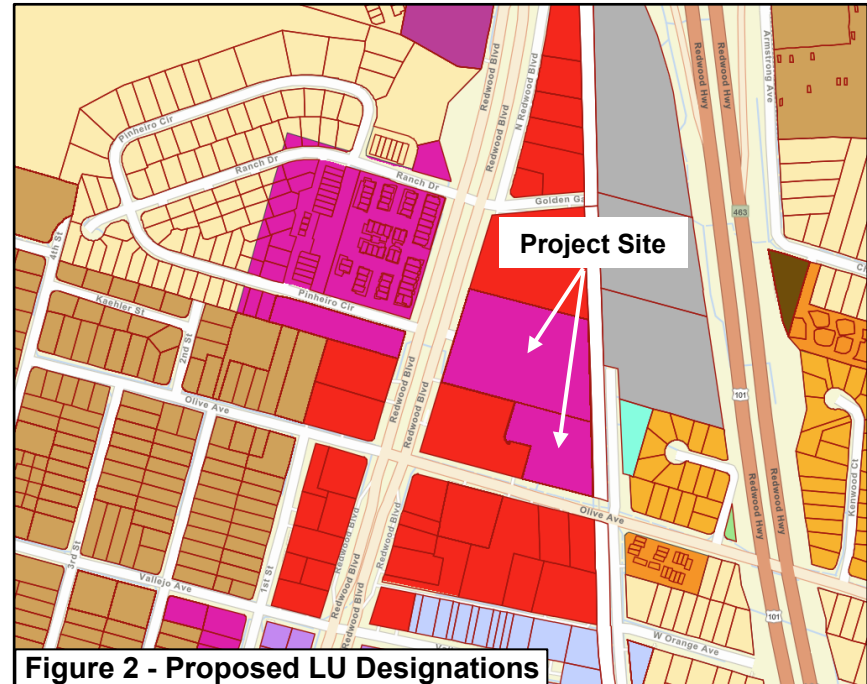
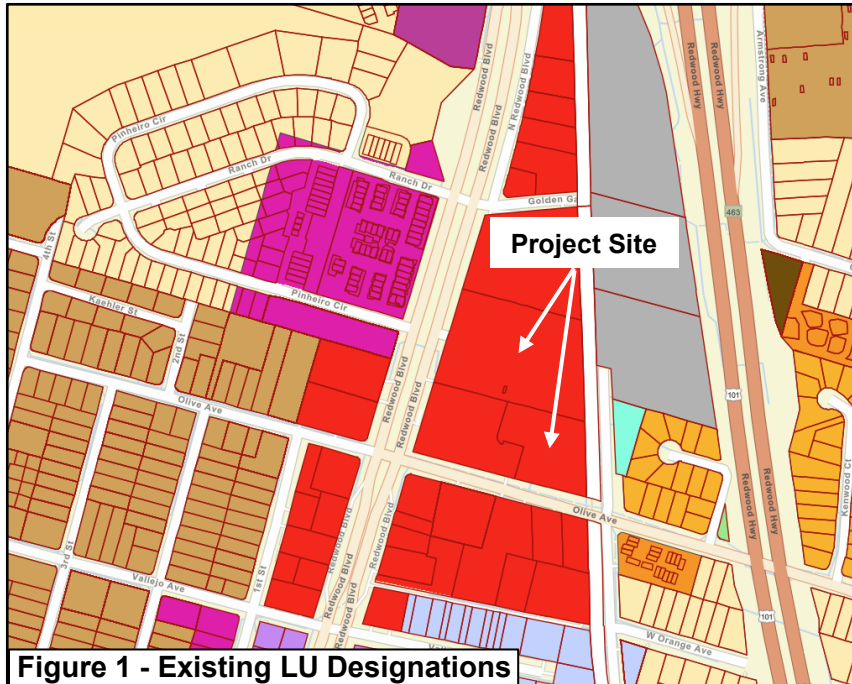


EXHIBIT B

VILLAGE AT NOVATO MIXED-USE PROJECT

NOVATO GENERAL PLAN AMENDMENT CONSISTENCY FINDINGS

NOVATO GENERAL PLAN 2035

Land Use (LU) Chapter Policies

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

LU Policy 1b Density and Intensity of Development. Allow development at any density or intensity within the range shown by the Land Use Map (Map GP-1) and Land Use Designations (Table GP-3) provided applicable objectives, policies and programs of all chapters of the General Plan are met. Maximum densities/intensities (top of stated ranges) may in some cases be achieved, but there is no guarantee of achieving the maximum density/intensity. Developments on properties designated for multi-family residential should not be allowed below the minimum density of the density range unless there are environmental or compatibility issues that warrant density reduction.

Facts in Support (LU Policy 1 & 1b): The Project includes a General Plan amendment to change the land use designation of the Project Site from General Commercial (CG) to Mixed-Use. The Project consists of constructing a mixed-use development project that includes residential units and commercial space consistent with the MU land use designation. Upon approval of the requested Project entitlements, including the noted General Plan land use amendment, the Project will be consistent with the MU land use designation and with all applicable General Plan policies, as described in further detail below.

The MU land use designation permits multi-family residential uses in a mixed-use project and offers a maximum density of 20.0 dwelling units per acre in mixed-use developments and a maximum floor area ratio (FAR) of 0.4, with the potential for an increase to 0.80 when housing is incorporated into a project. The Project proposes the development of 178-units on a 5.85-acre parcel, resulting in a density of 30 dwelling units per acre. As proposed, the Project would meet the land use definition for the MU land use designation, and it would exceed the maximum allowable density permitted under the MU land use designation. The Project includes a request that the City grant a density bonus based on the criteria California Government Code §65915 (State Density Bonus Law) to achieve the proposed density. Upon the granting of the density bonus request, the Project would be consistent with these policies.

Based on the facts above and the Record as a whole, the Project is consistent with and advances LU Policies 1 and 1b.

LU Policy 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 (LU Policy 4): 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 to be adopted for 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 LU Policy 4.

LU Policy 26 North Redwood Corridor. Consider the following preferred land use concepts and design guidelines for the bounded area and individual sites depicted in Figure GP-7 in evaluating development and infrastructure proposals for the North Redwood Corridor:

Preferred Land Use Concept for Site 5a [Project Site]:

- Create a retail development composed of smaller shops and medium-sized retailers of 20,000 – 30,000 square feet each along with restaurants and entertainment facilities.
- Allow for second and/or third story office or recreational space, if practical and if a minimum 0.30 Floor Area Ratio of retail space is provided in this subarea.
- Consider studying land use and zoning amendments for mixed-use development at Site 5a if proposed by the property owner [emphasis added].

Design Guidelines for Site 5a:

- Provide for public gathering places and ample outdoor seating area throughout the area.
- Incorporate extensive landscaping with shade trees.
- Provide pedestrian and bicycle connections between retailers and public spaces to the bicycle/pedestrian facilities along the SMART corridor along Redwood Blvd.
- Explore incorporating design features or portions of Dairymen’s Milling building into the retail development.
- Create wide pedestrian sidewalks and a bicycle path along the Redwood Blvd. frontage.
- Locate buildings near the Redwood Boulevard frontage, with shop entries and/or display windows facing the street and gathering places.
- Minimize views of parking areas from Redwood Boulevard, typically by locating parking behind buildings.

Facts in Support (LU Policy 26): The Project Site is identified in Figure GP-7 (North Redwood Corridor Sites) as Site 5a and currently has a General Plan land use designation of General Commercial (CG) and a zoning classification of General Commercial (CG). The Project includes a General Plan land use designation amendment and a zoning map amendment to change the current land use

designation and zoning classification to Mixed-Use (MU) to allow for the proposed Project's development.

The Project includes the construction of a new 14,000 square foot ground floor retail/commercial space that is oriented along the Redwood Boulevard frontage portion of the Project Site. This retail/commercial space will feature an outdoor dining/seating area located at the northern Redwood Boulevard site entrance adjacent to a grain silo signage structure. This building configuration allows for shop entries and/or display windows to be oriented towards Redwood Boulevard, as well as gathering spaces such as the outdoor dining/seating area, while also minimizing any public views of the parking areas located behind Building A.

Additional outdoor spaces are provided throughout the Project Site by way of a common green area that extends between Building B and Building C. This common green area includes many community amenities to encourage public gathering (e.g., community garden areas, bocce ball court, firepit lounge areas, dining and barbecue areas) and provides a pedestrian pathway between the three (3) buildings. This pathway also allows for a direct pedestrian connection to the Redwood Boulevard frontage from the rear buildings (Buildings B & C). This frontage area will include a protected bicycle lane located between diagonal street parking stalls and a new sidewalk that will continue north from the existing sidewalk along the Trader Joe's building at 7514 Redwood Boulevard.

The Project's landscaping and planting plan demonstrates that the common green area and the balance of the Project Site will be adequately landscaped with a variety of plant species and types and shaded by a variety of tree species.

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 LU Policy 26.

Community Character (CC) Chapter Policies

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

CC Policy 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 (CC Policies 2 and 2a): The CEQA IS/MND prepared for the Project analyzed potential impacts to archaeological resources and tribal cultural resources and concluded that there are no known resources at the Project Site. However, mitigation measures are recommended due to the potential for unknown or unforeseen resources that may be discovered during land disturbing activities associated with the construction of the Project. The recommended mitigation measures will reduce potential impacts to a less than significant level. The City did notify local Native American tribes in compliance with AB 52 and received a request for consultation from the Federated Indians of Graton Rancheria (FIGR). As detailed in Section 18 of the CEQA IS/MND, the City and FIGR conducted several consultation meetings and crafted the mitigation measures referenced above based on the findings of field surveys and canine detection survey conducted at the Project Site. The City provided the Final Cultural Resources Report which included mitigation measure recommendations to FIGR. However, the City did not receive further timely correspondence from FIGR regarding these mitigation measures and has concluded that, after a good faith effort, mutual agreement with FIGR could not be reached as FIGR did not respond in a timely fashion to the mitigation measures presented by the City.

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 Policies 2 and 2a.

CC Policy 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 (CC Policy 4): The CEQA IS/MND included an analysis of potential impacts of the Project on the environment for the topical areas included in the Appendix G checklist. 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, noise and tribal cultural resources.

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 4.

CC Policy 7 Mixed-use Development. Accommodate additional housing on upper floors over commercial and office uses where appropriate.

Facts in Support (CC Policy 7): The Project includes a new mixed-use building, Building A, which includes two (2) floors of 28 residential units over 14,000 square feet of retail/commercial space. The Project is thereby consistent with CC Policy 7. The Project includes a horizontal mix of commercial and residential development that likewise meets the intent of CC Policy 7 by expanding housing opportunities in combination with new commercial development.

CC Policy 8 Pedestrian-Oriented Land Uses. Encourage pedestrian-oriented, rather than auto-dependent uses in areas such as, but not limited to, Downtown, Pacheco Plaza, Hamilton Town Center, The Square Shopping Center and other activity centers where mixed uses, shared parking (on- and off-street), transit service, and other conditions facilitate pedestrian circulation and community interaction.

Facts in Support (CC Policy 8): The Project includes a pedestrian-oriented mixed-use building frontage along Redwood Boulevard. Pedestrian amenities, such as wide sidewalks, street trees, and space for outdoor dining/seating, will enhance the pedestrian experience along Redwood Boulevard. The Project Site is located less than a half-mile walking distance from the Downtown SMART Station and frontage amenities are intended to match the frontage improvements associated with the Residence Inn project located immediately north of the Project Site.

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 8.

CC Policy 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 Policy 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 (CC Policy 12 and Policy 13): The Project Site is currently an undeveloped parcel. For neighborhood context, directly north of the Project Site is the location of the new [Residence Inn](#) project that was approved by City Council on November 13, 2018, and includes the construction of a 100-room 3-4 story hotel building, as well as a separate 8,000 square foot commercial building. To the south of the Project Site is the existing Trader Joe's retail building. To the west is the location of the Atherton Place project, which was approved by City Council on December 19, 2019, and includes 50 townhomes as well as a 1,360 square foot retail building. East of the Project Site is the Golden Gate Transit District's bus storage yard and a single-family residential neighborhood (Elmwood Court).

There is no clearly defined architectural style on this portion of the Redwood Boulevard corridor. The architectural style of the development to the south of the Project Site (Trader Joe's building) is of a Spanish Colonial Revival, to the north (Residence Inn) the development utilizes a contemporary architectural style, to the west (Atherton Place/Atherton Ranch) the townhomes use Craftsman and Victorian architectural styles, and to the east (Elmwood Court) are an eclectic architectural mix of single-family homes.

Neighborhood scale in this area of Redwood Boulevard is defined by the existing Trade Joe's retail building and the Residence Inn project. The Trader Joe's building is a 21,000 square foot single-story retail building that is 24-feet in height with building elements (i.e., tower element) that are 43-feet tall. The Residence Inn project includes a 100-room 3-4 story hotel building that has 77,532 square feet of building area and is 53-feet in height, as well as a 15-18 foot tall single-story 8,000 square foot commercial/retail building.

Based on the statements of fact above, the Project is considered to fit into the existing and future development for this portion of Redwood Boulevard. The building orientation, articulated contemporary design, landscaping, scale and mix of colors/materials is intended to create interest and variety in design, while also being sensitive to the surrounding architecture, topography, landscaping, and to the character, scale, and ambiance of the surrounding neighborhood. Building materials include horizontal Hardie plank lap siding and red brick veneer. The proposed paint colors include Warm and Toasty, and shade of yellow. and Indian River, a shade of taupe.

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 12 and Policy 13.

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

Facts in Support (CC Policy 18): As discussed above in the analysis portion of LU Policy 26, the orientation of the Project's buildings, namely Building A, provides visual screening along Redwood Boulevard for the parking areas in the rear portion of the Project Site. The Balance of parking areas on-site will be located in areas that are not visible from public streets or include landscaped areas on the perimeter and throughout the Project Site that will reduce the visibility of the required on-site parking.

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 18.

Housing (HO) Policies

HO Policy 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 Policy 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 (HO Policies 1.2 and 2.1): The Project Site is listed in the Housing Element as a "pipeline project," and is an expected contributor to the City's RHNA numbers (2,090 units). The Project will provide at least 20 percent of the 178 units as affordable at the very low-income and low-income household income levels, consistent with the City's Affordable Housing Requirements. Overall, the development is anticipated to include a range of very low-, low-, moderate-, and above-moderate income units.

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.

Living Well (LW) Policies

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

Facts in Support (LW Policy 12): An art piece is proposed within the community green area of the Project Site. Additionally, this Project is required to comply with the City's Art Program as further detailed in the Zoning Consistency section below.

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 LW Policy 12.

Noise (NS) Policies

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

NS Policy 1b Indoor Noise Standard. The maximum acceptable interior noise level for all new residential development, including hotels and motels, is 45 dBA L_{dn} .

NS Policy 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 L_{dn}

require deed disclosure to all residents of the noise levels anticipated.

NS Policy 1d Exterior Noise Standard. New residential development should be located in areas where outdoor noise levels are no greater than 60 dBA L_{dn} 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 L_{dn} . 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 Policy 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 Policy 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 L_{dn} or cause an increase in 5 dBA L_{dn} 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 (NS Policies 1, 1a, 1b, 1c, 1d, 2a and 2b): 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 one mitigation measures (NOI-1). Mitigation Measure NOI-1 would ensure that noise impacts associated with the primary source of on-site operational noise (i.e., heating, ventilation and air conditioning) equipment would not adversely impact future residents. The analysis also concluded that the Project would be consistent with the above-listed policies.

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, 1d, 2a and 2b.

Mobility (MO) Policies

MO Policy 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 (MO Policy 2): The Project has been analyzed to determine if the construction and operation would result in unacceptable levels of service (LOS) at impacted intersections. The analysis determined that increased vehicle trip generation associated with the Project would not result in an unacceptable LOS. The future cumulative build-out along the Redwood 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 MO Policy 2.

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

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

MO Policy 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 Policy 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 (MO Policies 8, 8b, 19, 19a, 20 and 20a): The Project frontage along Redwood Boulevard includes proposed sidewalks and proposed bicycle lanes that will connect to existing sidewalks and bicycle lanes. Vehicular traffic associated with the Project will be limited to residents of the residential units, their guests and typical commercial traffic associated with the commercial/retail portion of the Project that fronts onto Redwood Boulevard. The Project includes surface parking stalls that are located throughout the Project Site as well as bicycle parking areas proposed at common outdoor spaces and within the common area of the first floor for both of the residential buildings. The Olive Avenue frontage is a current City of Novato Capital Improvement Plan project. The Village at

Novato Project will contribute a proportionate share contribution to the City to help fund the Olive Avenue project. Once completed, the Olive Avenue frontage will include a sidewalk and westbound Class II bicycle lane.

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

Safety and Hazards (SH) Policies

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 Policy 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 (SH Policies 1 and 1a): A geotechnical investigation report was prepared for the Project in December 2020, which summarized the current geologic site conditions, identified geologic hazards and recommended specific Project design features that would need to be incorporated to reduce risk from geological hazards regarding the feasibility of constructing the Project at the site. The report includes design and construction recommendations regarding earthwork, building foundations, pavement design and construction monitoring. With incorporation of geotechnical recommendations as required by the Novato Municipal Code and California Building Code, impacts related to seismic ground shaking and seismic-related ground failure would be less than significant.

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

SH Policy 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 Policy 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 Policy 3b Fire Sprinklers. Continue to enforce the Fire Safety Ordinance requirements for sprinkler systems for new commercial/industrial and residential development and substantial remodels.

Facts in Support (SH Policies 3, 3a and 3c): The Novato Fire Protection District (NFPD) has reviewed the Project and recommended conditions of approval to ensure that the Project will be constructed and maintained in accordance with relevant NFPD and California Building Code standards.

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

Public Facilities and Services (PF) Policy

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

Facts in Support (PF Policy 3): The North Marin Water District (NMWD) has reviewed the Project and determined that the NMWD has adequate facilities and infrastructure to serve the Project Site. 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 PF Policy 3.