

CITY COUNCIL OF THE CITY OF NOVATO

ORDINANCE NO. 1588

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO ADOPTING AN AMENDMENT TO THE MASTER PLAN AND PRECISE DEVELOPMENT PLAN FOR THE IGNACIO INDUSTRIAL PARK, UNITS 1 & 2, AND THE HAMILTON INDUSTRIAL PARK (ORDINANCE NO. 780), TO INCLUDE EMERGENCY SHELTERS AS A PERMITTED USE UNDER SECTION III(C)(1) OF THE MASTER PLAN AND PRECISE DEVELOPMENT PLAN TEXT IN ACCORDANCE WITH THE CITY OF NOVATO MUNICIPAL CODE, CHAPTER XIX, AND THE CONSERVATION AND PLANNING LAW OF THE STATE OF CALIFORNIA.

WHEREAS, the joint Master Plan/Precise Development Plan for the properties known as Ignacio Industrial Park, Units 1 and 2, Hamilton Industrial Park and Bel Marin Commerce Park Units I and II were adopted in February 1978 by Ordinance 780; and

WHEREAS, from time to time it is necessary to amend the Master Plan Precise Development Plan to reflect changes in laws and/or local philosophies towards land use and development controls; and

WHEREAS, the Master Plan/ Precise Development Plan was adopted pursuant to and in compliance with applicable provisions of the Novato Zoning Ordinance, Chapter 19 of the Novato Municipal Code, which is enacted based on the authority vested in the City of Novato by the State of California, including but not limited to: the State Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); the Subdivision Map Act (the "Map Act" - Government Code Sections 66410 et seq.); and the California Health and Safety Code; and

WHEREAS, pursuant to Novato Municipal Code Section 19.42.060, the approval of a Master/Precise Development Plan constitutes a rezoning of the property and zoning text amendment and establishes the requirements for use and development of the site; and

WHEREAS, pursuant to California Government Code Sections 65587 and 65588, the City of Novato ("City") is required to update the Housing Element of the Novato General Plan; and

WHEREAS, in 2009, the City began work on updating the Housing Element with the guidance of a City Council appointed General Plan Steering Committee and the Novato Planning Commission; and

WHEREAS, on June 7, 2010, the Planning Commission conducted a public workshop to consider a list of potential housing opportunity sites capable of being rezoned to accommodate the City's remaining Regional Housing Needs Allocation ("RHNA") for the 2007–2014 planning period. The Planning Commission received testimony from a substantial number of residents expressing concern and opposition to the potential housing opportunity sites presented at this workshop; and

WHEREAS, the City conducted two community workshops regarding the Housing Element update, one on August 31, 2010 and the second on September 31, 2010. At said workshops, the City Council made comments regarding the goals and policies of the Housing Element, emphasizing the goal of achieving a certified Housing Element; and

WHEREAS, on October 14, 2010 the City hosted an additional community workshop with representatives of the State Department of Housing and Community Development and the Association of Bay Area Governments (ABAG) to provide an overview and answer questions about state housing element requirements and ABAG's role in assigning the Bay Area's RHNA to the various jurisdictions therein; and

WHEREAS, to assist the City with updating the Housing Element, on October 25, 2010, the City Manager selected 23 Novato community members to serve on an Ad Hoc Working Group to discuss and make recommendations on housing policies and potential housing opportunity sites; and

WHEREAS, following numerous meetings over an eight month period, on June 8, 2011, the Ad Hoc Working Group forwarded its recommendations to the City Manager who, along with Planning Division staff, presented the Group's recommendations regarding housing opportunity sites and potential policy recommendations for the Housing Element to the City Council; and

WHEREAS, the City Council subsequently held two publicly noticed workshops, one on June 21, 2011, and another on July 14, 2011, to consider the recommendations of the Ad Hoc Working Group, receive additional public testimony and provide direction to Planning Division staff regarding the recommended housing opportunity sites and policies to be incorporated into the Housing Element; and

WHEREAS, at the July 14, 2011, workshop, the City Council selected five (5) housing opportunity sites to be considered in the Housing Element, including: 1) 1787 Grant Avenue, APN 141-201-48 and 141-201-12; 2) Landing Court, APN 153-162-59; 3) Redwood Boulevard, APN 125-202-18 (discrete four (4) acre site within a 39.92 acre parcel); 4) 7506 Redwood Boulevard, APN 143-011-08; and 5) 1905 Novato Boulevard, APN 140-011-66; and

WHEREAS, on October 1, 2012, the Planning Commission held a public workshop to discuss the requirements of State law related to the preparation of housing elements and to review previous recommendations and public input on Novato's Housing Element update, including that

of the City Manager's Ad Hoc Working Group, the direction of the City Council, and the upcoming public review process for the draft Housing Element; and

WHEREAS, on October 2, 2012, the City released the draft Housing Element for public review (Draft Housing Element); and

WHEREAS, on October 15, 2012, the Planning Commission held a publicly noticed meeting to respond to questions and receive public comments on the Draft Housing Element; and

WHEREAS, based on the comments received at the Planning Commission meeting on October 15, 2012, Planning staff did amend the Draft Housing Element to incorporate minor text revisions and clarifications; and

WHEREAS, on October 23, 2012, the City submitted the Draft Housing Element, including all revisions made up to the October 23, 2012 date, to the State Department of Housing and Community Development for preliminary review; and

WHEREAS, on December, 20, 2012, the State Department of Housing and Community Development provided a written response detailing the Department's comments and recommendations regarding revisions to the Draft Housing Element; and

WHEREAS, the City amended the Draft Housing Element to make clarifications and to address the comments and recommendations received from the State Department of Housing and Community Development ("Revised Draft Housing Element"); and

WHEREAS, on April 1, 2013, the City Council and Planning Commission held a publicly noticed meeting to receive public input and offer comments on the Revised Draft Housing Element, including its associated programs and potential legislative amendments to implement specific programs, and conducted a public scoping session for the draft Environmental Impact Report (EIR) to be prepared for the Revised Draft Housing Element; and

WHEREAS, the actions relating to adoption of the Housing Element , include an amendment to the 1996 General Plan adopting the City of Novato Housing Element 2007-2014 – Revised Draft August 14, 2013 ("Housing Element 2007-2014") and; a) the amendment of the Novato General Plan Land Use Chapter to establish an affordable housing opportunity combining designation, including its associated density level of 20 to 23-dwelling units per acre, and amending the General Plan Land Use Map, LU 1 to apply the affordable housing opportunity combining designation to five (5) affordable housing opportunity sites ("AHO Sites"), including, 1) 1787 Grant Avenue, APN 141-201-48 and 141-201-12; 2) Landing Court, APN 153-162-59; 3) Redwood Boulevard, APN 125-202-18 (discrete four (4) acre site within a 39.92 acre parcel); 4) 7506 Redwood Boulevard, APN 143-011-08; and 5) 1905 Novato Boulevard, APN 140-011-66

(the “General Plan Amendments”); b) amendment of the text of Section 2.2.1 Land Use Classifications of the Downtown Novato Specific Plan (“DSP”) to establish the affordable housing opportunity combining designation within the DSP and amendment of the land use Figure 3 to apply the affordable housing opportunity combining designation to 7506 Redwood Boulevard, APN 143-011-08, located within the boundaries of the DSP (the “DSP Amendments”); c) amendment of the text of the Novato Zoning Ordinance to establish an affordable housing opportunity (AHO) overlay district and provide associated development standards (Sections 19.04.020 and 19.16.070), and to set forth appropriate parking standards (Section 19.30.050) and amendment of the Zoning Map to rezone the five AHO Sites to apply the AHO and development standards thereto; d) amendment of the text of the Novato Zoning Ordinance to recognize state density bonus law and establish a local density bonus for senior residential projects (Division 19.25); e) amendment of the text of the Novato Zoning Ordinance to include "Emergency Shelter" as a land use (Section 19.34.072) and provide a definition of such a use (Section 19.60.020) (c-e are collectively referred to herein as the “Zoning Amendments”); and f) amend the Novato Industrial Park Master and Precise Development Plan to establish emergency shelters as a permitted use, subject to specific development standards, within the Ignacio Industrial Park and Hamilton Industrial Park areas (the “MP/PDP Amendments”); (a – f are collectively referred to herein as the "Legislative Amendments"). The adoption of the Housing Element 2007 – 2014 and the Legislative Amendments are collectively referred to herein as the “Project”; and

WHEREAS, on September 16, 2013, the Planning Commission held a publicly noticed meeting to provide and receive public comments on the draft EIR prepared for the Project, and to receive an update on the Legislative Amendments; and

WHEREAS, the City did cause to be prepared a Final Environmental Impact Report ("Final EIR") for the Housing Element and its accompanying Legislative Amendments, in compliance with CEQA, Public Resources Code §21000, et seq., the CEQA Guidelines, and the City of Novato Environmental Guidelines, consisting of the following documents and records: *Public Draft Environmental Impact Report for the City of Novato Housing Element Update (SCH NO. 2013032070)* and the *Final Environmental Impact Report for City of Novato Housing Element Update*, including responses to comments on the Draft EIR and any amendments thereto; and

WHEREAS, the City of Novato prepared a public notice announcing the completion of the Final EIR, identifying the locations where hard- and electronic-copies of the Final EIR could be obtained, and the location, date, and time of a public hearing before the Novato Planning Commission to consider providing a recommendation to the City Council regarding the Project, including certification of the Final EIR; and

WHEREAS, the Final EIR was released for public review on October 24, 2013; and

WHEREAS, a public notice announcing the time, date, and location of the Planning Commission's hearing on the Project, and the Final EIR was mailed to all property owners within 600-feet of the boundaries of the AHO Sites identified in the Housing Element 2007-2014, all property owners within 600-feet of the boundaries of the five alternative housing opportunity sites studied in the Final EIR, all property owners within 600-feet of the Ignacio Industrial Park and Hamilton Industrial Park, all persons and organizations requesting notice pursuant to Section 19.58.020 of the Novato Municipal Code, all potential trustee and responsible agencies, posted on the City's website, sent via email to all parties signed up through the City's website to receive notifications via email, and published in a 1/8th page legal advertisement in the Marin Independent Journal on October 24, 2013; and

WHEREAS, by Resolution No. 13-19, the Planning Commission did consider and recommend the City Council certify the Final EIR and adopt its accompanying Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, by Resolution No. 13-20, the Planning Commission did consider and recommend the City Council adopt an amendment to the Novato General Plan to incorporate the City of Novato Housing Element 2007-2014 and the General Plan Amendments; and

WHEREAS, by Resolution No. 13-21, the Planning Commission did consider and recommend the City Council adopt the DSP Amendments; and

WHEREAS, by Resolution No. 13-22, the Planning Commission did consider and recommend the City Council adopt the Zoning Amendments; and

WHEREAS, by Resolution No. 13-23, the Planning Commission did consider and recommend the City Council adopt the MP/PDP Amendment as set forth in Exhibit B attached hereto and incorporated herein by reference; and

WHEREAS, a public notice announcing the time, date, and location of the City Council public hearing on the Project, including the Final EIR was mailed to all property owners within 600-feet of the boundaries of the AHO Sites identified in the Housing Element 2007-2014, all property owners within 600-feet of the boundaries of the five alternative housing opportunity sites studied in the Final EIR, all property owners within 600-feet of the Ignacio Industrial Park and Hamilton Industrial Park, all persons and organizations requesting notice pursuant to Section 19.58.020 of the Novato Municipal Code, all potential trustee and responsible agencies, posted on the City's website, sent via email to all parties signed up through the City's website to receive notifications via email, and published in a 1/8th page legal advertisement in the Marin Independent Journal on November 7, 2013; and

WHEREAS, on November 19, 2013, the City Council did conduct a public hearing on the Project, and including the Final EIR and its accompanying Mitigation Monitoring and Reporting

Program, and did consider all oral and written testimony submitted to the City regarding the same prior to taking its action regarding the Project, including the MP/PDP Amendments at issue herein; and

WHEREAS, by separate Resolution No. 99-13 adopted prior hereto, the City Council did certify an Environmental Impact Report (EIR) for the Project and did consider the EIR and identified mitigation measures prior to taking action on the Project, including adopting the MP/PDP Amendments at issue herein; and

WHEREAS, the Record of Proceedings ("Record") upon which the City Council bases its decision herein includes, but is not limited to: (1) the Final EIR and the appendices and technical reports cited in and/or relied upon in preparing the Final EIR; (2) the Housing Element 2007-2014; (3) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the Final EIR and the Project; (4) the recommendation of the Planning Commission; (5) the evidence, facts, findings and other determinations set forth herein; (6) the City of Novato 1996 General Plan and its related Final EIR and the Novato Municipal Code; (7) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the Final EIR and the Project; (8) all other matters of common knowledge to the City, 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, 75 Rowland Way, Room 110, Novato, California, 94945.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NOVATO DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The City Council of the City of Novato hereby makes the following findings as required by Section 19.42.060 E(3) & F(3) of the Novato Municipal Code with respect to the proposed MP/PDP Amendments:

Master Plan Findings:

- A. The proposed MP/PDP Amendments as set forth in Exhibit B, attached hereto and incorporated herein by reference, are in conformance with the applicable goals and policies of the General Plan as set forth in Exhibit A, attached hereto and incorporated herein by reference.
- B. The proposed MP/PDP Amendment as set forth in Exhibit B, attached hereto and incorporated herein by reference, to permit Emergency Shelter(s) can be adequately,

conveniently, and reasonably served by public conveniences, facilities, services, and utilities.

Facts in Support: As the Ignacio Industrial Park Units 1 and 2, and Hamilton Industrial Park are an already fully developed area, public conveniences, facilities, services and utilities already exist throughout, including but not limited to pedestrian and bicycle pathways, public transit service, public streets, vehicle parking, , and existing utilities (water, sanitary, power and communications). This area was chosen to permit the use of property as an emergency shelter based upon this existing infrastructure and on existing buildings that can be adapted for reuse as such. This existing infrastructure is sufficient to serve the establishment and operation of an Emergency Shelter(s) as prescribed in the attached Ordinance.

- C. The proposed MP/PDP Amendment concepts as set forth in Exhibit B, attached hereto and incorporated herein by reference, to permit Emergency Shelter(s) are reasonably suited to the specific characteristics of the site and the surrounding neighborhood.

Facts in Support: Establishment and operation of an Emergency Shelter(s) within the Ignacio Industrial Park, Units 1 and 2, and/or Hamilton Industrial Park, in compliance with the provisions prescribed in the attached Ordinance, including, restrictions on the number of beds or clients, proximity (to other Emergency Shelters), minimum security lighting, on sight management and security, on-site parking, enclosed refuse facilities and maximum length of stay per individual make it a reasonably suited use within the Ignacio Industrial Park, Units 1 and 2, and/or Hamilton Industrial Park. Emergency Shelter use is generally designed to be a use in which persons come during times of need such as inclement weather, disaster or temporary homelessness to find shelter for the night. The surrounding neighborhood is comprised of light industrial uses which are primarily closed and non-operational at night. In addition, the existing structures in the area are suitable for adaptive reuse as an emergency shelter without disruption of the existing neighborhood with larger scale construction,

- D. The location, access, density/building intensity, size and type of use proposed with the MP/PDP Amendment as set forth in Exhibit B, attached hereto and Incorporated herein by reference, are compatible with the existing and future land uses in the surrounding neighborhood.

Facts in Support: The establishment and operation of an Emergency Shelter(s) within the Ignacio Industrial Park, Units 1 and 2, and/or Hamilton Industrial Park as prescribed in the attached Ordinance, including restrictions on the number of beds or clients, proximity (to other Emergency Shelters), minimum security lighting, on sight management and security, on-site parking, enclosed refuse facilities and maximum

length of stay per individual will ensure that the scale and operating characteristics of said use is compatible with the existing and future land uses in the surrounding industrial park neighborhoods. Emergency Shelter use is generally designed to be a use in which persons come during times of need such as inclement weather, disaster or temporary homelessness to find shelter for the night. The surrounding neighborhood is comprised of light industrial uses which are primarily closed and non-operational at night. In addition, the existing structures in the area are suitable for adaptive reuse as an emergency shelter without disruption of the existing neighborhood with larger scale construction,

Precise Development Plan Findings:

- A. The proposed precise development plan is consistent with the general plan and the approved master plan.

Facts in Support: The Master Plan/Precise Development Plan for the Ignacio Industrial Park, Units 1 and 2, and Hamilton Industrial Park are a joint Master Plan/Precise Development Plan. See, facts in support of Finding A for the Master Plan, above.

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

Facts in Support: Establishment and operation of an Emergency Shelter(s) within the Ignacio Industrial Park, Units 1 and 2, and/or Hamilton Industrial Park would be subject to the provisions of the attached amendments which ensure that the scale and operating characteristics of said use is compatible with the existing and future land uses, and the existing property development standards which have been determined to produce a comprehensive development of superior quality than might otherwise occur from more traditional development applications.

- C. The design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water, etc.), would ensure that the proposed development would not endanger, jeopardize, or otherwise be detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Facts in Support: Establishment and operation of an Emergency Shelter(s) within the Ignacio Industrial Park, Units 1 and 2, and/or Hamilton Industrial Park would be subject to the California Building Code with respect to the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water, etc.), and would be subject to the provisions of the attached amendments including restrictions on the number of beds or clients, proximity (to other Emergency Shelters), minimum security lighting, on sight management and security, on-site parking, enclosed refuse facilities and maximum length of stay per individual which, collectively applied, will ensure that the design, scale and operating characteristics the proposed development would not endanger, jeopardize, or otherwise be detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located

- D. The proposed precise development plan standards are reasonably suited to the specific characteristics of the site, and are compatible with the existing and future land uses in the surrounding neighborhood.

Facts in Support: The Master Plan/Precise Development Plan for the Ignacio Industrial Park, Units 1 and 2, and Hamilton Industrial Park are a joint Master Plan/Precise Development Plan. See, facts in support of Finding C for the Master Plan, above.

- E. The subject site is:
1. Physically suitable for the type and density/intensity of development being proposed;
 2. Adequate in shape and size to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by this title; and
 3. Served by streets and pedestrian facilities adequate in width and pavement type to carry the quantity and type of traffic expected to be generated by the proposed development.

Facts in Support: The Master Plan/Precise Development Plan for the Ignacio Industrial Park, Units 1 and 2, and Hamilton Industrial Park are a joint Master Plan/Precise Development Plan. See, facts in support of Findings B and D for the Master Plan, above.

SECTION 2. The City Council hereby approves the MP/PDP Amendment as set forth in Exhibit B attached hereto and incorporated herein by reference.

SECTION 3: Severability:

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional on their face or as applied.

SECTION 4: Publication and Effective Date:

This Ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire Ordinance once in the *Novato Advance*, a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption, or

publishing the title or appropriate summary in the *Novato Advance* at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the Ordinance, and

This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

* * * * *

THE FOREGOING ORDINANCE was first read at a regular meeting of the Novato City Council on the 19th day of November, 2013, and was passed and adopted at a regular meeting of the Novato City Council on the 3rd day of December, 2013.

AYES:	Councilmembers	Kellner, Lucan, MacLeamy, Eklund
NOES:	Councilmembers	None
ABSTAIN:	Councilmembers	None
ABSENT:	Councilmembers	Athas

Mayor of the City of Novato

Attest:

City Clerk of the City of Novato

Approved as to form:

City Attorney of the City of Novato

Attachments:

Exhibit A -Novato General Plan & Downtown Novato Specific Plan Consistency & Advancement.
Exhibit B –Text amendments to the Master Plan and Precise Development Plan for the properties known as Ignacio Industrial Park, Units 1 and 2, and Hamilton Industrial Park to permit Emergency Shelter(s).

EXHIBIT A

NOVATO GENERAL PLAN & DOWNTOWN NOVATO SPECIFIC PLAN CONSISTENCY & ADVANCEMENT FINDINGS

1996 NOVATO GENERAL PLAN

GOALS

General Plan Goal 2: Retain and promote the small town character of Novato including preservation of historic features and landmarks.

Facts in Support: The Project is consistent with and furthers Goal 2 of the General Plan by creating opportunities for the development of affordable multi-family residential units at the AHO Sites within a density range of 20- to 23-dwelling units per acre. A density range of 20- to 23- dwelling units per acre supports multi-family residential projects of a development intensity and scale that would be relatively compact and likely two- to three-stories in height, which is reflective of existing multi-family residential buildings in Novato. Accordingly, this density level is considered to respect Novato's small town character, while still providing sufficient development potential to support the possible construction of affordable multi-family residential units to meet the City's Regional Housing Needs Allocation (RHNA), as assigned by the Bay Area Association of Governments.

The Project includes Housing Element Program 3.A, which calls for the creation of multi-family housing design criteria to assure that future multi-family residential projects at the AHO Sites are compatible with the surrounding character of each AHO Site and reflective of Novato's small town character. Under Program 3.A, the City will prepare design criteria addressing the layout, landscaping, bulk/massing, and architecture of new multi-family residential projects at the AHO Sites. These design criteria will be developed with a focus on site and neighborhood compatibility and retaining Novato's small town character. Program 3.A will be implemented through the City's design review process, which will provide the public and Novato's Design Review Commission with an opportunity to review and provide comments guiding the design of future multi-family residential projects at the AHO Sites. Implementation of Housing Element Program 3.A is considered to be consistent with and further General Plan Goal 2.

General Plan Goal 8: Provide for a variety of housing opportunities through new construction and maintenance of existing housing for an economically and socially diverse population, while preserving the character of the community. Low and moderate income housing of all types (including mobile homes, mobile home and recreational vehicle parks) will be given special consideration.

Facts in Support: The Project is consistent with and furthers Goal 8 of the General Plan by establishing programs and legislative conditions supporting the development of a range of housing types in Novato, including special consideration for housing opportunities for persons in the low, very low, and extremely low income categories. In particular, the Project includes the establishment of an Affordable Housing Combining Designation and Affordable Housing Opportunity Overlay District, which would permit a density bonus which would permit multi-

family residential projects including a percentage of affordable units at the AHO Sites at a density of 20- to 23-dwelling units per acre rather than no or limited residential density permitted by the underlying zoning. In addition, the Project includes programs directed toward preserving at-risk affordable housing units (Housing Element Program 5.G), providing assistance to owners of below market rate units (Housing Element Program 5.H), preserving mobile home parks (Housing Element Program 5.J), and encouraging other forms of housing, such as co-housing and similar collaborative housing developments (Housing Element Program 7.A). These programs and implementing actions are consistent with Goal 8.

General Plan Goal 12: Provide and maintain greater recreational, educational, including the Indian Valley Campus (IVC) of Marin Community College, and cultural opportunities for all segments of the community. Pursue all efforts with community and neighborhood organizations, nonprofit organizations, for profit organizations, and public agencies to provide care and services, including medical, counseling, recreational, educational, cultural, shelter, and housing opportunities to meet the needs of Novato's citizens.

Facts in Support: The Project is consistent with and furthers Goal 12 of the General Plan by establishing programs supporting the efforts of public agencies and community, nonprofit, and for profit organizations to provide and maintain a range of housing opportunities in Novato. These programs include providing support and assistance with preparing and conducting community outreach activities on housing related issues (Housing Element Program 1.A), referring discrimination complaints to the appropriate agency or non-profit assistance organization (Housing Element Program 2.B), assisting with the preservation of at-risk affordable housing units (Housing Element Program 5.G), supporting volunteer efforts to help homeowners physically or financially unable to maintain their properties (Housing Element Program 5.I), and referring owners of below market rate units to the appropriate agency to retain such units (Housing Element Program 5.H).

LAND USE CHAPTER

LU Policy 5 Compatibility with Surroundings. Ensure that clustered development is compatible with the surrounding residential neighborhoods.

Facts in Support: The Project contemplates the construction of new multi-family residential units at the AHO Sites. The development of new multi-family residential units at the AHO Sites would be subject to the City's Design Review process. In addition, the exterior modification of any existing structure at the Industrial Parks would also be subject to Design Review. Design Review is a discretionary process allowing the City to consider and receive public testimony regarding the design of new development proposals. The Design Review process considers the physical characteristics of a given site and its surroundings, the proposed land use, and the site design, landscaping, and architecture of the new project. The intent of the Design Review process is to ensure that new development is appropriate for a given site's constraints and is compatible with surrounding development.

A future application for Design Review involving a new project at one the AHO Sites will be reviewed against the following policies of the Project:

Housing Element Policy 3.1 Housing Design Process. The City will review proposed new housing, subject to design review, to achieve excellence in development design in an efficient process.

Housing Element Policy 3.2 Design that Fits into the Neighborhood Context. It is the City's intent that neighborhood identity and sense of community will be enhanced by designing all new housing to have a transition of scale and compatibility in form to the surrounding area.

Housing Element Policy 3.3 Housing Design Principles. The intent in the design of new housing is to provide stable, safe, and attractive neighborhoods through high quality architecture, site planning, and amenities that address the following principles:

- a. Reduce the perception of building bulk. In multi-unit buildings, encourage designs that break up the perceived bulk and minimize the apparent height and size of new buildings, including, for example, the use of upper story stepbacks and landscaping. Application of exterior finish materials, including siding, trim, windows, doors and colors, are important elements of building design and an indicator of overall building quality.
- b. Recognize existing street patterns. Where appropriate, encourage transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Design new housing so that, where appropriate, it relates to the existing street pattern.
- c. Enhance the "sense of place" by incorporating focal areas where appropriate. Design new housing around natural and/or designed focal points, emphasized through pedestrian/pathway or other connections.
- d. Minimize the visual impact of parking areas and garages. Discourage home designs in which garages dominate the public façade of the home (e.g. encourage driveways and garages to be located to the side or rear of buildings, or recessed, or along rear alleyways or below the building in some higher density developments).

In addition to the policies above, the Project includes Housing Element Program 3.A, which calls for the creation of multi-family housing design criteria to assure that future multi-family residential projects at the AHO Sites are compatible with the surrounding character of each AHO Site, including nearby residential neighborhoods. Under Program 3.A, the City will prepare design criteria addressing the layout, landscaping, bulk/massing, and architecture of new multi-family residential projects at the AHO Sites. These design criteria will be developed with a focus on site and neighborhood compatibility and retaining Novato's small town character. The multi-family design criteria developed pursuant to Program 3.A will be implemented through Design Review.

The combination of the noted policies and programs of the Project and Design Review will ensure that future development at the AHO Sites is compatible with surrounding development,

including nearby residential neighborhoods. Accordingly, the Project is consistent with and furthers the direction of LU Policy 5.

The Project also contemplates the establishment of an emergency shelter(s) at the Ignacio and Hamilton Industrial Parks ("Industrial Parks"). It is likely that an emergency shelter(s) would be located within an existing building(s) at the Industrial Parks. Any exterior changes to an existing building(s) to establish an emergency shelter(s) would be subject to Design Review. The Design Review process would be used to consider the design features and context of any proposed exterior changes to an existing building to assure compatibility with surrounding development at the Industrial Parks. As such, the Project, as it relates to the establishment of an emergency shelter(s) at the Industrial Parks, is consistent with and furthers the direction of LU Policy 5.

LU Policy 7 Growth Management. Recognize the available and planned capacity of infrastructure and public services when considering proposals for development.

Facts in Support: The Project was analyzed in an EIR. The EIR considered the capacity of local transportation infrastructure (see facts for TR Policy 4 below) and utility and public services, including the services provided by the North Marin Water District (see facts for PF Policies 4, 5, and 6 below), Novato Sanitary District (see facts for PF Policies 4, 5, and 6 below), Novato Fire Protection District (see facts for SF Policies 16, 17, and 26 below), Novato Police Department (see facts for SF Policy 23 below), Novato Unified School District (see facts for PF Policy 4 below), and the City's Parks, Recreation, and Community Services Department (see facts for PF Policy 4 below), assuming three different development scenarios at the AHO Sites. These development scenarios included: 1) development up to 23-dwelling units per acre; 2) development of 23-dwelling units per acre plus the maximum possible state density bonus of 35%; and 3) development of up to 30-units per acre for a senior housing project plus the maximum possible 35% state density bonus.

See discussions for TR Policies 4, 11, 20, and 22 regarding circulation infrastructure.

See discussion for SF Policy 9 regarding drainage infrastructure

In no instance did the EIR identify any significant impacts resulting from the Project with respect to the capacity of Novato's transportation, drainage, utility, public safety, school, and parks infrastructure under any of the development scenarios considered in the EIR. Based on the findings of the EIR, the Project is consistent with and furthers the direction of Land Use Policy 7.

TRANSPORTATION CHAPTER

TR Policy 4 Level of Service Standards. Establish traffic Level of Service (LOS) standards for use in (1) evaluating the impacts of proposed development projects so the project can be redesigned or effective mitigation measures can be implemented, (2) making improvements to the roadway system, and (3) determining appropriate traffic impact fees.

TR Program 4.1: Establish traffic Level of Service standards as follows:

- 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 was analyzed in an EIR. The EIR considered the capacity of local transportation infrastructure to accommodate development as set forth in the Housing Element and Legislative Amendments, and including level of service (LOS) at the intersections serving the AHO Sites and Industrial Parks. The circulation analysis of the AHO Sites considered three different development scenarios at the AHO Sites. These scenarios included: 1) development up to 23-dwelling units per acre; 2) development of 23-dwelling units per acre plus the maximum possible state density bonus of 35%; and 3) development of up to 30-units per acre for a senior housing project plus the maximum possible 35% state density bonus.

In no instance did the EIR identify LOS levels exceeding those specified in TR Policy 4 even considering build-out of the AHO Sites under the most intensive development scenario (23-dwelling units plus the maximum possible 35% state density bonus). Under cumulative conditions, the EIR determined LOS levels at the signalized intersection of Redwood Boulevard/San Marin Drive near AHO Site 3 (Redwood Boulevard; APN 125-202-18) would reach LOS Level E. However, existing transportation mitigation measures included in the City's Capital Improvement Program will alleviate congestion at Redwood Boulevard/San Marin Drive to maintain an acceptable LOS D. The EIR concluded that new traffic associated with implementation of the Housing Element, the Legislative Amendments, and including development of the AHO Sites would not represent a considerable contribution to a significant cumulative impact. The EIR found the potential cumulative impacts of the Project to be less-than-significant based on implementation of the mitigation measures already included in the City's CIP program.

Based on the findings of the EIR, the Project is consistent with and furthers the direction of TR Policy 4.

TR Policy 11 Traffic Safety. Improve the safety of the roadway system.

Facts in Support: The Project was analyzed in an EIR. The EIR considered traffic safety as a result of the Project, including at each AHO Site based on a multi-family residential use and for an emergency shelter use at the Industrial Parks. The EIR determined the Project could result in potentially significant traffic safety impacts related to the design of circulation improvements at AHO Sites 1 (1787 Grant Avenue) and 3 (Redwood Boulevard; APN 125-202-18). Accordingly, the EIR assigned Mitigation Measures 3.13-1, 3.13-2, and 3.13-3 to reduce potential traffic safety impacts to a less than significant level. The EIR also identified a potentially significant traffic safety impact related to construction staging for new development at the AHO Sites and Industrial Parks. The EIR assigns Mitigation Measure 3.13-9 to this construction related impact.

Mitigation Measure 3.13-1 specifies that the City shall require a future project at AHO Site 1 to locate any driveway serving the Site a minimum of 150-feet east of Novato Creek, preferably as a southern leg to the existing intersection at Grant Avenue and 8th Street. This improvement is necessary to provide adequate site distance for persons entering and exiting AHO Site 1.

Mitigation Measure 3.13-2 specifies that the City shall require a future project at AHO Site 3 to

install driveways with finished grades providing a landing at an elevation similar to that of Redwood Boulevard, which would enable drivers stopped on the driveway approach to have clear visibility at least 300 feet to the north and south.

Mitigation Measure 3.13-3 specifies that the City shall require a future project at AHO Site 3 to install a left-turn pocket serving northbound left-turn movements from Redwood Boulevard into the driveway at Site 3. This improvement is necessary to maintain adequate traffic flow on northbound Redwood Boulevard under cumulative build-out conditions.

Mitigation Measure 3.13-9 specifies that the City shall review the site development plans for new development proposals at the AHO Sites and Industrial Parks to determine if construction staging and/or activities could disrupt circulation, and if necessary, require individual developments to submit a traffic control plan prior to the commencement of construction. A traffic control plan shall be implemented as necessary and appropriate for each phase of construction. Elements of a traffic control plan may include designating detour routes for vehicles, pedestrians, and bicyclists, providing notices to residents within a certain distance of the project regarding construction activities, and providing temporary replacement parking during construction.

Implementation of the mitigation measures above will ensure that a future development project at AHO Sites and Industrial Parks will maintain the safety of Novato's roadway system. Implementation of these mitigation measures will occur through the City's Design Review and building permit plan check processes. Based on the observations above, the Project is consistent with and furthers the direction of TR Policy 11.

TR Policy 20 Comprehensive Bicycle Path System. Establish a comprehensive and safe system of bicycle routes that connects all parts of the City.

TR Policy 22 Pedestrian Facilities. Promote, provide, and maintain a safe and convenient pedestrian system.

Facts in Support: The EIR prepared for the Project analyzed potential conflicts with policies and programs supporting bicycle and pedestrian facilities. The EIR concluded the Project could result in potentially significant impacts related to conflicts with local policies supporting bicycle and pedestrian facilities. Accordingly, the EIR assigned mitigation measures 3.13-4, 3.13-5, 3.13-6, 3.13-7, and 3.13-8 to ensure future projects at the AHO Sites and Industrial Parks provide adequate on-site and off-site pedestrians and bicycle facilities.

Mitigation Measure 3.13-4 requires the City to review the site development plans for new development projects at the AHO Sites and Industrial Parks through Design Review to ensure that adequate on-site circulation improvements are provided for pedestrians, including connection from each site to fronting pedestrian facilities in the public right-of-way consistent with the standards of Novato Municipal Code Section 5-34.

Mitigation Measure 3.13-5 specifies that the City shall require a future development project at AHO Site 1 (1787 Grant Avenue) include the construction of sidewalks along the Site's frontage with Grant Avenue between Novato Creek and 8th Street, tying into new sidewalk facilities to be constructed as part of the City's planned Grant Avenue bridge rehabilitation project.

Mitigation Measure 3.13-6 specifies that the City shall require a future development project at AHO Site 2 (Landing Court) to: a) construct sidewalks along the Site's frontage with Landing Court; b) upgrade the pedestrian pathway between the northeast corner of Landing Court/Redwood Boulevard and the Site so that a path of a minimum 5-feet wide is provided, and; c) improve the pedestrian ramp at the northeast corner of Landing Court and Redwood Boulevard to achieve ADA accessibility requirements.

Mitigation Measure 3.13-7 specifies that the City shall require a future development project at AHO Site 3 (Redwood Boulevard; APN 125-202-18) to: a) construct sidewalks along any portion of the Site's Redwood Boulevard frontage where none currently exist; and b) construct frontage improvements that provide sufficient width on Redwood Boulevard to implement future on-street bicycle lanes, consistent with the City's Bikeways Master Plan.

Mitigation Measure 3.13-8 specifies that the City shall require a future development project at AHO Site 4 (7506 Redwood Boulevard) to: a) construct sidewalks along the Site's frontage with Olive Avenue; b) construction of a pedestrian connection to the surrounding sidewalk network, potentially including a sidewalk on the north side of Olive Avenue between the Site and Redwood Boulevard or similar sidewalk connecting to the east side of the Railroad Avenue and Olive Avenue intersection.

Implementation of the mitigation measures above will ensure that future development pursuant to the Housing Element and Legislative Amendments will install adequate pedestrian and bicycle facilities. Implementation of these mitigation measures will occur through the City's Design Review and building permit plan check processes. Based on the observations above, the Project is consistent with and furthers the direction of TR Policies 20 and 22.

ENVIRONMENT CHAPTER

- EN Policy 1 Ecology of Creeks and Streams. Preserve and enhance the ecology of creeks and streams.
- EN Policy 2 Vegetation in Watercourse Areas. Protect vegetation in watercourse areas.
- EN Policy 3 Wildlife Habitat. Endeavor to preserve and enhance wildlife habitat areas in watercourse areas and control human use of these areas as necessary to protect them.
- EN Policy 18 Species Diversity and Habitat. Protect biological resources that are necessary to maintain a diversity of plant and animal species.
- EN Policy 19 Special Status Species. Cooperate with State and Federal Agencies to ensure that development does not substantially adversely affect special status species appearing on the State or Federal list for any rare, endangered, or threatened species. The environmental documentation will screen for the Federal Candidate Species, plants listed on lists 1A, 1B, or 2 of the California Native Plant Society

(CNPS), inventory of rare and endangered vascular plants of California and animals designated by CDFG as species of special concern or their current equivalent.

Facts in Support: The EIR prepared for the Project considered the physical constraints at each AHO Site and the Industrial Parks, including any identified water ways. The EIR identified Novato Creek crossing through AHO Site 1 (1787 Grant Avenue) and Vineyard Creek abutting AHO Site 5 (1905 Novato Boulevard). The EIR analyzed the potential for future multi-family residential development at AHO Sites 1 and 5 to impact the waterways noted above, including the removal of riparian habitat/vegetation, disturbance of wildlife therein, and the potential for erosion and related water quality issues. The EIR concluded that development on AHO Sites 1 and 5 may have potentially significant effects on nearby waterways with respect to possible disturbance of riparian habitat and special status plants and species. Accordingly, the EIR assigns Mitigation Measures 3.3-1, 3.3-2, 3.3-3, and 3.3-4 to reduce potential impacts to a less-than-significant level.

Mitigation Measure 3.3-1 specifies that a site/project specific plant and wildlife survey and biological resource assessment shall be prepared for AHO Sites 1, 3, 4, and 5 at the time of Design Review. The information from the survey and assessment would be used identify any special status plant and wildlife species at the given AHO Site and inform the design of a future project to avoiding impacting such species. If the identified special status species cannot be avoided then the project applicant shall coordinate with the listing regulatory agency to obtain proper permits, impact minimization procedures, and compensatory mitigation if necessary. Potential measures include retaining a qualified botanist to hand excavate and relocate special status plant species.

Mitigation Measure 3.3-2 specifies that as part of the Design Review process future projects at AHO Sites 1 through 5 shall be conditioned to require preconstruction nesting bird surveys. At least two surveys shall be conducted not more than 15-days prior to the start of construction. The intent of this mitigation is to avoid the disturbance of birds protected under the California Fish and Game Code and the federal Migratory Bird Treaty Act.

Mitigation Measure 3.3-3 specifies that the City shall apply the provision of Novato Municipal Code Division 19.35, Waterway and Riparian Protection, to new development at AHO Sites 1 and 5. Division 19.35 includes permit requirements, review procedures, and development standards addressing the design, construction, and operation of new development near watercourses. In particular, Division 19.35 applies a 50-foot stream protection zone, which precludes the encroachment of buildings or disturbances of land therein. Should a future project at AHO Sites 1 or 5 contemplate encroachment into the stream protection zone, then the review procedures, permit requirements, and development standards of Division 19.35 would be triggered, including a provision requiring a stream management plan addressing the long term maintenance and preservation of the subject waterway at the project site.

Mitigation Measure 3.3-4 specifies that the City shall require as a condition of approval through Design Review the installation of construction barrier fencing at AHO Sites 1 and 5 at the limits of proposed development thereon. The construction barrier fencing would be installed to clearly delineate the boundaries of construction and prevent construction equipment and personnel from entering and disturbing riparian habitat along Novato Creek and Vineyard Creek. The construction barrier fencing would be installed prior to any construction activities.

In addition to the mitigation measures noted above, Housing Element Program 9.B requires a minimum 20-foot setback from the top-of-bank of Novato Creek at AHO Site 1 (1787 Grant Avenue). This setback was included in Policy 9.B to respect existing flood control and access easements held by the Marin County Flood Control District and to serve as a buffer between new development and the riparian habitat along Novato Creek. Accordingly, in no instance could new development at AHO Site 1 be located closer than 20-feet to the top-of-bank of Novato Creek.

Implementation of the mitigation measures and policy provisions noted above will ensure that a future development project at AHO Sites 1 and 5 would avoid and/or minimize potential impacts on Novato Creek and Vineyard Creek and any special status plants and wildlife that might be identified. Implementation of these mitigation measures will occur through the City's Design Review and building permit plan check processes. Based on the observations above, the Project is consistent with and furthers the direction of EN Policies 1, 2, 3, 18, and 19.

EN Policy 4 Erosion Control. Minimize soil disturbance and surface runoff in the Stream Protection Zones. Pursuant to the City's grading ordinance, work in and adjacent to the zones shall be conducted during the dry season only, at times when the Community Development Department determines that surface runoff will be minimal or containable.

EN Policy 7 Water Quality: Encourage protection of water resources from pollution and sedimentation, and preserve their environmental and recreation values.

EN Policy 35 Watershed Management. Minimize the effects of pollution in stormwater runoff. Retain and restore where feasible the natural hydrological characteristics of watersheds in the Novato Area of Interest.

EN Policy 36 Point Source Pollution. Continue to prohibit discharges of any substances other than stormwater and prevent illicit dumping of wastes into storm drains and creeks.

EN Policy 37 Using CEQA to Reduce Water Quality Impacts. Use the provisions of the California Environmental Quality Act (CEQA) process to identify measures to prevent erosion, sedimentation, and urban runoff pollution resulting from development.

Facts in Support: The EIR prepared for the Project analyzed the potential for water quality impacts as a result of implementation of the Housing Element and Legislative Amendments including those which could occur at the AHO Sites and Industrial Parks. The EIR did not identify any significant water quality impacts resulting from the Project, including new development at the AHO Sites based on existing legislation and standards addressing stormwater pollution prevention, including erosion control. The EIR did not identify any impacts related to water quality at the Industrial Parks recognizing the establishment of an emergency shelter(s) therein would likely involve the use of an existing building.

The EIR determined that future development pursuant to the Project, including at the AHO Sites would be subject to meeting the requirements of the National Pollution Discharge Elimination System (NPDES) and the Marin County Stormwater Pollution Prevention Program (MCSTOPPP). The requirements of these programs include the preparation of a Stormwater Pollution Prevention Plan (SWPPP) to avoid or minimize the potential for construction related pollutants, including eroded soil and oil leaked from equipment, to enter the local stormwater drainage system and waterways. These programs also require a Stormwater Management Plan (SWMP) to avoid or minimize the potential for post-construction related pollutants, including oil residues washed from parking lots and landscaping chemicals, to enter the local stormwater drainage system and waterways. The preparation of a SWPPP and SWMP are based on implementation best management practices, such as installing straw wattles, silt fences, erosion control blankets, and installing natural drainage swales or filtration systems to capture pollutants in stormwater. These measures are common for new construction projects.

Compliance with the NPDES and MCSTOPPP programs would be determined through the City's Design Review and building permit plan check processes. Compliance with an approved SWPPP and SWMP would avoid or minimize erosion and other pollutants from entering the local stormwater drainage system and waterways. Based on the observations above, the Project is consistent with and furthers the direction of EN Policies 4, 7, 35, 36, and 37.

EN Policy 9 Determination of Wetlands. Recognize the U.S. Army Corps of Engineers (ACE) as the designated permitting agency that regulates wetlands. In regulating wetland activities, the ACE consults with other agencies and organizations including but not limited to U.S. Fish and Wildlife and State Department of Fish and Game.

EN Policy 10 Wetlands Ecology. Preserve and enhance wetlands ecology.

Facts in Support: The EIR prepared for the Project analyzed the implementation of the Housing Element and Legislative Amendments, including each AHO Site and the Industrial Parks to determine the presence of and possible impacts to wetland habitat. The EIR identified potential wetland habitat at AHO Sites 1 (1787 Grant Avenue), 3 (Redwood Boulevard; APN 125-202-18), 4 (7506 Redwood Boulevard) and 5 (1905 Novato Boulevard). In a letter dated September 24, 2013, the U.S. Army Corps of Engineers (USACE) confirmed the existence of jurisdictional wetlands abutting AHO Site 3. The EIR concluded that future development at AHO Sites 1, 3, 4, and 5 could have a potentially significant effect on wetlands. As such, the EIR assigned Mitigation Measure 3.3-5 to avoid or minimize the potential for wetland related impacts.

Mitigation Measure 3.3-5 specifies that as part of the City's Design Review process any development on AHO Sites 1, 3, 4, and 5 shall be conditioned to: a) conduct a formal jurisdictional wetland delineation at AHO Sites 1, 4, and 5; b) require any proposed removal, fill, or hydrologic interruption of the jurisdictional wetland features abutting AHO Site 3 to be permitted by the USACE and if applicable, the California Department of Fish and Wildlife (CDFW); and c) require any proposed removal, fill, or hydrologic interruption of any jurisdictional wetlands found at AHO Sites 1, 4, and 5 to be permitted by the USACE and if applicable, the CDFW.

The EIR also recognizes that Novato Municipal Code Division 19.36, Wetland Protection and Peres1013; 11/5/13

Restoration, would apply to future development on AHO Sites with jurisdictional wetlands. As such, AHO Site 3, and potentially, if wetlands are present, AHO Sites 1, 4, and 5, would be subject to complying with provisions of Division 19.36. In particular, Division 19.36 requires new development to maintain a 50-foot buffer from jurisdictional wetlands to prevent disturbance. Should a future project at AHO Sites 1, 3, 4, or 5 contemplate encroachment into the 50-foot wetland buffer or involve the fill of a jurisdictional wetland feature, then the review procedures, permit requirements, and development standards of Division 19.36 would be triggered, including provisions addressing measures to protect wetland features, such as protective fencing, landscaping with native vegetation to buffer wetland features, and the implementation of erosion and sediment control to prevent water quality impacts. Division 19.36 also specifies minimum wetland replacement ratios, which would apply in instances where jurisdictional wetlands were filled. The minimum replacement ratios are 2:1 for on-site replacement and 3:1 for off-site replacement.

The EIR concluded that a future project at AHO Sites 1, 3, 4, and 5 that is found to comply with the mitigation measures specified in the EIR and the requirement of Division 19.36 would be considered to have a less-than-significant effect on federally protected wetlands.

Implementation of the mitigation measures above will ensure that a future development project at AHO Sites 1, 3, 4 and 5 would avoid and/or minimize potential impacts on jurisdictional wetlands. Implementation of these mitigation measures will occur through the City's Design Review and building permit plan check processes. Based on the observations above, the Project is consistent with and furthers the direction of EN Policies 9 and 10.

EN Policy 23 Native Woodlands. Maintain age and species diversity of native woodlands, and preserve the health of trees and other vegetation wherever feasible.

EN Policy 25 Trees on Private Property. Encourage and, where appropriate, require actions by private property owners to protect the health of native woodlands and trees.

EN Policy 26 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 EIR prepared for the Project analyzed the Housing Element and Legislative Amendments, including each AHO Site with respect to existing tree resources. The EIR determined that all of the AHO Sites contain trees that could be disturbed or removed as a result of new development, representing a potentially significant impact. Accordingly, the EIR directs the implementation of Mitigation Measure 3.3-6. Mitigation Measure 3.3-6 specifies that the City shall require future projects at the AHO Sites to: a) provide an arborist report documenting the type, health and location of trees on a given site; b) be designed to avoid trees to the extent feasible; and c) require on-site tree replacement at a 3:1 ratio for any native trees removed, consistent with Novato Municipal Code Division 19.39, Woodland and Tree Preservation.

The EIR concluded that a future project at the AHO Sites complying with Mitigation Measure 3.3-6 would have a less-than-significant impact on tree resources. Based on this finding, the

Project is consistent with and furthers the direction of EN Policies 23, 25, and 26.

EN Policy 27 Scenic Resources. Protect visual values on hillsides, ridgelines, and other scenic resources.

Facts in Support: The EIR prepared for the Project analyzed the Housing Element and Legislative Amendments, including each AHO Site and Industrial Parks with respect to scenic resources. The EIR determined the AHO Sites and Industrial Parks are not identified as scenic resources on General Plan EN Map 3, Scenic Resources. The EIR considered views through the AHO Sites and Industrial Parks to scenic resource areas identified on EN Map 3. AHO Site 3 (Redwood Boulevard; APN 125-202-18) was determined to be located in an area offering views of mapped scenic resources.

The EIR concluded that future development at AHO Site 3 would not disrupt views of nearby scenic resources, including the Mt. Burdell and Rush Creek Open Space Preserves, from U.S. 101/Redwood Boulevard and existing single-family residences along Cobblestone Drive. In particular, the EIR noted that views of the Rush Creek Open Space Preserve from existing residences on Cobblestone Drive would be unobstructed by new development at AHO Site 3 recognizing these residences are elevated well above AHO Site 3. As such, the residents of these homes would have clear views over future development at AHO Site 3, retaining existing site lines into the Rush Creek Open Space Preserve and the baylands beyond. The EIR also concluded that views of the Mt. Burdell Open Space Preserve from Redwood Boulevard and U.S. 101 would not be significantly altered by new development at AHO Site 3, recognizing this Open Space Preserve is located at an elevation well above this Site.

Based on the observations above, the Project is consistent with and furthers the direction of EN Policy 27.

EN Policy 34 Local Efforts. Encourage local efforts to improve air quality.

Facts in Support: The EIR prepared for the Project analyzed air quality impacts. The EIR determined that new multi-family residential development at the AHO Sites could result in potentially significant air quality impacts. The EIR did not identify any significant potential air quality impacts associated with emergency shelters at the Industrial Parks since such a facility is expected to occupy an existing building(s) and generate an insignificant amount of vehicle traffic.

The EIR determined the operation of multi-family residential units at the AHO Sites could result in criteria pollutant emissions exceeding the thresholds established by the Bay Area Air Quality District (BAAQMD) on a project specific and cumulative basis. Based on these findings, the EIR assigns Mitigation Measure 3.2-1 to reduce potential criteria pollutant levels below BAAQMDs' thresholds at a project level and under cumulative build-out conditions. Mitigation Measure 3.2-1 requires the City to apply a condition of approval to future projects at all AHO Sites that: a) allows only natural gas fireplaces; b) requires the use of low Volatile Organic Compound (VOC) paint; c) the installation of high energy efficiency appliances; d) the installation of low flow water fixtures; and e) use of water efficient irrigation systems. This Mitigation Measure would reduce operational air quality impacts to a less-than-significant level by: i) preventing wood burning, which generates high levels of airborne particulate matter, ii) minimizing the release of

VOCs, which are linked to a variety of short- and long-term respiratory health issues, and iii) minimizing the consumption of energy produced by the burning of fossil fuels relating to the operation of household appliances and water treatment and use. Mitigation Measure 3.2-1 would be applied as a condition of approval to future project proposals at the AHO Sites.

The EIR determined that new development at the AHO Sites could result in dust and equipment emissions during construction that could be potentially significant on a project specific basis. Based on this finding, the EIR assigns Mitigation Measure 3.2-2. Mitigation Measure 3.2-2 specifies the City shall require that future projects at the AHO Sites implement best management practices as prepared by the BAAQMD to control dust and minimize equipment exhaust emissions. Best management practices include, but are not limited to, watering exposed soils to prevent dust, covering soil stockpiles, the use of water sweepers to remove dirt tracked into roadways, maintaining proper exhaust equipment on construction vehicles, and assuring that construction vehicles are equipped with engines certified by the California Air Resources Board (CARB). Mitigation Measure 3.2-2 would be applied as a condition of approval to future project proposals at the AHO Sites.

Implementation of the mitigation measures above will ensure that a future development project at the AHO Sites would minimize potential air quality impacts. Implementation of these mitigation measures will occur through the City's Design Review, building permit plan check, and building inspection processes. Based on the observations above, the Project is consistent with and furthers the direction of EN Policy 34.

EN Policy 39 On-Site Recycling Areas. Require on-site areas for recycling in commercial/retail, office and multi-family residential developments as required by State law.

Facts in Support: The future development of multi-family residential units as contemplated by the Project, including at the AHO Sites and the establishment of emergency shelters in the Industrial Park, would be subject to meeting the uniform requirements of Novato Municipal Code Section 19.20.120, Solid Waste and Recyclable Materials Storage. Section 19.20.120 establishes the minimum storage area and enclosure requirements for new developments in Novato, including: a) specifying the minimum dimension of recycling and storage areas by the size and type of land use; b) guiding the placement of recycling and storage areas to aid resident and removal service access; and c) providing guidelines for the design and construction of recycling and storage areas.

The requirements of Section 19.20.120 uniformly apply to all new development in Novato. Therefore, future development proposals pursuant to the Project, including at the AHO Sites or the establishment of an emergency shelter at the Industrial Parks would be reviewed by the City through its Design Review and building permit plan check processes to determine compliance with the uniform requirements of Section 19.20.120. Based on these observations, the Project is consistent with and furthers the direction of EN Policy 39.

SAFETY & NOISE CHAPTER

SF Policy 1 Seismic Hazards. Reduce the risk of loss of life, personal injury and damage to property resulting from seismic hazards.

SF Policy 3 Slope and Soil Instability. Continue to enforce existing regulations and procedures to identify potential hazards relating to geologic and soils conditions.

Facts in Support: The EIR prepared for the Project analyzed seismic, soil, and slope stability hazards as a result of the Project. This analysis included a review of soil conditions at the AHO Sites. The EIR determined that new development at the AHO Sites, as contemplated by the Project, would not result in potentially significant impacts related to seismic hazards, liquefaction, landslides, or soil instability. The EIR found that the existing, uniform regulations of the City of Novato and the California Building Code (CBC) would adequately address site and project specific seismic and soils conditions. In particular, both the Novato Municipal Code and CBC require site/project specific soils/geotechnical reports, which are used to inform the design of new buildings to resist collapse or damage during a seismic event or due to a soil stability issue. Accordingly, a future development pursuant to the Project, including any which may occur at the AHO Sites, would be required to prepare and submit a soils/geotechnical analysis, including an assessment of site specific soil conditions and engineering recommendations for site grading and building design.

The EIR concluded that application of the uniform standards of the Novato Municipal Code and CBC to future development proposals at the AHO Sites, similar to all other sites and new development in Novato, would reduce potential seismic, soil, and slope stability hazards to a less-than-significant level. Based on the observations above, the Project is consistent with and furthers the direction of SF Policies 1 and 3.

SF Policy 9 Storm Drainage System. Maintain unobstructed water flow in the storm drainage system.

Facts in Support: The EIR prepared for the Project analyzed drainage as a result of the Project, including at each of the AHO Sites and Industrial Parks. The EIR determined that new development contemplated by the Project, including at the AHO Sites, would not create or contribute run-off in excess of the capacity of the local stormwater drainage system. The EIR noted that AHO Sites 1, 2, and 5 have urban uses that are already served by existing stormwater drainage infrastructure and that future development thereon would not significantly alter current drainage patterns. The EIR further noted that new development at AHO Sites 3 and 4, although currently undeveloped, would be subject to meeting the uniform requirements of Novato Municipal Code Section 5-15, *Drainage*.

Novato Municipal Code Section 5-15 requires all new development proposals in Novato to provide an on-site storm water drainage system that connects to the public storm drain system. The intent of Section 5-15, in part, is to ensure that stormwater run-off is properly collected and conveyed to the public storm drain system in a manner that does not create obstructions leading to on- or off-site flooding. Accordingly, Section 5-15 requires new development to prepare a project/site specific hydrologic design study and model developed pursuant to the criteria of this Section, including minimum design storms of average recurrence levels of 25-years for minor drainage features and 100-years for major features. Section 5-15 also provides various drainage design criteria, including, but not limited to, designating the size of drainage pipe and channels, minimum pipe structural designs to withstand earth and surcharge loads, and requiring sufficient pipe depths.

The EIR concluded that Novato Municipal Code Section 5-15 provides adequate uniform drainage standards to assure that future development associated with the Project would not adversely impact drainage conditions or Novato's drainage system. Based on the observation above, the Project is consistent with and furthers the direction of SF Policy 9.

SF Policy 16 Fire Risk in New Development. Review all development proposals for fire risk, and require mitigation measures to reduce the probability of fire.

SF Policy 17 Level of Fire Protection. Work with Novato Fire Protection District to help ensure a continued high level of fire protection.

SF Policy 26 Level of Emergency Medical Response. Encourage the Novato Fire Protection District to continue maintaining a high level of emergency medical response.

Facts in Support: The EIR prepared for the Project analyzed fire risk associated with implementation of the Housing Element and Legislative Amendments, including at each of the AHO Sites and Industrial Parks. The EIR references the Wildland Urban Interface (WUI) as mapped by the Novato Fire Protection District (NFPD). The WUI includes areas of Novato that have topographic and vegetation characteristics that increase the potential for wildland fire which could result in the loss of structures therein. The EIR determined the AHO Sites and Industrial Parks are not located in Novato's WUI. As such, the EIR concluded the potential exposure of the AHO Sites and Industrial Parks to wildland fire is less-than-significant.

The EIR prepared for the Project also analyzed the demand for fire and emergency medical services with respect to whether NFPD would need new or expanded facilities to serve future development contemplated pursuant to the Project, including at the AHO Sites and Industrial Parks, at a project level and cumulatively. The EIR determined the AHO Sites and Industrial Parks are located in NFPD's service boundaries and currently receive fire, emergency medical, and hazardous materials response from the District. The EIR concluded the development level anticipated by the Project at the AHO Sites and the establishment of emergency shelters at the Industrial Parks would not generate a significant increase in demand for fire and emergency medical services, resulting in the need for NFPD to construct new or expanded facilities. The EIR noted that all new development in Novato is required to pay a Fire Facilities Impact fee, which is used by the Fire District to fund the construction and equipping of new fire facilities to serve Novato. Future development pursuant to the Project, including at the AHO Sites, would be subject to paying this fee to support future fire facilities, if needed.

New development at the AHO Sites and the establishment of an emergency shelter(s) at the Industrial Parks, similar to all new development in Novato, would be subject to review by the NFPD for compliance with its local standards and those of the Uniform Fire Code (UFC). Compliance with NFPD standards and the UFC would be determined through the City's Design Review, building permit plan check, and building inspection processes, which would apply to new development, including at the AHO Sites and Industrial Parks. Accordingly, the City would refer new development proposals to NFPD for review and comment. The project referrals would allow NFPD to provide recommendations to guide design of new projects to assure the proposal includes design features minimizing fire risk and aiding in emergency fire and medical response,

including fire apparatus turn-arounds and fire hydrants. The City would apply the recommendations of NFPD as condition of approval to projects through the Design Review process. The establishment of an emergency shelter(s) at the Industrial Park would be reviewed through the City's building permit plan check process recognizing such a facility is likely to occupy an existing building(s). The noted procedures would ensure the NFPD maintains a high level of fire protection and emergency medical response.

Based on the observations above, the Project is consistent with and furthers the direction of SF Policies 16, 17, and 26.

SF Policy 23 Demand for Police Services. Review development proposals for their demand for police services and implement mitigating measures to maintain adequate police services.

Facts in Support: The EIR prepared for the Project analyzed the demand for police services with respect to whether the Novato Police Department (NPD) would require new or expanded facilities to serve future development contemplated by the Project, including at the AHO Sites and the establishment of an emergency shelter(s) in the Industrial Parks. The EIR determined the AHO Sites and Industrial Parks are located in the service boundaries and currently receive public safety service from NPD. The EIR noted the future population increase resulting from new development at the AHO Sites would require one new police officer based on NPD's current staffing ratio of 1.12 officers per 1,000 residents. The EIR concluded that one additional police officer would not generate the need to build a new police facility or expand Novato's existing police station. The EIR also noted the increase in population resulting from development of the AHO Sites would not cause existing police service levels to significantly decline.

The establishment of an emergency shelter(s) at the Industrial Parks is likely to involve the use of an existing building(s), which is already served by NPD. As such, an emergency shelter use is not expected to require new or expanded police facilities or cause a decline in police service levels.

Based on the observations above, the Project is considered to be consistent with and further the direction of SF Policy 23.

SF Policy 37 Noise and Land Use Compatibility Standards. Encourage the maintenance of the noise and land use compatibility standards indicated in SF Table 3.

SF Policy 38 Noise Reduction and Mitigation. Mitigate noise exceeding standards and significant noise impacts to the maximum feasible extent.

Facts in Support: The EIR prepared for the Project analyzed potential noise impacts. The EIR determined the Project could result in potentially significant noise impacts related to: a) construction noise at the AHO Sites; b) exposure of sensitive receptors to groundborne vibration due to construction at AHO Site 2 (Landing Court); c) exposure of sensitive receptors to mechanical equipment and playground noise due to multi-family residential uses at AHO Sites 1 (1787 Grant Avenue), 2 (Landing Court), and 5 (1905 Novato Boulevard); d) exposure of future residents at AHO Sites 3 (Redwood Boulevard; APN 125-202-18), 4 (7506 Redwood

Boulevard), and 5 to exterior noise levels exceeding the City's interior and exterior noise thresholds; and e) exposure of future residents at AHO Sites 3 and 4 to railroad related noise due to proximity to the SMART/NCRA rail line. Based on these findings, the EIR assigns Mitigation Measures 3.10-1, 3.10-2, 3.10-3, 3.10-4, 3.10-5, 3.10-6, and 3.10-7 to reduce noise levels to acceptable levels.

Mitigation Measure 3.10-1 requires future projects at the AHO Sites to implement best management practices to control construction related noise, including, but not limited to locating equipment and construction staging areas away from nearby sensitive receptors, properly maintaining equipment, and designating a liaison to respond to noise complaints.

Mitigation Measure 3.10-2 requires a future project at AHO Site 2 to implement measures to address any damage caused to nearby structures as a result of groundborne vibrations, including documenting the existing conditions of adjacent buildings prior to construction, repairing damage, and consulting with a qualified engineer to abate activities causing groundborne vibrations and nearby structure damage.

Mitigation Measure 3.10-3 requires a future project at AHO Sites 2, 3, 4, and 5 to include forced-air mechanical ventilation systems to allow occupants to keep windows closed to control interior noise at their discretion.

Mitigation Measure 3.10-4 requires a future project at AHO Sites 3, 4, and 5 to be designed to avoid exposing sensitive exterior areas (patios/balconies) to traffic noise contours exceeding 65 dBA Ldn at these Sites or incorporate measures, such as building orientation, to shield these areas from traffic noise.

Mitigation Measure 3.10-5 requires a future project at AHO Sites 1, 2, and 5 to be designed to implement measures to reduce exposure of nearby sensitive receptors to noise from mechanical equipment (e.g., air conditioning units) and on-site play areas by using appropriate setbacks and/or barriers to maintain acceptable noise levels at outdoor use areas as established by SF Policy 37.

Mitigation Measure 3.10-6 requires a future project at AHO Sites 3 and 4 to be designed based on the recommendations of an acoustical consultant. The acoustical consultant will provide guidance regarding noise attenuating construction techniques and materials to maintain an interior noise level of 45 dBA Ldn at units exposed to SMART/NCRA train operations.

Mitigation Measure 3.10-7 requires the operators of future projects at AHO Sites 3 and 4 to provide prospective residents with a disclosure noting the potential for train related noise, including train horns.

The mitigation measures noted above will be applied to future projects at the noted AHO Sites through the City's Design Review and building permit plan check processes. If necessary, conditions of approval will be assigned to project at the time of Design Review to implement the noted mitigation measures. Compliance with the noted mitigation measures and any conditions of approval would be determined through the building permit plan check process and subsequent building inspections.

Based on these observations above, the Project is consistent with and furthers the direction of SF Policies 37 and 38.

PUBLIC FACILITIES & SERVICES CHAPTER

PF Policy 4 Management of Public Services. Work with public service agencies to ensure that those agencies have the means to provide services required by Novato residents and businesses.

PF Policy 5 Potable Water. Ensure adequate water supply for new and existing development.

PF Policy 6 Water Conservation. Develop and implement water conservation programs for Novato.

Facts in Support: The EIR prepared for the Project analyzed the service capacity of local public services including those of the North Marin Water District (NMWD), Novato Sanitary District (NSD), Novato Unified School District (NUSD), Novato Police Department (NPD), and Novato Fire Protection District (NFPD). The EIR concluded that the new development contemplated by the Project would not exceed the service capacities of the noted public agencies.

With respect to the NMWD, the EIR determined the level of development anticipated as a result of the Project, including at the AHO Sites, individually and cumulatively, would not exceed the build-out projections of the Novato General Plan. The EIR notes that NMWD's 2010 Urban Water Management Plan (UWMP), prepared on the expected build-out of the Novato General Plan, identifies sufficient planned and existing water supplied to support existing and future development. Accordingly, the EIR concludes that future development at the AHO Sites would not exceed planned or existing water supplies. In a letter dated September 6, 2013, NMWD confirms the development levels analyzed in the EIR would not exceed the projected water supplies described in the District's 2010 UWMP.

The EIR considered the capacity of NSD's sewer treatment and recycled water facilities. The EIR concluded the level of development anticipated at the AHO Sites, individually and cumulatively, would not exceed the capacity of NSD's facilities. In particular, the EIR calculated the potential waste water flow from the most intensive development scenario that could occur under the Project. This data was compared against the design capacity of NSD's waste water treatment plant and current demand and projected future demand. Based on this analysis, the EIR concluded NSD's waste water treatment plant has sufficient capacity to adequately serve new development at a project level and under the projected cumulative build-out conditions.

The EIR analyzed the potential effects of new development contemplated by the Project, including at the AHO Sites on the demand for school facilities. The EIR projected the number of students that could be expected to occupy the AHO Sites using student generation factors developed by NUSD. The EIR determined new development at the AHO Sites could generate up to 314 new students under the Project's most intense development scenario. The EIR noted that NUSD has a capacity of 8,468 students and is projected to have 7,007 students by 2017-2018. The EIR concluded that potential addition of 314 new students due to development of the AHO Sites would not create the need to construct new or expanded school facilities.

For NFPD facilities see discussion for SF Policies 16, 17, and 26 above.

For NPD facilities see discussion for SF Policy 23 above.

The EIR considered the potential demands of future development at the AHO Sites on other public facilities, including parkland, Novato's local library branches, and other general governmental facilities. With respect to parks and recreation facilities, the EIR concluded the City currently has a sufficient inventory of developed and undeveloped parkland acreage to maintain its goal of providing 4.5-acres of parkland for each 1,000 residents. The EIR determined that development of the AHO Sites would increase Novato's population by 1.5-percent. The EIR concluded this level of population growth would have a less-than-significant effect on other public facilities, including the local branches of the Marin County Free Library.

Based on the observations above, the Project is consistent with and furthers the direction of Policies 4, 5, and 6.

COMMUNITY IDENTITY CHAPTER

CI Policy 1 Compatibility of Development with Surroundings. Ensure that new development is sensitive to the surrounding architecture, topography, landscaping, and to the character, scale, and ambiance of the surrounding neighborhood. Recognize that neighborhoods include community facilities needed by Novato residents as well as homes, and integrate facilities into neighborhoods.

See discussion for LU Policy 5 above.

CI Policy 7 Landscaping. Encourage attractive native and drought-tolerant, low-maintenance landscaping responsive to fire hazards.

CI Policy 14 Open Areas and Landscaping. Require provision of adequate landscaped, open areas in project design.

Facts in Support: Future development at the AHO Sites and in the Emergency Shelter Areas, as contemplated by the Project, would be subject to demonstrating compliance with the landscaping requirements of Novato Municipal Code Division 19.28, Landscaping, and Section 19.30.070, Parking Design Standards. Division 19.28 specifies uniform landscaping criteria and standards, including, but not limited to, minimum dimensions of landscape areas, minimum number of trees, minimum size of plants, and irrigation design. Section 19.30.070 includes specific design standards from landscaping located in parking lots, including, but not limited to, minimum amount of total landscape area, minimum number of trees, and minimum dimension of planter areas. The standards of Division 19.28 and Section 19.30.070 apply to all new development proposals in Novato and are intended to result in new projects that have adequate and attractive landscaping and landscaped spaces.

New development at the AHO Sites will require approval through Novato's Design Review process. The Design Review process includes a review of a given project's landscape design to not only determine compliance with Novato Municipal Code Division 19.28 and Section

19.30.070, but also qualitatively assess the landscape proposal for compatibility with the project site and surrounding context and general aesthetic appearance. Implementation of the standards of Novato Municipal Code Division 19.28 and Section 19.30.070 through the Design Review process will ensure that new development contemplated by the Project would have adequate landscaping that is attractive and compatible with surrounding development.

Based on the observations above, the Project is consistent with and furthers the direction of CI Policies 7 and 14.

CI Policy 9 Undergrounding Utilities. Continue to require undergrounding of utilities.

CI Policy 10 Provide for the proper placement, removal and replacement of above-ground utilities.

Facts in Support: Novato Municipal Code Section 5-53 addresses the undergrounding of overhead utilities lines. The requirements of Section 5-53 apply to all new development proposals in Novato. Accordingly, a future development at the AHO Sites, as contemplated by the Project, would be subject to demonstrating compliance with Section 5-53. Section 5-53 requires all existing overhead utility lines at a project site and any new utility lines to be placed underground. Alternatively, a project may be permitted to pay a fee in-lieu of undergrounding existing overhead utilities where it would be more practical to defer undergrounding work until additional development occurs. Compliance with the provisions of the Novato Municipal Code Section 5-53 would be addressed through Novato's Design Review and building permit plan check processes.

Based on the observations above, the Project is consistent with and furthers the direction of CI Policies 9 and 10.

CI Policy 15 Pedestrian Paths. Provide for maximum feasible pedestrian circulation.

See discussion for TR Policy 22 above.

CI Policy 30 Archaeological Resources Protection: Continue to protect archaeological resources.

Facts in Support: The EIR prepared for the Project analyzed the potential for new development pursuant to the Project, including at the AHO Sites and the establishment of an emergency shelter(s) at the Industrial Parks, to disturb or destroy archeological resources, including human remains. The EIR analysis included a review of all records retained by the Northwest Information Center (NWIC) at Sonoma State University to determine whether recorded cultural resources were present on or near the AHO Sites or Industrial Parks. Based on the records review, the EIR determined the Emergency Shelter Areas had been previously surveyed for cultural resources and no cultural resources have been recorded in these areas. The EIR determined there is one recorded cultural resource, CA-MRN-678, located on one of the AHO Sites.

The EIR concluded that although only one AHO Site contains a recorded cultural resource, all of the AHO Sites and Industrial Parks are located in an area known to have cultural resources recognizing Marin County's extensive history of inhabitation by Native Americans. As such, there is the potential that a future development at the AHO Sites or Industrial Parks could unearth unrecorded cultural resources, representing a potentially significant impact. Given this finding, the EIR assigned Mitigation Measures 3.4-1, 3.4-2, and 3.4-3 to protect and prevent the disturbance and/or destruction of cultural resources.

Mitigation Measure 3.4-1 requires the preparation of a site/project specific cultural resources report prepared by a qualified archeologist prior to new development at the AHO Sites and Industrial Parks. The cultural resources report would be prepared and considered at the time of Design Review for a new project. The findings of the cultural resources report and any recommendations of the project archeologist would be reviewed and used to inform the design of the proposed project with a focus on avoiding any known or suspected cultural resources and/or applying conditions of approval to ensure the protection of such resources.

Mitigation Measure 3.4-2 requires new development on the AHO Site containing recorded cultural resource CA-MRN-678 to be designed to avoid this cultural resource. Compliance with this mitigation would be determined at the time of Design Review for a new project on the affected AHO Site.

Mitigation Measure 3.4-3 requires specific actions should cultural resources, including human remains, be found during grading and construction activities at the AHO Sites or Industrial Parks. These actions include: a) immediately halting all work within a 200-foot radius of the discovery; b) consulting with a qualified archeologist to evaluate and determine whether the find qualifies as a cultural resource; c) developing, considering, and implementing the recommendations of the qualified archeologist regarding the avoidance, preservation in place, and any other appropriate measures to protect a confirmed cultural resource; d) if involving Native American resources, a Native American monitor may be required; e) if human remains are involved, the County Coroner shall be notified; and f) if involving Native American remains the procedures of CEQA Guidelines Section 15064.59(d) and (e) shall be followed, including notification of the California Native American Heritage Commission and the closest known descendants of the deceased.

Implementation of mitigation measures noted above would protect cultural resources. Based on the observations above, the Project is consistent with and furthers the direction of CI Policy 30.

DOWNTOWN NOVATO SPECIFIC PLAN

GOALS

Plan and implement needed improvements to the traffic circulation system.

Improve bicycle access and bicycle parking.

Create a pedestrian-oriented Downtown built and maintained at a human and village scale.

Facts in Support: The Project contemplates new multi-family residential development at AHO Site 4 (7506 Redwood Boulevard), which is located in the Downtown Novato Specific Plan area. As discussed in the EIR for the Project, new development at AHO Site 4 could potentially impact traffic operations during construction and conflict with policies related to the provision of adequate pedestrian and bicycle facilities. Accordingly, the EIR assigns Mitigation Measures 3.13-4, 3.13-8, and 3.13-9 to address these potential impacts as they relate to development pursuant to the Project, including all of the AHO Sites and AHO Site 4 specifically.

Mitigation Measure 3.13-4 requires the City to review the site development plans for new development projects, including at AHO Site 4, through Design Review to ensure that adequate on-site circulation improvements are provided for pedestrians, including connection from each site to fronting pedestrian facilities in the public right-of-way consistent with the standards of Novato Municipal Code Section 5-34.

Mitigation Measure 3.13-8 specifies that the City shall require a future development project at AHO Site 4 (7506 Redwood Boulevard) to: a) construct sidewalks along the Site's frontage with Olive Avenue; b) construction of a pedestrian connection to the surrounding sidewalk network, potentially including a sidewalk on the north side of Olive Avenue between the Site and Redwood Boulevard or similar sidewalk connecting to the east side of the Railroad Avenue and Olive Avenue intersection.

Mitigation Measure 3.13-9 specifies that the City shall review the site development plans for new development proposals, including at AHO Site 4, to determine if construction staging and/or activities could disrupt circulation, and if necessary, require individual developments to submit a traffic control plan prior to the commencement of construction. A traffic control plan shall be implemented as necessary and appropriate for each phase of construction. Elements of a traffic control plan may include designating detour routes for vehicles, pedestrians, and bicyclists, providing notices to residents within a certain distance of the project regarding construction activities, and providing temporary replacement parking during construction.

Implementation of the mitigation measures above will ensure that a future development project at AHO Site 4 will maintain adequate circulation during construction and install appropriate on- and off-site pedestrian and bicycle facilities along Olive Avenue. Implementation of these mitigation measures will occur through the City's Design Review and building permit plan check processes, which applies to any new development at AHO Site 4. Based on the observations above, the Project, with respect to AHO Site 4, is consistent with and furthers the direction of the noted goals of the Downtown Novato Specific Plan.

POLICIES

LU 3: "Village Design" Concept for Catalyst Sites. Require consideration of a "village design" concept for many of the major catalyst sites with opportunities for development. In each of these cases multiple uses associated with multiple buildings or single buildings with multiple facades and entryways are given preference over large single use structures. This multiple use/multiple structure concept will create and maintain the small town, human scale, pedestrian curious, friendly, attractive vision for Downtown Novato.

Facts in Support: The Project contemplates new multi-family residential development at AHO Site 4 (7506 Redwood Boulevard), which is located in the Downtown Novato Specific Plan area. The Project would support new development at AHO Site 4 at a density range of 20- to 23-dwelling units per acre. A density range of 20- to 23- dwelling units per acre supports multi-family residential projects of a development intensity and scale that would be relatively compact and likely two- to three-stories in height, which is reflective of existing multi-family residential buildings in Novato. This density level is considered to respect Novato's small town character and the "village design" concept established in the Downtown Specific Plan, while still providing sufficient development potential to support the possible construction of multi-family residential units to meet the City's Regional Housing Needs Allocation (RHNA), as assigned by the Bay Area Association of Governments.

The Project includes Housing Element Program 3.A, which calls for the creation of multi-family housing design criteria to assure that future multi-family residential projects at the AHO Sites are compatible with the surrounding character of each AHO Site and reflective of Novato's small town character. Under Program 3.A, the City will prepare design criteria addressing the layout, landscaping, bulk/massing, and architecture of new multi-family residential projects at the AHO Sites. These design criteria will be developed with a focus on site and neighborhood compatibility, retaining Novato's small town character, and promoting the "village design" concept as applicable to AHO Site 4. Program 3.A will be implemented through the City's Design Review process, which will provide the City and public with an opportunity to review and provide comments guiding the design of future any multi-family residential project at AHO Site 4 to ensure consistency with the "village design" concept.

Based on the observations above, the Project, as it relates to AHO Site 4, is consistent with Policy LU 3 of the Downtown Novato Specific Plan.

UD 2: Choose Plant Materials Compatible with Urban Setting. The choice of plant materials shall be determined by the following considerations: tight urban spaces, pedestrian traffic, soils conditions, invasiveness of root structures, efficiency of water use, resistance to pests, disease, vehicle emissions and vandals, compatibility with building signs (avoiding obscuring the signs behind foliage), street/sidewalk lighting, building awnings and other factors.

Facts in Support: The Project contemplates new multi-family residential development at AHO Site 4 (7506 Redwood Boulevard), which is located in the Downtown Novato Specific Plan area. New development at AHO Site 4 would be subject to meeting the requirements of Specific Plan Policy UD 2, the Design Guidelines (including landscaping) of Chapter 5 of the Specific Plan, and the landscaping requirements of Novato Municipal Code Division 19.28, Landscaping, and Section 19.30.070, Parking Design Standards. These policies, standards, and guidelines provide extensive direction regarding the landscape design of new development projects, including minimum dimensions of landscape areas, minimum number of trees, minimum size of plants, irrigation design, and the selection of tree and plant types. These policies, standards, and guidelines are intended to ensure new projects have adequate and attractive landscaping and landscaped spaces.

New development at AHO Site 4 will require approval through Novato's Design Review process. The Design Review process would be used to determine compliance with Specific Plan Policy

UD 2, the Design Guidelines (including landscaping) of Chapter 5 of the Specific Plan, Novato Municipal Code Division 19.28 and Section 19.30.070, but also qualitatively assess the landscape proposal for compatibility with the project site and surrounding context and general aesthetic appearance. Implementation of the noted policy, design guidelines, and development standards through the Design Review process will ensure that new development contemplated by the Project at AHO Site 4 would have adequate landscaping that is attractive and compatible with surrounding development.

Based on the observations above, the Project, as it relates to AHO Site 4, is consistent with and furthers the direction of Policy UD 2 of the Downtown Novato Specific Plan.

IU 1: Install Continuous Sidewalks on Side Streets. Install continuous sidewalks for Sweetser Avenue and other streets to better and more safely serve retail customers.

Please see discussion for the goals of the Downtown Novato Specific Plan above.

UD 11: Overall Downtown Design Guidelines

The Downtown Novato Specific Plan includes Chapter 5, Design Guidelines, providing direction regarding the design of new development proposals in boundaries of the Specific Plan area. These guidelines are provided under Policy UD 11 and its corresponding sections addressing: site planning, architecture, parking and circulation, sidewalks, public sidewalks and improvements, pedestrian passageways, streetscape elements, landscaping, and lighting. The design guidelines of Policy UD 11 are intended to encourage attractively designed projects that enhance downtown Novato and support the "village design" concept supported by the Specific Plan. These guidelines are applied to new development projects through the City's Design Review process.

The Project contemplates the potential development of multi-family residential units at AHO Site 4, which is located within the boundaries of the Downtown Novato Specific Plan area. New development at AHO Site 4 would be subject to review through Novato's Design Review process. The Design Review process would be used to review a future project at AHO Site 4 against the design guidelines of Chapter 5 of the Specific Plan. The Design Review process would allow the City and residents to provide recommendations regarding project changes or conditions of approval to ensure a new project at AHO Site 4 complies with the design guidelines and meets the Specific Plan's "village design" concept (see also discussion for LU.3 above).

Based on the observations above, the Project, as it relates to AHO Site 4, is consistent with Policy UD 11 of the Downtown Novato Specific Plan.

Exhibit B

Section III(C)(1) of the Novato Industrial Park Master Plan and Precise Development Plan is hereby amended to add subsection (f) as follows:

- f. Emergency Shelter(s) within the Ignacio Industrial Park, Units 1, 2 and 3 and the Hamilton Industrial Park provided said Emergency Shelter(s) complies with the following development and performance standards:
 - 1. On-site management and on-site security shall be provided during all hours when the emergency shelter is in operation at a ratio of one staff member for every 15 persons utilizing the shelter. One office or cubicle intake area per 10 clients shall be maintained. An indoor onsite waiting area of no less than 275 square feet shall be provided.
 - 2. External lighting shall be provided for security purposes at a minimum average of 3 foot candles at ground level. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the surrounding area.
 - 3. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - a. Central cooking and dining room(s).
 - b. Recreation room.
 - c. Counseling center.
 - d. Child care facilities.
 - e. Other support services.
 - 4. Parking and outdoor facilities shall be designed to provide security for residents, visitors, employees and the surrounding area. On-site parking shall be provided at a ratio of one parking space for every four beds or persons.
 - 5. A refuse storage area shall be provided that is completely enclosed with masonry walls not less than five feet high with a solid-gated opening and that is large enough to accommodate a standard-sized trash bin adequate for use on the parcel. The refuse enclosure shall be accessible to refuse collection vehicles.
 - 6. The agency or organization operating the Emergency Shelter shall comply with the following requirements:

- a. Temporary shelter shall be available to residents for no more than 180 days in a calendar year. No individual or household may be denied emergency shelter because of an inability to pay.
 - b. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
 - c. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
- 7. No Emergency Shelter shall be located within three hundred feet of another Emergency Shelter site.
- 8. The Emergency Shelter shall obtain and shall at all times maintain in good standing with any and all Federal, State, County and City, licenses as required by each such agencies for the owner(s), operator(s), and/or staff on the proposed facility.
- 9. The maximum number of beds or clients permitted to be served (eating, showering and/or spending the night) shall not exceed 30 persons.