STAFF REPORT

MEETING
DATE: November 13, 2018

TO: City Council

FROM: Terrie Gillen, City Clerk

SUBJECT: ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO ADOPTING A MASTER PLAN, PRECISE DEVELOPMENT PLAN, AND DESIGN REVIEW FOR THE PROPOSED RESIDENCE INN NOVATO PROJECT, LOCATED AT 7546 REDWOOD BLVD.; APN 143-011-06

REQUEST

Adopt the ordinance.

BACKGROUND

This ordinance was introduced by Senior Planner Brett Walker at the City Council meeting of October 9, 2018. Once the ordinance is adopted, it will go into effect thirty days after the date of its passage and adoption.

RECOMMENDATION

Adopt the ordinance.

ATTACHMENT

1. Draft ordinance
CITY COUNCIL OF THE CITY OF NOVATO

ORDINANCE NO. _______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO ADOPTING A MASTER PLAN, PRECISE DEVELOPMENT PLAN, AND DESIGN REVIEW FOR THE PROPOSED RESIDENCE INN NOVATO PROJECT, LOCATED AT 7546 REDWOOD BLVD.; APN 143-011-06

WHEREAS, the City received applications for a master plan (P2017-057), precise development plan (P2017-058), and design review (P2017-060) for the proposed Residence Inn Novato project at 7546 Redwood Blvd., APN 143-011-06 (“Project”); and

WHEREAS, an Initial Study/Mitigated Negative Declaration ("IS/MND") was prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA") and the City of Novato Environmental Review Guidelines, which analyzed the requested master plan, precise development plan, and design review proposed herein, and the other development entitlements associated with the project, including a zoning map amendment and a vacation of a relinquishment of abutter’s rights (hereafter “the Project”), and the operation and construction of the Project itself, to determine if these actions would result in significant physical impacts to the environment; and

WHEREAS, the IS/MND did not identify any significant environmental impacts arising from the requested master plan, precise development plan, design review, and the other development entitlements required for the Project, or the construction and operation of the Project itself that could not be mitigated to a less than significant level; and

WHEREAS, by separate resolution, adopted prior hereto, the City Council adopted a Mitigated Negative Declaration for the proposed Project, and did consider the IS/MND prior to taking action on Project; and

WHEREAS, on July 12, 2017, the project applicant hosted a neighborhood meeting to present the Project to and receive feedback from interested residents. This meeting was noticed and conducted in accordance with the requirements of Novato Zoning Code Section 19.40.070.D; and

WHEREAS, on September 6, 2017, the Novato Design Review Commission conducted a publicly noticed workshop to review the site design, massing, and conceptual architecture proposed for the Project; and

WHEREAS, on December 20, 2017, the Novato Design Review Commission conducted a publicly noticed hearing to consider providing a recommendation to the Planning Commission and City Council regarding the Project’s site design, massing, and architectural concepts to assist the Planning Commission and City Council in considering the master plan, precise development plan, and design review at issue herein and the other entitlements associated with the Project. The Design

Attachment 1
Review Commission’s recommendation also assists the Planning Commission and City Council with determining whether the Project is compatible with the Project Site and its surroundings; and

WHEREAS, on December 20, 2017, the Design Review Commission adopted a motion recommending the Planning Commission and City Council approve the site design, massing, and conceptual architecture for the Project. The Design Review Commission recognized the Project for its well resolved site plan, appropriate mass/scale, and architecture. The Design Review Commission made the observation the Project would be compatible with the characteristics of the Project Site and surrounding area. The Design Review Commission’s recommendation was based on the required findings for Design Review, and applicable design related policies of the Novato General Plan; and

WHEREAS, public notices describing the Planning Commission's public hearing held on September 17, 2018, on the master plan, precise development plan, design review, and the Project’s other associated development entitlements were sent to all affected property owners within 600 feet of the boundaries of the Project Site, all of Atherton Ranch, all public agencies potentially serving the Project or having some oversight of the Project's construction, all responsible, trustee agencies, and all persons requesting notice pursuant to Section 19.58.020 of the Novato Municipal Code, and published in the Marin Independent Journal, a newspaper of local circulation, on September 7, 2018; and

WHEREAS, the Planning Commission held a public hearing on September 17, 2018, to consider and receive public testimony on the master plan, precise development plan, design review, and the Project’s other development entitlements; and

WHEREAS, on September 17, 2018, the Planning Commission did adopt a resolution recommending the City Council approve the Master Plan, Precise Development Plan, and Design Review; and

WHEREAS, public notices describing the City Council’s public hearing on the IS/MND, Master Plan, Precise Development Plan, and Design Review and the Project’s other associated development entitlements were sent to all affected property owners within 600 feet of the boundaries of the Parcel, all of Atherton Ranch, all public agencies potentially serving the Project or having some oversight of the Project's construction, all responsible and trustee agencies, and all persons requesting notice pursuant to Section 19.58.020 of the Novato Municipal Code, and published in the Marin Independent Journal, a newspaper of local circulation, on September 28, 2017; and

WHEREAS, the City Council held a public hearing on October 9, 2018 to consider and receive public testimony on the IS/MND, the Master Plan, Precise Development Plan, and Design Review and the Project’s other associated development entitlements and did, prior to the adoption of this Ordinance, adopt a resolution approving the IS/MND and Mitigation Monitoring and Reporting Program and introduce an ordinance rezoning the Project site from Commercial Industrial (CI) to Planned District (PD).
NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF NOVATO DOES FIND AND ORDAIN AS FOLLOWS:

SECTION 1: The foregoing recitals are true and correct and are incorporated into the findings herein.

SECTION 2: The Record of Proceedings ("Record") upon which the City Council bases its recommendation on the Master Plan, Precise Development Plan, Design Review and the other entitlements associated with the Project, includes but is not limited to: (1) the Initial Study/Mitigated Negative Declaration and the appendices and technical reports cited in and/or relied upon in preparing the Initial Study/Mitigated Negative Declaration, dated August 2018, (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the Initial Study/Mitigated Negative Declaration, the proposed Zoning Map Amendment (Rezone), Master Plan, Precise Development Plan, Design Review and the Project's other associated development entitlement requests (3) the evidence, facts, findings and other determinations set forth in this resolution, (4) the City of Novato 1996 General Plan and its related EIR and the Novato Municipal Code, (5) all designs, plans, studies, data and correspondence submitted to the City in connection with the Initial Study/Mitigated Negative Declaration, the proposed Zoning Map Amendment (Rezone), Master Plan, Precise Development Plan, Design Review and the other entitlements associated with the Project, the Project, and the Project's associated development entitlement requests (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the Initial Study/Mitigated Negative Declaration, the Master Plan, Precise Development Plan, Design Review and the other entitlements associated with the Project, the Project, and the Project's associated development entitlement requests (7) all other matters of common knowledge to the City Council including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas..

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

SECTION 3: FINDINGS

Master Plan

The City Council hereby makes the following findings as required by Section 19.42.060.E.3 of the Novato Municipal Code with the respect to the proposed Master Plan as described in Exhibit A attached hereto:

Based on the facts set forth in the Record, including but not limited to the facts and analysis provided in the Planning Commission staff report, dated September 17, 2018, and the Record as a whole, the City Council hereby makes the following findings as required by Section 19.42.060.E.3 of the Novato Municipal Code with the respect to the proposed Master Plan:

a. The City Council hereby finds that the Master Plan is in conformance with the applicable goals and policies of the General Plan as set forth in the Planning Commission and City
Council staff report incorporated herein by reference and the Facts in Support of Finding detailed below:

Facts in Support of Finding

Based on the analysis of the project’s consistency with the Novato 1996 General Plan, the proposed Master Plan is in conformance with the applicable goals and policies of the General Plan. There is no applicable specific plan at the project site.

The City Council finds that the Residence Inn Project is consistent with the following applicable General Plan Policies and Programs:

**Land Use Chapter**

**LU Policy 1 Implementation of Land Use Map.** Implement the Land Use Designations Map by approving development and conservation projects consistent with the land use definitions, densities and intensities indicated in LU Table 2. Ensure consistency between the General Plan, the Zoning Ordinance, and other land use regulations.

Discussion/Analysis: The General Plan land use designation at the site is Commercial/Industrial. The project includes a rezone from Commercial/Industrial (CI) to Planned District (PD). The Commercial/Industrial Land Use Designation allows a maximum Floor Area Ratio (FAR) of 1.0. The project site is approximately 133,003 square feet, and the proposed project includes 85,532 square feet of floor area, equal to an FAR of 0.643. An analysis of applicable General Plan, Zoning Ordinance, and other land use regulations is included in this staff report. The project is therefore consistent with LU Policy 1.

**LU Policy 2 Development Consistent with General Plan.** Allow development at any density range within the range shown by the Land Use Designation Map provided applicable objectives, policies, and programs of all chapters of the General Plan are met. Maximum densities (top of stated density range applied to total gross acreage) may in some cases be achieved, but there is no guarantee of achieving the maximum density.

Discussion/Analysis: The Commercial/Industrial Land Use Designation does not prescribe density ranges, but uses maximum Floor Area Ratio (FAR) to limit building intensity. The CI designation has a maximum FAR of 1.0; the proposed project has an FAR of 0.643. The project is therefore consistent with LU Policy 2.

**Transportation Chapter**

**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.
Discussion/Analysis: The traffic study prepared for the CEQA document concludes that acceptable LOS will be maintained subsequent to the development of this project. The project is therefore consistent with TR Program 4.1.

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

Discussion/Analysis: Public improvements on Redwood Blvd. and Golden Gate Plan include on-street parking, sidewalks, and a cycle track are conditioned to be provided by the project applicant. Additionally, an enhanced pedestrian crosswalk across Redwood Blvd. at Golden Gate Place will enhance pedestrian safety. The project as conditioned is consistent with TR Policy 11.

**TR Policy 21  Bicycle Parking.** Promote and provide adequate bicycle parking at public transit facilities, park-and-ride lots, schools, the library, parks, city office, and commercial areas, as feasible.

Discussion/Analysis: The project includes bicycle parking facilities consistent with the minimum requirements of the Novato Municipal Code. The project is therefore consistent with TR Policy 21.

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

Discussion/Analysis: A new 8-foot wide sidewalk is proposed along the Redwood Blvd. frontage and a 6.5-foot sidewalk is proposed along the Golden Gate Place frontage. The project is therefore consistent with TR Policy 22.

**Environment Chapter**

**EN Policy 26  Trees in New Development.** Require that 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.

Discussion/Analysis: The trees proposed for removal are located near the southwest corner of the property. The proposed Redwood Blvd. access is situated in this portion of the project site. An access point onto Redwood Blvd. is necessary for adequate vehicular movement and emergency vehicle access. Access at the southernmost portion of the site is ideal because of the potential for a future shared access with the lot to the south and for adequate distance from the Redwood Blvd./Golden Gate Place intersection. The proposed landscape plan includes approximately 100 trees that will be planted should the project be approved and constructed. The project is therefore consistent with EN Policy 26.

**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.
Discussion/Analysis: The applicant has provided a trash enclosure area that is of adequate size to accommodate solid waste and recycling bins. The project is therefore consistent with EN Policy 39.

Safety and Noise Chapter

**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.

Discussion/Analysis: The Novato Fire District has reviewed the proposed project, and included a number of Conditions of Approval to ensure compliance with fire safety standards. The project is therefore consistent with SF Policy 16.

**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. The normally acceptable standards for outdoor noise are summarized below [noise measurements in Ldn]:

<table>
<thead>
<tr>
<th>Category</th>
<th>Noise Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Development</td>
<td>up to 60 dB</td>
</tr>
<tr>
<td>Transient Lodging: Motel and Hotel</td>
<td>up to 60 dB</td>
</tr>
<tr>
<td>Office Building, Business, Commercial &amp; Professional</td>
<td>up to 70 dB</td>
</tr>
<tr>
<td>Industrial, Manufacturing, Utilities</td>
<td>up to 70 dB</td>
</tr>
</tbody>
</table>

Discussion/Analysis: Noise was analyzed in the Draft IS/MND. The noise analysis concluded that anticipated noise levels would be below the thresholds in SF Table 3. Therefore, the project is consistent with SF Policy 37.

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

Discussion/Analysis: Since the noise analysis completed in the IS/MND concluded that impacts would be less than significant, noise reduction and mitigation is not necessary for this project. The project is therefore consistent with SF Policy 38.

Economic Development & Fiscal Vitality Chapter

**EC Policy 7 Employment Opportunities.** Encourage an increase in the number and types of jobs that would enable people to live and work in Novato, consistent with the goals and policies of the General Plan.

Discussion/Analysis: The project includes a 103-room hotel and 8,000-square-foot commercial building. Both the hotel and future commercial tenants will increase employment opportunities in the City of Novato. The project is therefore consistent with EC Policy 7.
**EC Policy 16** Tourism. Encourage the development of tourism in Novato.

Discussion/Analysis: The proposed hotel will provide additional lodging opportunities for persons visiting Novato and the surrounding areas. There is the potential for increased tourism within the City of Novato once the hotel is constructed. The project is therefore consistent with EC Policy 16.

**EC Policy 25** Fiscal Impact Assessment. Evaluate the fiscal impacts of new development proposals on the City’s fiscal situation, paying particular attention to the day-to-day ongoing costs of City operations.

Discussion/Analysis: The City retained a firm to complete a fiscal impact study of the proposed development. The study concluded that the project will provide a net increase in taxes to the City, resulting in an improved fiscal situation. The study estimates a net General Fund revenue increase of approximately $425,000 per year, including over $400,000 per year in transient occupancy tax (TOT). The project is therefore consistent with EC Policy 25.

**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.

Discussion/Analysis: A vacant commercially zoned lot is located to the south of the project site, with a grocery store located further south. An old cement batch plant is located north of the site across Golden Gate Place, the SMART railroad tracks and Golden Gate Transit bus facility are located to the east, and residentially-zoned land is located west of the site across Redwood Blvd. There is not a defined architectural style on this portion of the Redwood Blvd. corridor. Landscaping is minimal on the developed lots, there is a lack of ambiance, and the lack of buildings eliminates any notion of neighborhood scale. Redwood Blvd. is within a 188-foot wide right-of-way, which lends itself to increased mass, bulk, and height without becoming overbearing on the public realm. The existing Dairymen’s building is approximately 69 feet tall.

The applicant has proposed a mix of colors and materials, along with articulation of the building to create interest and variety. The applicant has chosen materials and finishes that are representative of Marin and Sonoma counties in an attempt to tie the proposed structure to the local/regional historical and design context. The project is therefore consistent with CI Policy 1.

**CI Policy 3** Variety in Design. Discourage sameness and repetitive designs.

Discussion/Analysis: The proposed building is sided with four different primary materials and five textures, along with four different trim materials/colors. Shed roof overhangs and
awnings, metal horizontal lattice-type trim, and glass is used as design accents. The project is therefore consistent with CI Policy 3.

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

Discussion/Analysis: The applicant has proposed a significant tree canopy at the project site. Street trees and on-site trees line both Redwood Blvd. and Golden Gate Place, and an orchard-style parking lot landscaping is proposed. Along the railroad tracks, two alternating rows of trees are proposed to soften the transition from the railroad tracks, bus facility, freeway, and project site. The project is therefore consistent with CI Policy 7.

**CI Policy 9 Underground Utilities.** Continue to require undergrounding of utilities.

Discussion/Analysis: A condition of approval will require that above-ground utilities be placed underground, where feasible. The project is therefore consistent with CI Policy 9.

**CI Policy 12 Parking Standards.** Reduce the visibility of parking facilities and the amount of land necessary for them to the maximum extent feasible.

Discussion/Analysis: The on-site parking will be largely screens by the proposed buildings. The parking lot is setback over 100 feet from Redwood Blvd., which also reduces the prominence of the required on-site parking. The project is therefore consistent with CI Policy 12.

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

Discussion/Analysis: Over 45 percent of the project site is proposed to be landscaped. The landscaping is distributed throughout the project site. Therefore, the project is consistent with CI Policy 14.

**CI Policy 15 Pedestrian Path.** Provide for maximum feasible pedestrian circulation.

Discussion/Analysis: A wide sidewalk and cycle track are proposed along the Redwood Blvd. frontage. Additionally, there are a number of pedestrian walkways throughout the project site. Therefore, the project is consistent with CI Policy 15.

**CI Policy 32 Public Art.** Promote public art that enhances the cultural life of the community.

Discussion/Analysis: An art piece is proposed along the Redwood Blvd. frontage. The applicant is requesting that the DRC reserve approval of the required art piece to a later date. Planning staff is recommending a condition of approval that would require the art piece to be reviewed and approved by the DRC subsequent to City Council approval of the project. Therefore, the project is consistent with CI Policy 32.
**Allowable Density Range:**

The project site is designated Commercial Industrial (CI) on the General Plan Land Use Map. The CI Land Use designation permits a floor area ratio (FAR) of 1.0. The subject parcel is 3.05 acres, or 133,003 square feet. Therefore, the entire site can accommodate up to 133,003 square feet of building floor area. The combined hotel and commercial building total 85,532 square feet or 0.643 FAR, which is below the allowable FAR of 1.0. Therefore, the project is consistent with the allowable density range of the Commercial/Industrial General Plan Land Use designation.

b. The City Council hereby finds that the proposed Master Plan development can be adequately, conveniently, and reasonably served by public conveniences, facilities, services, and utilities as set forth in the staff report and the Facts in Support of Finding detailed below:

**Facts in Support of Finding**

The project site is located in the central area of Novato. The applicant, at the request of the Novato Sanitary District, completed a Sewer Capacity Study that concluded that there is adequate downstream sewer capacity to accommodate the proposed development. Additionally, the North Marin Water District, Novato Fire Protection District, Novato Police Department, and City departments have reviewed the project and provided conditions of approval, as necessary, to ensure that the project is developed in a manner consistent with their development standards. Recycled water will be used on-site for landscaping, as required by the North Marin Water District. Additionally, Redwood Blvd is adequately sized to accommodate additional vehicular traffic at the site and in the vicinity, and existing and proposed pedestrian and bicycle facilities can accommodate non-vehicular movement. Therefore, the proposed master plan development can be found to be adequately, conveniently, and reasonably served by public conveniences, facilities, services, and utilities.

c. The City Council hereby finds that the proposed Master Plan development concepts are reasonably suited to the specific characteristics of the site and the surrounding neighborhood; and

d. The City Council hereby finds that the proposed location, access, density/building intensity, size and type of uses proposed in the Master Plan are compatible with the existing and future land uses in the surrounding neighborhood as set forth in the staff report and the Facts in Support of Finding detailed below:

**Facts in Support of Finding (c. and d.)**

The Project Site is nearly flat, clear of physical constraints and is located in an area predominantly characterized by commercial and industrial uses on the east side of Redwood Blvd. There are existing and proposed residential uses on the west side of Redwood Blvd., but due to the width and configuration of Redwood Blvd., there is adequate buffer between the Project Site and those residential uses.

The project is consistent with the allowable land uses and development intensities prescribed in the General Plan for the Commercial/Industrial land use designation. The proposed PD
zoning district will require a master plan and precise development plan that is consistent with the Novato Municipal Code and Novato General Plan. The proposed project does not exceed anticipated levels of development at the site prescribed in the General Plan. Based these findings and the findings contained in the resolution approving the zoning map amendment, the project is physically suitable for the requested zoning designation and anticipated development.

The proposed Master Plan land uses and project density/intensity is suitable to the project site and is compatible with the site vicinity. The permitted and conditionally permitted uses described in the Master Plan text land use table are consistent with the existing, proposed, and future land uses described in the zoning code, general plan, and draft General Plan 2035 document. Additionally, the North Redwood Blvd. Corridor Study was utilized to determine suitable land uses to ensure that incompatible uses that are not consistent with the corridor vision are prohibited at the site. The project is consistent with the allowable land uses and development intensities prescribed in the General Plan for the Commercial/Industrial land use designation. The proposed project does not exceed anticipated levels of development at the site. Access to the site from Redwood Blvd. and Golden Gate Place is adequately sized to accommodate visitors to the site and emergency vehicles. A traffic impact analysis was completed for the CEQA IS/MND, and no significant impacts were identified; recommended safety and connectivity improvements identified in the traffic impact analysis are included as conditions of approval for the project. Therefore, the project is reasonably suited to the specific characteristics of the site and the surrounding neighborhood, and is compatible with existing and future land uses in the surrounding neighborhood.

Precise Development Plan

The City Council hereby makes the following findings as required by Section 19.42.060.F.3 of the Novato Municipal Code with the respect to the proposed Precise Development Plan as described in Exhibit A attached hereto:

Based on the facts set forth herein, the facts and analysis provided in the Planning Commission staff report, dated September 17, 2018, all other items and documents listed in Section 2. Record of this resolution, and the record as a whole, the City Council hereby makes the following findings as required by Section 19.42.060.F.3 of the Novato Municipal Code with the respect to the proposed Precise Development Plan as described in Exhibit A attached hereto and depicted on the Residence Inn Plan Set:

a. The City Council hereby finds that the proposed Precise Development Plan is consistent with the General Plan, and the Master Plan (considered concurrently herein), and the Facts in Support of Finding detailed below:

Facts in Support of Finding

Based on the analysis of the project’s consistency with the Novato 1996 General Plan, the proposed precise development plan is in conformance with the applicable goals and policies of the General Plan. There is no applicable specific plan at the project site. The PDP is being
developed in concert with the Master Plan for the site. The PDP is consistent with the proposed Master Plan.

b. The City Council hereby finds that 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 as set forth in the staff report and the Facts in Support of Finding detailed below:

Facts in Support of Finding

The project has been designed to conform to the recommended design-related guidelines of the North Redwood Blvd Corridor Study (NRBC), dated January 2014. Design components consistent with the NRBC include 1) public gathering places and ample outdoor seating; 2) extensive landscaping with shade trees; 3) pedestrian and bicycle facilities, including wide pedestrian sidewalks and a bicycle path along the Redwood Blvd frontage; 4) the detached commercial building is located along the Redwood Blvd frontage; 5) the parking lot is largely hidden from the Redwood Blvd corridor due to building placement and other amenities; and 6) the buildings will incorporate four-sided architecture through the design review process. The extensive orchard-style off-street parking lot includes additional landscape fingers with trees in excess of the code requirement. Additionally, the public gathering places and outdoor seating areas is another factor that has resulted in a reduced number of off-street parking stalls. To compensate, the applicant, with input from City Planning and Engineering staff, has proposed public right-of-way improvements intended to reduce vehicular speeds, increase the tree canopy along Redwood Blvd, and provide a more pleasant pedestrian experience along the frontage of the site.

c. The City Council hereby finds that 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 as set forth in the staff report and the Facts in Support of Finding detailed below:

Facts in Support of Finding

The project site is located in the central area of Novato. The applicant, at the request of the Novato Sanitary District, completed a Sewer Capacity Study that concluded that there is adequate downstream sewer capacity to accommodate the proposed development. Additionally, the North Marin Water District, Novato Fire Protection District, Novato Police Department, and City departments have reviewed the project and provided conditions of approval, as necessary, to ensure that the project is developed in a manner consistent with their development standards. Recycled water will be used on-site for landscaping, as
required by the North Marin Water District. Additionally, Redwood Blvd is adequately sized to accommodate additional vehicular traffic at the site and in the vicinity, and existing and proposed pedestrian and bicycle facilities can accommodate non-vehicular movement. Additionally, staff has reviewed the project for consistency with the Novato Municipal Code and completed CEQA environmental review. Recommended mitigation measures and/or conditions of approval will ensure that the project will not 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 project is located. Therefore, the proposed master plan development can be found to be adequately, conveniently, and reasonably served by public conveniences, facilities, services, and utilities.

d. The City Council hereby finds that the proposed Precise Development Plan standards are reasonably suited to the specific characteristics of the site, and are compatible with the existing and future land uses in the surrounding neighborhood; and

e. The subject site is:

1) Physically suitable for the type and density/intensity of development being proposed; and

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 Zoning Ordinance; 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 as set forth in the staff report and the Facts in Support of Finding detailed below:

Facts in Support of Finding (d. and e.)

The proposed Master Plan land uses and project density/intensity is suitable to the project site and is compatible with the site vicinity. The Commercial/Industrial General Plan Land Use designation allows a 1.0 Floor Area Ratio (FAR). The proposed Master Plan includes a maximum FAR of 0.65, and the proposed development has an FAR of 0.643. The permitted and conditionally permitted uses described in the Master Plan text land use table are consistent with the existing, proposed, and future land uses described in the zoning code, General Plan, and draft General Plan 2035 document. Additionally, the North Redwood Blvd Corridor Study was utilized to determine suitable land uses to ensure that incompatible uses that are not consistent with the vision of the corridor are prohibited at the site. The project is consistent with the allowable land uses and development intensities prescribed in the General Plan for the Commercial/Industrial land use designation. Access to the site from Redwood Blvd. and Golden Gate Place is adequately sized to accommodate visitors to the site and emergency vehicles. A traffic impact analysis was completed for the CEQA IS/MND, and no significant impacts were identified; recommended safety and connectivity improvements identified in the traffic impact analysis are included as conditions of approval for the project. The CEQA IS/MND also analyzed potential impacts to aesthetics, air quality, noise, public services, and utilities. In all instances, where potential impacts were identified,
feasible mitigation measures were identified to reduce said impacts to a less than significant level.

The 3.05-acre project site is adequate in size to accommodate the proposed buildings, parking, landscaping, and other features. A four-foot high black cyclone fence is proposed along the east property line to provide separation between the project site and the railroad tracks. A loading space is provided adjacent to the trash enclosure along the eastern property line also.

The project was presented to the Novato Design Review Commission on September 6, 2017, and December 20, 2017. The purpose of these meetings was to review the Project’s site design, massing, and architectural concepts in light of the design related policies of the Novato General Plan, the physical characteristics of the project site, and the pattern of surrounding development.

The Design Review Commission (DRC) adopted a motion recommending the Planning Commission and City Council approve the site design, massing, and architectural concepts for the Project. The DRC recognized the Project for its well resolved site plan, appropriate mass/scale, and architecture. The DRC’s recommendation was based on the required findings for Design Review and applicable design related policies of the Novato General Plan.

Design Review

Based on the recommendation of the Design Review Commission, the City Council hereby makes the following findings as required by Section 19.42.030.F of the Novato Municipal Code with the respect to the design aspects of the proposed Residence Inn Master Plan and Precise Development Plan as described in Exhibit A attached hereto, and depicted on the Residence Inn Plan Set (21 sheets) prepared by DesignCell and dated 05/21/2018 and 07/11/2018:

1. The City Council hereby finds that the proposed design, layout, size, architectural features and general appearance of the proposed project is consistent with the General Plan, with the development standards, design guidelines and all applicable provisions of the Municipal Code, including this Zoning Ordinance and any approved Master Plan and Precise Development Plan as set forth in the staff reports and the Facts in Support of Finding detailed below:

Facts in Support of Finding

The City Council finds that the Residence Inn Project is consistent with the following design-related General Plan goals and policies:

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.

Discussion/Analysis: A vacant commercially zoned lot is located to the south of the project site, with a grocery store located further south. An old cement batch plant is located north of the site across Golden Gate Place, the SMART railroad tracks and Golden Gate Transit bus facility are located to the east, and residentially-zoned land is located west of the site across Redwood Blvd. There is not a defined architectural style on this portion of the Redwood Blvd. corridor. Landscaping is minimal on the developed lots, there is a lack of ambiance, and the lack of buildings eliminates any notion of neighborhood scale. Redwood Blvd. is within a 188-foot wide right-of-way, which lends itself to increased mass, bulk, and height without becoming overbearing on the public realm. The existing Dairymen’s building is approximately 69 feet tall.

The applicant has proposed a mix of colors and materials, along with articulation of the building to create interest and variety. The applicant has chosen materials and finishes that are representative of Marin and Sonoma counties in an attempt to tie the proposed structure to the local/regional historical and design context. The project is therefore consistent with CI Policy 1.

**CI Policy 3** Variety in Design. Discourage sameness and repetitive designs.

Discussion/Analysis: The proposed building is sided with four different primary materials and five textures, along with four different trim materials/colors. Shed roof overhangs and awnings, metal horizontal lattice-type trim, and glass is used as design accents. The project is therefore consistent with CI Policy 3.

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

Discussion/Analysis: The applicant has proposed a significant tree canopy at the project site. Street trees and on-site trees line both Redwood Blvd. and Golden Gate Place, and an orchard-style parking lot landscaping is proposed. Along the railroad tracks, two alternating rows of trees are proposed to soften the transition from the rail road tracks, bus facility, freeway, and project site. The project is therefore consistent with CI Policy 7.

**CI Policy 9** Underground Utilities. Continue to require undergrounding of utilities.

Discussion/Analysis: A condition of approval will require that above-ground utilities be placed underground, where feasible. The project is therefore consistent with CI Policy 9.

**CI Policy 12** Parking Standards. Reduce the visibility of parking facilities and the amount of land necessary for them to the maximum extent feasible.

Discussion/Analysis: The on-site parking will be largely screens by the proposed buildings. The parking lot is setback over 100 feet from Redwood Blvd., which also reduces the
prominence of the required on-site parking. The project is therefore consistent with CI Policy 12.

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

Discussion/Analysis: Over 45 percent of the project site is proposed to be landscaped. The landscaping is distributed throughout the project site. Therefore, the project is consistent with CI Policy 14.

**CI Policy 15 Pedestrian Path.** Provide for maximum feasible pedestrian circulation.

Discussion/Analysis: A wide sidewalk and cycle track are proposed along the Redwood Blvd. frontage. Additionally, there are a number of pedestrian walkways throughout the project site. Therefore, the project is consistent with CI Policy 15.

**CI Policy 32 Public Art.** Promote public art that enhances the cultural life of the community.

Discussion/Analysis: An art piece is proposed along the Redwood Blvd. frontage. The applicant is requesting that the DRC reserve approval of the required art piece to a later date. Planning staff is recommending a condition of approval that would require the art piece to be reviewed and approved by the DRC subsequent to City Council approval of the project. Therefore, the project is consistent with CI Policy 32.

Additionally, the project is consistent with the allowable floor area ratio (FAR) of up to 1.0. The proposed design is consistent with the Planned District zoning classification, and the North Redwood Blvd Corridor Study. The project has also been reviewed by the Novato Public Works Engineering Division for consistency with Novato Municipal Code Chapter V (Development Standards).

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

**Facts in Support of Finding**

The City Council finds that the Residence Inn project is consistent with the applicable General Plan policies, as detailed in Finding Number 1, above, and the development standards of the Novato Municipal Code.

The City Council finds that the Residence Inn project is also consistent with the North Redwood Boulevard Corridor Study (NRBC) guidelines, with the inclusion of public gathering places and ample outdoor seating, extensive landscaping and shade trees, pedestrian and bicycle connections, wide pedestrian sidewalks and a bicycle path along
Redwood Blvd, site planning and building location, parking lot design, and four-sided architecture, as demonstrated in the site design depicted in the Project plan set. The NRBC study is considered an advisory document, not formally adopted by the City Council, but the Council recognizes the significant public input in the preparation of the NRBC.

3. The City Council hereby finds that the proposed development would not be detrimental to the public health, safety, or welfare; is not materially injurious to the properties or improvements in the vicinity; does not interfere with the use and enjoyment of neighboring existing or future developments and does not create potential traffic, pedestrian or bicycle hazards as set forth in the staff reports and the Facts in Support of Finding detailed below:

Facts in Support of Finding

The project plans were referred to public agencies responsible for reviewing and providing services, including Novato Public Works, North Marin Water District, Novato Sanitary District, and Novato Fire Protection District. These agencies have submitted comments and/or conditions addressing matters such as pedestrian and bicycle access, adequacy of drainage facilities, and water and sewer service. While the construction level plans have yet to be prepared and submitted for final approval, none of the responsible agencies identified issues that would require significant changes to the site and/or building design that, less addressed, represent a detriment to public health, safety, or welfare, nor be materially injurious to project occupants, visitors and surrounding properties or improvements in the vicinity. Environmental review, pursuant to the California Environmental Quality Act (CEQA) and the City’s Environmental Review Guidelines, has been completed for the proposed project. No potentially significant hazards to traffic, pedestrians, or bicycles were identified.

SECTION 4: The City Council hereby approves the proposed Master Plan, Precise Development Plan, and Design Review, as described in in Exhibit A attached hereto and in the Plan Set (21 sheets) dated 05/21/2018 and 07/11/2018 prepared by DesignCell, on file in the Community Development Department, based on the findings set forth above, and subject to the conditions of approval listed in Exhibit B.

SECTION 5: 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, clause, or phrase 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 6: 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.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting thereof, held on the ___ day of __________________, by the following vote, to wit:

AYES:    Councilmembers
NOES:    Councilmembers
ABSTAIN: Councilmembers
ABSENT:  Councilmembers

________________________
Terrie Gillen, City Clerk of the City of Novato

Approved as to form:

________________________
City Attorney of the City of Novato

Attachments

Exhibit A    Residence Inn Master Plan and Precise Development Plan Text
Exhibit B    Conditions of Approval
EXHIBIT A
RESIDENCE INN NOVATO MASTER PLAN AND PRECISE DEVELOPMENT PLAN TEXT

AMENDMENTS TO THIS MASTER PLAN AND PRECISE DEVELOPMENT PLAN

Novato Municipal Code process, as may be amended from time to time.

MASTER PLAN

ALLOWABLE LAND USES

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Permitted*</th>
<th>Use Permit Required*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automated Teller Machines (ATMs) (Non-Drive Through)</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Bar and Nightclub</td>
<td>-</td>
<td>Yes</td>
</tr>
<tr>
<td>Drive-in and Drive-through Sales</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Florists</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>General Retail</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Health/Fitness Facilities</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Indoor Amusement/Entertainment Facilities</td>
<td>-</td>
<td>Yes</td>
</tr>
<tr>
<td>Massage Establishments</td>
<td>-</td>
<td>Yes</td>
</tr>
<tr>
<td>Massage Establishments - Small</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Outdoor Display Retail Sales, Permanent</td>
<td>-</td>
<td>Yes</td>
</tr>
<tr>
<td>Outdoor Displays Retail Sales, Temporary</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Personal Services</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Restaurants and Outdoor Dining Areas, Including Incidental On-site Alcohol Sales</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Studios – Art, Dance, Martial Arts, etc.</td>
<td>-</td>
<td>Yes</td>
</tr>
<tr>
<td>Telecommunication Facilities: Co-location on existing buildings with existing permitted antennas</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Telecommunications Facilities: New Building-Mounted Facilities, and Expansions of Existing Facilities that do not qualify for a Federal or State exemption from discretionary review</td>
<td>-</td>
<td>Yes</td>
</tr>
</tbody>
</table>

* Permitted uses are those uses that do not require discretionary approval and are considered ministerial.

^ Uses that require Use Permit approval are considered discretionary, and may be subject to additional environmental review pursuant to CEQA.

ALLOWABLE DENSITY AND INTENSITY OF DEVELOPMENT

Maximum Floor Area Ratio: 0.65

Maximum Building Coverage: 40 percent
PRECISE DEVELOPMENT PLAN

**MINIMUM LOT SIZE**
None

**MAXIMUM BUILDING COVERAGE**
40 Percent

**MAXIMUM HEIGHT**
Hotel: 53 feet
Other Buildings: 35 feet

**MINIMUM SETBACKS** - See Novato Municipal Code for measurement of setbacks, allowed projections into setbacks, and exceptions to setbacks.
Front: Zero Feet
Sides (each): Zero Feet, or 6 Feet if Adjacent to a Single-Family Residential Zone
Rear: Zero Feet, or 6 Feet if Adjacent to a Single-Family Residential Zone

**OFF-STREET PARKING**
106 spaces are required if over 84,000 square feet, but less than 85,500 square feet, of building area is constructed; or
119 spaces are required if over 85,500 square feet of building area is constructed.

**LANDSCAPING**
Landscaping shall be maintained in a manner consistent with the approved landscape plan.
Mitigation Measures

1. The following mitigation measure shall be implemented to reduce potentially significant impacts to nesting birds and special status wildlife:

   **BIO-1 Nesting Bird Surveys and Avoidance**

   The applicant shall ensure the following actions are undertaken to avoid or minimize potential impacts to nesting birds. Initial site disturbance activities, including vegetation removal, shall not occur during the general avian nesting season (February 1 – August 30), if feasible. If breeding season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and status of nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect impacts to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation clearance and structure demolition. In the event that active nests are discovered, avoidance buffers shall be established as determined by the qualified biologist around such active nests and no construction shall be allowed in the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur in this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 30 and February 1; however, if evidence of nesting activity is detected at any time of year, the qualified biologists shall be consulted for guidance moving forward.

2. The following mitigation measures shall be implemented to reduce potentially significant impacts relating to the possible discovery of archaeological resources during project implementation:

   **CR-1a Retain a Qualified Archaeologist**

   The project applicant shall retain a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards for archaeology (NPS 1983), to carry out all mitigation measures related to archaeological and historic resources.

   **CR-1b Worker Environmental Awareness Program (WEAP)**

   A qualified archaeologist shall be retained to conduct a WEAP training for archaeological sensitivity for all construction personnel prior to the commencement of any ground disturbing activities.
activities. Archaeological sensitivity training should include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find. The WEAP shall be provided electronically as a PowerPoint file on the first day of construction.

**CR-1c Archaeological and Native American Monitoring**

Initial project-related ground-disturbing activities shall be observed by a qualified archaeological monitor under the direction of an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for prehistoric archaeology (NPS 1983). The project applicant shall consult with the Federated Indians of Graton Rancheria for monitoring activities. A qualified monitor shall be retained as approved by the City for the duration of project ground disturbance to monitor Native American resources. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area must halt and the find evaluated for significance under CEQA. Archaeological or Native American monitoring or both may be reduced or halted at the discretion of the monitors as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 60 percent of rough grading. If monitoring is reduced to spot-checking, spot-checking shall occur when ground-disturbance moves to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).

**CR-1d Unanticipated Discovery of Cultural Resources**

If cultural resources are encountered during ground disturbing activities, work in the immediate area should be halted and an archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards for archaeology (NPS 1983) should be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and testing for the California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as data recovery excavation, may be required to mitigate any significant impacts to historical resources.

**CR-1e Human Remains**

The discovery of human remains is always a possibility during ground disturbing activities. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the Marin County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site and make recommendations to the landowner within 48 hours of being granted access.
3. The following mitigation measure shall be implemented to reduce potentially significant impacts relating to shallow groundwater and liquefaction:

GEO-1 Geotechnical Recommendations

Section 10 of the Geotechnical Engineering Investigation produced by Salem Engineering Group (attached as Appendix D of the project’s Initial Study) provides recommendations that would ensure the project is suitable from a geotechnical standpoint, and would increase the safety and integrity of the project. All recommendations in the Geotechnical Investigation Report shall be implemented as described in Sections 10.2 through 10.16 of the Report. The recommendations address but are not limited to: Earthwork, Engineered Fill Placement and Compaction, Foundation Design, Slab on Grade, Retaining Wall and Basement Wall, lateral earth pressures, temporary excavations and underground utilities.

Conditions of Approval

4. All adopted mitigation measures, detailed in the Residence Inn IS/MND and listed in the Mitigation Monitoring and Reporting Program, are incorporated herein as Conditions of Approval.

5. The following air quality best management practices shall be implemented during site disturbance activities and project development:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted at the project site with the name and telephone number of the on-site construction manager to contact regarding dust complaints. This
person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

6. The following pedestrian and bicycle improvements shall be constructed at the expense of the applicant prior to issuance of a Certificate of Occupancy for the first building permit for either the proposed hotel building or the proposed detached commercial building.

   a. Construction of a 4-foot wide asphalt path within the public right-of-way along the east side of Redwood Boulevard extending from the project site south to the existing sidewalk, a distance of approximately 360 feet.

   b. Construction an enhanced pedestrian-bicycle crossing on the southern leg of the Redwood Boulevard/Golden Gate Place intersection, such as a rapid rectangular flashing beacon or similarly-functioning device specified by the City.

   c. Bicycle lane intersection crossing markings consisting of dashed bike lane lines and green bike lanes shall be installed across the eastern leg of the Redwood Boulevard/Golden Gate Place intersection.

   d. Adequate signage shall be installed to alert pedestrians, vehicles, and bicyclists at points of potential conflict regarding the required improvements described in subsections a., b., and c. The quantity, placement, and content of signs and/or pavement markings shall be submitted to the City Engineer for review and approval. The Manual on Uniform Traffic Control Devices (MUTCD), National Association of City Transportation Officials (NACTO) publications, and/or other professional publications shall be utilized to determine best management practices for sign placement.

7. The Master Plan and Precise Development Plan shall only become valid upon the effective date of the zoning map amendment (rezone) required for the Project.

8. The project shall comply with Novato Municipal Code Division 19.21 (Art Program).

9. The applicant, or any successor in interest to the Project, shall be subject to paying all applicable development impact fees as specified in City Council Resolutions Nos. 67-02 and 69-02. The fee amount and timing of payment shall be determined pursuant to the methodology prescribed in Novato Municipal Code Section 9-20.

10. The project shall be constructed in accordance with the design plans, prepared by DesignCell Architecture, dated 05/21/2018.

11. In the event that the applicant, or any successor interest, cannot reach agreement with ROIC California, LLC, regarding the granting of a reciprocal easement for access and the construction of a shared access driveway to Redwood Blvd, as shown on the primary site plan
prior to the approval of improvement plans, an improvement agreement and the issuance of an encroachment permit, the Applicant may construct the Project according to the alternative site plan included in the design plans, prepared by DesignCell Architecture, dated 7/11/2018.

12. The Project shall return to the Design Review Commission for action on the final details of the project’s site design, architecture, and landscaping prior to issuance of a building permit. The submittal shall include architectural detailing (i.e. window and door types, and trim and/or wall relief, materials and dimensions, exterior colors, and tree and plan species locations and size, and type and style of exterior lighting fixtures.

13. Indemnity, Fee Notice, and Time Limitations

   a. The developer and any successor in interest, whether in whole or in part, shall defend, indemnify, and hold harmless the City and its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys, or employees to attack, set aside, void, or annul the Planning Commission’s recommendation to the City Council at issue herein. This indemnification shall include damages or fees awarded against the City, if any, costs of suit, attorney’s fees, and other costs and expenses incurred in connection with such action whether incurred by the developer, the City, and/or parties initiating or bringing such action.

   b. The developer and any successor in interest, whether in whole or in part, shall defend, indemnify, and hold harmless the City, its agents, employees, and attorneys for all costs incurred in additional investigation of or study of, or for supplementing, preparing, redrafting, revising, or amending any document, if made necessary by said legal action and the developer desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents in a form and under conditions approved by the City Attorney.

   c. In the event that a claim, action, or proceeding described in no. a or b above is brought, the City shall promptly notify the developer of the existence of the claim, action, or proceeding, and the City will cooperate fully in the defense of such claim, action, or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action, or proceeding; the City shall retain the right to (i) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the developer in the defense of said claim, action, or proceeding. If the City chooses to have counsel of its own to defend any claim, action, or proceeding where the developer has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the developer.
d. The developer and any successor in interest, whether in whole or in part, indemnifies the City for all the City’s costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.

e. Unless a shorter limitation period applies, the time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure, Section 1094.6.

f. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), the conditions constitute written notice of a statement of the amount of such fees and a description of dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

The following conditions of approval shall be met to the satisfaction of the Novato Fire Protection District (NFPD), as detailed in the NFPD letter dated March 22, 2018:

15. Regarding the single-story building, an automatic fire sprinkler system is required to be installed confirming to NFPA Std. 13. Plans and hydraulic calculations shall be submitted to the Fire Marshall for review prior to installation. Contact the North Marin Water District to apply for fire service connection. Additional sizing may be required due to available pressures and fire flow.

16. Regarding the multi-story building, an automatic fire sprinkler system shall be installed throughout in accordance with NFPA Std. 13 and wet 2-1/2 inch hose outlets shall be installed in all stairwells at each floor. Plans and hydraulic calculations shall be submitted to the Fire Marshall for review prior to installation. Contact the North Marin Water District to apply for fire service connection. Additional sizing may be required due to available pressures and fire flow.

17. All automatic fire sprinkler and fire alarm systems, flow switches, and control valves shall be monitored by an approved UL Central Station company, zoned and enunciated as required by the Novato Fire District and Fire Protection Standard #400.

18. Fire hydrants capable of supplying 3,500 gallons per minute minimum are required to be installed so that spacing between hydrants does not exceed 300 feet. The fire hydrant(s) shall be spotted by the Fire Marshal and contain at least one 4-1/2 inch and one 2-1/2 inch outlets. Installation shall conform to the specifications of the North Marin Water District.
19. Fire hydrants shall be installed in accordance with the applicable standard, tested and operated prior to framing.

20. Fire hydrants shall be painted Rustoleum high glass yellow or equal. Hydrant shall have a blue reflective roadway marker installed per NFD Standards.

21. Proposed roads and driveways shall not exceed 18% grade.

22. Roadways and driveways shall have a minimum clearance of not less than 20 feet horizontal by 14 feet vertical clearance. No object shall encroach into this horizontal and vertical plane.

23. Roadways shall not be less than 20 feet wide capable of accommodating a 60,000 GVW and driveways not less than 16 feet wide capable of accommodating a 40,000 GVW, all weather surface (AC paving or concrete), unobstructed, and shall be installed prior to lumber delivery or framing.

24. All driveways and parking areas shall accommodate Novato Fire District apparatus turning radius per NFD standards.

25. ‘No parking fire lane’ curbs and signs shall be installed in accordance with NFD Standard #204, as required by the Fire Marshal.

26. “Knox” key access shall be installed at the premises conforming to Novato Fire Protection Standard #202.

27. A business shall create and maintain a pre-plan per Fire Protection District ordinance.

28. Stairway markings and identification shall be installed and maintained on the interior landing doors conforming to Novato Fire District Standard #116.

29. The address shall be posted clearly visible from the street with numerals illuminated and contrasting color to their background conforming to Novato Fire Protection Standard #205.

30. A building and ‘Floor Plan Directory” shall be installed in all locations required by the Fire Marshall, and conforming to Novato Fire Protection standard #205A.

31. The facility and improvements shall comply with California Building Code and State Fire Marshal building standards and regulations.

32. Maximum occupant capacity signs shall be installed as required by the Fire Marshal conforming to Fire District Standard #115.
33. Due to limited fire department access, roof hatches shall be installed at each interior stairwell, as approved by the Fire Marshal.

34. Portable fire extinguishers shall be installed and maintained in accordance with California Fire Code Chapter 9.

35. Fire Alarm Deferred Submittal Review that conforms to NFPA 72, California Fire and Building Code, State Fire Marshal Building Standards and Regulations, and Novato Fire District Standard #400 is required.

The following conditions of approval shall be met to the satisfaction of the North Marin Water District (NMWD), as detailed in the NMWD letter dated March 20, 2018:

36. Construction of new water distribution facilities will be required for this project. The owner must apply to the District, enter into an agreement with the District and complete financial arrangements for the new facilities as a condition of project approval.

37. New water use demands shall be submitted to the District.

38. On-site facilities shall be designed and constructed to use recycled water for landscape irrigation. Provisions shall be made, as directed by the District, to allow for connection to an existing recycled water distribution main fronting the property.

39. Easements shall be dedicated where necessary for District facilities (both potable and recycled water) to serve this project.

40. Separate fire service shall be required for commercial/retail structures.

41. Separate meter for landscaping demands shall be required.

42. Occupancy approval shall not be granted until any applicable water service installation and/or compliance sign-off is complete.

43. The project shall conform to District Regulation 15 – Mandatory Water Conservation Measures. Occupancy approval shall not be granted until compliance with water conservation measures for both indoor fixtures/appliances and landscaping refer to Regulation 15 at nmwd.com.

44. Installation of an above-ground, reduced pressure principle (RPP) backflow prevention device at the meter is required in accordance with the District’s Regulation 6 and California Department of Health Regulations (Title 17).
The following conditions of approval shall be met to the satisfaction of the Novato Sanitary District (NSD):

45. The project shall conform to the requirements of the Novato Sanitary District.

The following conditions of approval shall be met to the satisfaction of the City of Novato Community Development Department - Building Division:

46. Building permits shall be obtained as required by the California Building Code and the City of Novato Building Division.

The following conditions of approval shall be met to the satisfaction of the City of Novato Public Works Department - Engineering Division:

General Conditions of Approval:

47. Applicant shall design and construct all necessary and required improvements and facilities in accordance with Chapter V – Development Standards of the Novato Municipal Code (NMC) and the Uniform Construction Standards All Cities and County of Marin, unless specific design exceptions have been approved. Approval of a site plan depicting improvements that do not conform to the NMC does not constitute approval of a design exception, unless explicitly stated herein or in another approved City resolution.

48. Applicant shall be responsible for all City plan check and inspection costs. The Applicant shall enter into a Cost Recovery Agreement and deposit funds with the City upon the initiation of plan check services. The amount of the initial deposit shall be determined by the City Engineer. Additional funds may be required based upon actual plan check and inspection costs.

49. Applicant shall submit for review and approval Improvement Plans prepared by a California Registered Civil Engineer for all necessary and required on-site and off-site public and private improvements. The Improvement Plans shall include all existing and proposed utilities, above and below ground, including water, sanitary sewer, storm sewer, telephone, cable television, electricity, natural gas, transformers, vaults and meters. The final plan set shall include all civil, landscape and joint trench drawings under a single cover sheet. Improvement Plans must be approved by the City Engineer prior to any on-site or off-site construction. An Encroachment Permit is required for any work within City right of way. An Encroachment Permit will not be issued prior to the approval of the Improvement Plans and the execution of an Improvement Agreement, in the City’s standard form, including bonds and insurance acceptable to the City.

50. All existing and proposed electrical and communications lines, service cabinets, and devices, both on the site and along its frontages, shall be placed underground at the Applicant’s expense, except for the existing overhead high-voltage electrical transmission lines and the single
associated metal utility pole. All pull boxes, junction structures, service cabinets, vaults, valves and similar devices shall be installed behind the back edge of walkways within the City right-of-way or within a public utility easement, at locations approved by the City Engineer. If any utility appurtenances are permitted to be above ground, such as vaults and boxes, they shall be painted a color approved by the City. New improvements within existing and proposed utility easements shall be subject to the approval of the appropriate utility company.

51. Unless otherwise explicitly permitted, all existing wells, septic tanks and/or underground fuel storage tanks shall be abandoned under permit and inspection of Marin County Department of Environmental Health Services or other designated agency. If there are none, the project engineer shall provide a letter describing the scope of the search done to make this determination. This condition shall be satisfied prior to approval of the Improvement Plans. No new well or septic systems are permitted on the subject property.

52. A detailed design level Soils Investigation/Geotechnical Report shall be prepared and submitted for review with the initial submittal of the Improvement Plans. The report shall address, at a minimum, potential for liquefaction, R-values, expansive soils and seismic risk. The improvement plans shall incorporate all design and construction criteria recommended in the Geotechnical Report. Prior to City approval of the Improvement Plans, the geotechnical engineer shall sign off on the cover sheet confirming that the plans are in conformance with their recommendations.

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

53. A drainage study prepared by a California Registered Civil Engineer shall be submitted for review with the initial submittal of the Improvement Plans. The report shall include hydrologic and hydraulic calculations, narrative and exhibits to support the design and sizing of all public and private drainage facilities including storm drains and detention facilities. The report shall address existing downstream storm drain facilities and hydraulic conditions which may impact the design of proposed facilities and improvements. Analyses of the conveyance of onsite and downstream facilities shall be based on the 25-year storm. The report shall also include an analysis of the 100-year storm overland flow.

54. Applicant shall submit for review and approval a detailed Stormwater Control Plan (SWCP) prepared in accordance with the current Bay Area Stormwater Management Agencies Association (BASMAA) Post Construction Manual. Site improvements shall incorporate Low Impact Design (LID) principles and permanent post-construction storm water pollution BMPs. The Stormwater Control Plan shall be submitted for review with the initial submittal of the Improvement Plans.

55. Prior to the approval of the Improvement Plans and prior to the issuance of a grading permit, the applicant shall obtain all necessary permits, approvals and/or clearances from any other regulatory agencies with jurisdiction over the project, including but not limited to the Marin County Flood Control District, Regional Water Quality Control Board, Novato Fire Protection...
District, Department of Fish and Game and U.S. Army Corp of Engineers. Proof of approval and/or clearances, including but not limited to, Pacific Gas and Electric Co., North Marin Water District, and the Novato Sanitary District shall be submitted to the City prior to approval of the improvement plans. A complete set of improvement plans shall be submitted to all agencies, districts, and utilities affected by, or providing service to the development, for review and comment.

56. The Applicant shall obtain written confirmation and approval from Novato Fire Protection District (NFPD) for requirements for emergency vehicular access and appropriate posted signage. Applicant shall locate signs required by NFPD to the satisfaction of the City Engineer.

57. Prior to City approval of the Improvement Plans, Applicant shall obtain signatures from representatives of the Novato Fire Protection District, North Marin Water District and the Novato Sanitary District on the final Improvement Plans acknowledging their review.

58. The Applicant shall design and construct all new pedestrian walkways, ramps and accessible parking spaces to meet current Americans with Disabilities Act Accessibility Guidelines, California Title 24 requirements, and City maximum cross-slopes and grades.

59. All outside garbage facilities shall be designed to be fully enclosed with a roof meeting Marin County’s storm water pollution prevention best management practices.

60. Stenciling shall be provided on curb inlets to prohibit dumping of pollutants. The stencil shall be noted in the improvement plans.

61. Landscape plans shall be submitted with the Improvement Plans and shall meet the requirements of sight distance to the satisfaction of the City Engineer.

62. Prior to the approval of the Improvement Plans, the Applicant shall submit a copy their Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) for coverage under the State Water Resources Control Board’s General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ).

**Special Conditions of Approval:**

63. The Applicant shall submit Improvement Plans prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the Residence Inn by Marriott preliminary civil plans (6 sheets) prepared by Adobe Associates, Inc., dated July 9, 2018, (Preliminary Plans) except as may be modified to conform to the alternative site plan dated July 11, 2018.

64. Applicant shall construct all of the Public Improvements generally as shown on the Preliminary Plans and more specifically described below.

   a. Widen Redwood Boulevard along the entire frontage of the parcel to accommodate a new
diagonal parking lane, a 6-foot wide Class 4 bicycle path (with a minimum 2-foot wide separation from face of curb) and an 8-foot wide sidewalk. Frontage improvements shall also include curb, gutter, streetlights and landscaping. The Class 4 bicycle path shall include appropriate signing and pavement markings and reflective signage shall be added to the existing metal utility pole.

b. Widen Golden Gate Place along the entire frontage of the parcel to accommodate a new perpendicular parking lane and a 7-foot wide sidewalk. Frontage improvements shall also include curb, gutter, streetlights and landscaping.

c. The new parking lanes shall include a total of at least two ADA compliant accessible parking spaces, one of which shall be van accessible.

d. Install new directional pedestrian ramps (pointing users in the direction of travel of the new crosswalks) meeting current standards at the northeast, southeast (2) and southwest corners of the Redwood Boulevard/Golden Gate Place intersection. Reconstruct or replace the existing pedestrian ramps in the median of Redwood Boulevard, if necessary, to meet current standards.

e. Install storm drain facilities and appurtenances within Redwood Boulevard and Golden Gate Place to accommodate runoff from the road widenings and in accordance with the final approved drainage report.

f. Construct permanent post-construction stormwater treatment facilities to accommodate the road widenings and in accordance with the final approved SWCP.

g. Relocate the existing sanitary sewer running though the parcel into the public right-of-way.

h. Install crosswalks on the southern and eastern legs of the Redwood Boulevard/Golden Gate Place intersection. The crosswalk on the southern leg of the intersection shall include Rectangular Rapid Flash Beacons (RRFB) or similar-functioning devices and advance signage at the discretion of the City Engineer.

i. Install bicycle lane intersection crossing markings across the eastern leg of the Redwood Boulevard/Golden Gate Place intersection connecting the new Class 4 path to the existing Class II lane to the north.

j. Construct a paved pedestrian path along the east side of Redwood Boulevard within the public right-of-way from the frontage sidewalk south to the existing sidewalk adjacent to APN 143-011-07 (Trader Joe’s). This path shall be graded and/or shall include drainage facilities as necessary to maintain existing storm water runoff patterns.

65. Applicant shall construct all of the Private Improvements generally as shown on the Preliminary Plans and more specifically described below.

a. Install onsite storm drain facilities in accordance with the final approved drainage report.
b. Construct the permanent on-site private post-construction stormwater treatment facilities in accordance with the approved final SWCP.

66. Prior to issuance of any building permit, applicant shall dedicate public pedestrian access easements as follows:

   a. A 7-foot wide public pedestrian access easement over the parcel along the Golden Gate frontage.

   b. A public pedestrian access easement of sufficient width (approximately 1.6-feet) and length to provide a minimum of 4-feet of public pedestrian access along Redwood Boulevard west of the large metal utility pole.

   The Applicant shall prepare all necessary legal descriptions, plats and deeds and submit them to the City for review. Copies of the recorded deeds shall be submitted to the City.

67. Prior to issuance of any building permit, Applicant shall dedicate a public sanitary sewer easement to Novato Sanitary District (NSD) for the portions of existing and proposed sanitary sewer main within the parcel. Dimensions of said easement shall be as approved by NSD. The Applicant shall prepare all necessary legal descriptions, plats and deeds and submit them to the City and NSD for review. Copies of the recorded deeds shall be submitted to the City and NSD.

68. Prior to issuance of any building or grading permit, the Applicant shall enter into an Improvement Agreement in accordance with NMC Section 9-27 to ensure completion of all Public Improvements and Private Improvements required by these conditions and as shown on the approved Improvement Plans, including but not limited to, grading and construction of any curbs, gutters, sidewalks, roadway improvements, storm drainage facilities, water facilities, sewer facilities, street lighting, signage, striping, and other utilities, to the satisfaction of the City Engineer. The Improvement Agreement shall be secured to guarantee the faithful performance of the agreement in the amount of 100% of the estimated cost of the improvements and for the payment of labor and materials in the amount of 100% of the estimated cost of the improvements. A certificate of occupancy shall not be issued for any structure until required improvements are completed to the satisfaction of the City Engineer.

69. Prior to issuance of any building permit, Applicant shall submit for review and approval by the City Engineer, a Post Construction Stormwater Operations and Maintenance Plan that provides a plan sheet showing all storm drain and water quality infrastructure that is to be maintained, along with detailed instructions and schedules for the ongoing maintenance and operation of all post-construction stormwater BMPs. Once approved and prior to issuance of any building permit, the property owner shall enter into a Stormwater Maintenance Agreement with the City that provides the terms, conditions, and security associated with the ongoing requirements of the Post Construction Stormwater Best Management Practices.

Construction Conditions of Approval:
70. Construction stormwater pollution prevention measures as indicated in the SWPPP shall be consistent with the details in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Storm Water Quality Handbook Construction Site BMPs Manual. A Qualified SWPPP Practitioner shall be responsible for implementing the measures at the site and performing all required monitoring and inspection/maintenance/repair activities. The project applicant shall also prepare a Rain Event Action Plan (if required based on the determined risk level) as part of the SWPPP.

71. Construction activities shall be limited to the days and hours stipulated in Novato Municipal Code 19.22.070B. City established inspection hours are Monday through Thursdays, and alternating Fridays from 7 a.m. until 4 p.m. except on City recognized holidays. Applicant shall be responsible for the City’s additional cost to provide inspection during times not established as regular City inspection hours.

72. A City of Novato Encroachment Permit shall be obtained prior to any grading, trenching, pavement, construction of improvements or any other work in the public right-of-way.

73. If any hazardous materials are encountered during the construction of this project, all work shall be immediately stopped and the Marin County Environmental Health Service Department, the Novato Fire Protection District, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.

74. Upon completion of the project and prior to acknowledgment of completion, all new storm drains 15" in diameter and larger shall be professionally televised and a video of the recording delivered to the City Engineer for review. The video shall indicate the pipe being televised, indicate station points along each pipe, and shall have the bottom of the pipe at the bottom of the monitor when viewed. The televised speed shall be slow enough to enable viewers to ascertain the pipe condition and the speed shall be reduced or paused as necessary at sags, gaps, obstructions and damaged areas of the pipe. Prior to acknowledgment of completion of the project, pipe damage and obstructions shall be repaired to the satisfaction of the City Engineer.

75. The Applicant shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the City Engineer. The Applicant’s contractor shall provide dust control seven (7) days a week, twenty-four (24) hours a day and this provision shall be noted on the plans.

76. The following shall be added to the general notes on the civil plans, “All roads used within the City of Novato during construction shall be cleaned daily, or more often as required by the City Engineer, of all dirt and debris spilled or tracked onto the City streets, or private driveways.”

77. Prior to final preparation of the subgrade and placement of base materials, all underground utilities shall be installed and service connections stubbed out behind the sidewalk. Public
utilities, Cable TV, sanitary sewers, and water lines, shall be installed in a manner that will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.

78. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. Additionally, if field conditions warrant installation of any subdrains, the location, size and construction details must be provided to the City for review and approval prior to construction.

79. Utilities to be abandoned shall be removed, filled with suitable material and/or capped to the approval of the applicable utility agency and to the approval of the City Engineer.

80. After all of the new underground utilities within existing public streets have been installed, the entire affected areas shall be milled and repaved to present a neat finished pavement area. Multiple trench patches are not acceptable.

81. Upon completion of the building and site improvements, the Applicant shall clean, repair, or reconstruct the curb, gutter, and sidewalk along the entire frontage of the developed property as may be required by the City Engineer to conform to the City standards prior to receiving an occupancy permit for the building.

Occupancy Conditions of Approval:

82. Prior to occupancy of any building, the Applicant shall submit a certification by the Geotechnical Engineer of Record confirming that all the work has been completed in substantial conformance with the recommendations in Soils Investigation/Geotechnical Report.

83. Prior to occupancy of any building, the Applicant shall provide a letter from the Civil Engineer of Record certifying that all the site improvements were constructed and inspected in substantial conformance with the approved plans and City Standards.

84. Prior to occupancy of any building, the applicant shall provide a mylar and digital copy of the Improvement Plans that include all as-built or field changes.