CITY OF NOVATO
CALIFORNIA

Valley Oaks

Draft Initial Study and Mitigated Negative Declaration (IS/MND)

August 2023

Kimley»Horn

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Draft Initial Study and Mitigated Negative Declaration

Background & Project Description

Project Title

Valley Oaks

Lead Agency Name and Address

City of Novato
Community Development Department
922 Machin Avenue
Novato, California 94945

Contact Person and Phone Number

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Project Location

As shown in Figure 1 – Regional Location, Novato is located in the greater North Bay region of the San Francisco Bay Area and is the northernmost city in Marin County. The city is located northwest of San Pablo Bay, approximately 29 miles north of the City of San Francisco.

As show in Figure 2 – Project Vicinity, the 38.1±-acre project site is located in the northern portion of the City of Novato on the west side of Redwood Blvd, near its intersection with Pinkston Road ("A" Street on project plans), approximately ½ mile north of San Marin Drive. The Novato-San Marin SMART Station is located less than ½ mile south of the site, on the east side of Redwood Blvd and west of US 101, near the Rush Landing Road intersection.

The 38.1-acre project site comprises two development areas, Valley Oaks South, which is located in the southerly portion of the site and accessed from Verandah Avenue, and Valley Oaks North, located in the northerly portion of the site and accessed from Pinkston Road.

Project Applicant

Campus Properties, LLC ("Campus")
P.O. Box 1613

Glen Ellen, CA 95442
(on behalf of WCJA LP)

General Plan Designation

The project site is designated as Business and Professional Office (BPO) in the City's 2035 General Plan.

Zoning

The project site is zoned Planned District (PD), San Marin Commerce Park Master Plan, in the City's Zoning Code. The San Marin Commerce Park Master Plan is the approved master plan for most of the site. A 2.5±-acre portion of the site (Wright property and Pinkston Road) recently acquired by the applicant, is not within the master plan area.

Project Site

The project site is comprised of Assessor's Parcel Number (APN): 125-580-34 and 125-580-37 and is +/-37.6 acres. The project site presently excludes the Pinkston Road Property, although for planning purposes the analysis herein includes the 0.5±-acre Pinkston Road Property since the applicant will likely obtain ownership of this area, resulting in a 38.1-acre project site. If the Applicant is not able to obtain this 0.5-acre site, the project can be developed; the 0.5-acre area would be used for additional wetland mitigation area and/or undeveloped open area.

Pinkston Road Property

The project applicant is working to consolidate the Pinkston Road Property which will increase the project site to 38.1± acres. Pinkston Road is a 50' wide right of way that was dedicated to the County of Marin and its successors and assigns in 1891 by predecessors of WCJA and Wright. Pinkston Road (formerly 'Novato to Petaluma Road' or 'County Road' or 'Former Black John Road') previously continued north and southwards. Most of the Pinkston Road Property has been abandoned leaving the 0.51-acre remnant located south of the proposed "A" Street access. A request to vacate the portion of the Pinkston Road right of way, if any, lying within the Property will be made once title is quieted and the land is owned by the Applicant.

100 Pinkston Road (the former Wright Property)

The vesting tentative map includes a proposed 12-foot-wide private access easement benefitting the 100 Pinkston Road property (APN 125-580-38). The easement is located on the north side of 'A' Street near its intersection with Redwood Blvd. Currently, 100 Pinkston Road has its own driveway access from Redwood Blvd. The purpose of the consolidated access is to limit the number of access points from Redwood Blvd near each other.

City Owned Strip

The City of Novato owns a strip of land of varying width between the Property and Redwood Boulevard that comprises the former Caltrans Right of Way (the "City Owned Strip"). The Caltrans Right of Way was relinquished to the County of Marin and the City of Novato assumed ownership on annexation of the wider area.

The City Owned Strip is not included in the Project Site. Nevertheless, the project applicant proposes to landscape those portions of the City Owned Strip fronting the project site that have not been landscaped and will include landscape maintenance of the relevant portion of the City Owned Strip in the Homeowners Association responsibilities. The City will require a license agreement (or similar agreement) for those improvements on City-owned lands.

Project Description

As shown in Figure 3 – Site Plan, the proposed Valley Oaks project (the project or the proposed project) is a residential development that includes 61 attached and detached single-family residences with 45 attached junior accessory dwelling units (JADUs) and 20 townhome-style condominium units for a total of 126 residential units on a 38.1-acre site. Approximately 20 acres of the 38-acre site would be designated as open space area. Townhomes would be located on the southeast portion of the site (Valley Oaks South) and the attached (duets) and detached single-family residences would be located in the northern portion of the site (Valley Oaks North).

Development Plan

Valley Oaks North

As shown in Figure 4 – Development Area Plan, Valley Oaks North has three sub-areas. Area 1 is generally located north of "A" Street and east of "B" Street (i.e., the PG&E Easements). Area 2 is located west of "B" Street (i.e., the PG&E Easements) and east of the drainage channel and Area 3 is located west of the drainage channel.

The 61 single-family detached homes and duets (single-family attached) would range in size from +/- 1,900 to +/-3,000 square feet (sf). Of these residential units, 45 would include Junior Accessory Dwelling Units (JADUs) ranging in size between 150 sf and 500 sf, which if rented, would be affordable by design to households of lower income. The 45 JADUs are not part of the affordable unit count required by the City's Affordable Housing Requirements Ordinance (see below) and will not be deed restricted for monitoring by the City.

Four residential plan designs are proposed, comprised of one-, two-, and three-story buildings with heights up to 35 feet. Each unit would include a two-car garage with additional driveway area suitable for vehicle parking. Street parking can accommodate 33 vehicles.

Vehicular access to Valley Oaks North would be from Redwood Boulevard via a new "A" Street (Pinkston Road) at Redwood Boulevard.

Valley Oaks South

Valley Oaks South would be comprised of four buildings, each with four to six townhome-style condominiums. The rear two buildings, Buildings 1 and 2 (Lots 62 and 63), are split pads with their primary access and garage access from the driveway ("H" Street). Buildings 1 and 2 are two (2) story at the rear and three (3) story at "H" Street plus a roof-top deck.

The front two buildings, Buildings 3 and 4 (Lots 64 and 65), are built on flat pads with their primary access facing Verandah Avenue and their garages accessed from the rear driveway ("H" Street). Buildings 3 and 4 are two (2) story with an optional roof deck.

Four, three-bedroom floor-plans are proposed, ranging in size from 1,800 to 2,100 square feet. Each townhome will have a two car garage and ten common spaces would be provided for resident and guest parking. Forty enclosed garage parking stalls are proposed, along with ten surface parking spaces are proposed to comply with the City's required parking ratios.

Vehicular access to Valley Oaks South would be from Verandah Avenue.

Affordable Housing Requirements Ordinance

The City of Novato's Affordable Housing Requirements Ordinance requires that 20 percent of the units be designated as affordable units and deed restricted at certain affordability limits. The Project proposes to restrict the sale prices of twenty (20) percent of the total units (16.2 units) to low- and moderate-income households earning no more than 65% and 90%, respectively, of the Areawide Median Income for Marin County (Below Market Rate or BMR). Half of the restricted units will be available to Moderate-Income Households, half to Low-Income Households. Deed restrictions will be recorded against the BMR units to ensure long-term affordability. In addition, the JADUs, if rented, will be affordable by design to lower-income households based on unit sizes (less than 500 square feet), although the JADUs will not be deed restricted or monitored by the City as part of the City's Affordable Housing Ordinance.

Valley Oaks North would include 12 single-family and/or duet BMR homes and 45 JADUs. Valley Oaks South would include four townhome-condominium BMR units. The fractional balance of the 20 percent affordable requirement will pay an in-lieu fee. The final location of the BMR units and the JADUs may be adjusted as plans are finalized, but would be dispersed throughout the project site, consistent with the City's location and design requirements.

In lieu of providing 20% of the total number of homes restricted to low- and moderate-income families throughout the project site, the project applicant may request to the City of Novato to meet the affordable requirements by either of the following methods: 1) Selling Valley Oaks South in its entirety to a non-profit affordable housing developer to construct, or 2) Restricting all of the homes in Valley Oaks South to low- and moderate-income households. Either option would achieve a higher percentage of affordable units (20 units), equal to a 24.7 percent affordable rate and relieve the project of any obligation to provide BMR units in Valley Oaks North. The City Council would need to approve this alternative scenario.

Landscaping and Recreation Amenities

The project would be landscaped using a variety of drought-tolerant plants. All common-area landscaping within the development areas would be funded and maintained through a homeowner's association per the Valley Oaks Objective Development Standards. Front yard turf lawns would not be permitted on the residential lots.

Within the Valley Oaks North area, recreation amenities available to the residents would include:

- A central community gathering space with a shade structure(s), outdoor plaza, bocce court, pedestrian bridge, and seating; located within a linear greenway extending along a natural drainage channel between Valley Oak North Areas 1-2 and Area 3.
- Community play area with a shade structure.
- A hillside gateway pocket park

In the open space areas on the westerly hillside, a .55-mile permeable-surface hillside trail would be constructed with seating, a community overlook, and exercise stations.

Within the Valley Oaks South area, amenities include a seating area adjacent to a level (or flat) multi-use area. This area would be located between the townhome buildings and the Redwood Blvd frontage and be partially shielded from Redwood Blvd by proposed trees. Pedestrian access between the Valley Oaks South and North area would be accommodated in the emergency vehicle and pedestrian access area.

Figure 5 – Landscaping and Recreation Amenities illustrates these features.

Open Space and Drainages

Areas outside of the development areas would remain largely undeveloped and left in their natural state. Exceptions include the hillside trail and passive recreation amenities described above and illustrated on Figure 5, and a 30-foot fuel reduction area surrounding the development areas that would be managed by the homeowner's association and kept free of long grasses but would not be landscaped or irrigated.

A drainage channel, generally located between Valley Oaks North Areas 1 and 2 and Area 3, enters the project site in the northwest portion of the site and travels southeast near the center of the project site. This drainage flows year-round but the only during and immediately flowing storm events and is dry most of the year. Water from this drainage drains into seasonal wetlands onsite and eventually drains to the Rush Creek Marsh Wildlife Area and the Petaluma River, and eventually into the San Pablo Bay. Subject to the respective Responsible Agency(s) approvals, the project applicant proposes to enhance the natural quality of the drainage channel through fine grading, removal of unsuitable fills, riparian plantings, and ongoing weed control and monitoring.

Grading and Stormwater Management

The southern portion of the WCJA property is highly constrained by mixed oak woodland hills with average slopes greater than 25%. The northern portion of the property comprises lowlands and a gentle slope rising to the west. Additionally, there are lowland points throughout the grassland that contain jurisdictional wetlands and a drainage that runs from the northern region to the central area of the property.

The former Lands of Wright property (2± acres) consists of pasture lands which range in elevation from approximately 10 feet near the road up to approximately 30 feet with gradual slopes. There are two areas of slight depressional topography within the Pinkston Road easement where jurisdictional wetlands have been mapped.

As shown in Figure 6 – Slope Analysis and Limits of Grading, the project would cluster development in the flatter low-lying areas of the project site. The steeper slopes and the area of an ancient landslide will not be developed and will be used as an open space amenity for the benefit of the residents.

In Valley Oaks North, the project will require 12,100 cubic yards of cut and 52,900 cubic yards of fill for a net import of 40,800 cubic yards. In Valley Oaks South, the project will require 5,200 cubic yards of cut and 2,600 cubic yards of fill for a net export of 2,600 cubic yards. The estimated 38,200 cubic yards of fill would be imported from off-site sources. The timing of fill delivery may be dependent on availability of fill materials from construction sites in the region. If fill is delivered in advance of project construction, the fill may be stockpiled until grading and building permits issued. A grading permit, which would include stormwater control requirements, would need to be issued by the Novato Public Works Department/Engineering Division prior to any import of fill.

The project site is currently undeveloped, allowing sheet flow across its entirety. As shown in Figure 7 – Preliminary Stormwater Control Plan, the project site would create six drainage management areas (DMAs) designed to collect, filter and control stormwater. Undeveloped areas (DMAs 5 and 6) would be self-treating, and some flows directed to the existing wetlands via concrete channels. The remaining DMAs would manage +/- 280,570 sf. of impervious area largely consisting of rooftop, roadways, and parking areas. Surface drainage from these areas would be directed through the use of curb and gutters, curb cuts, sidewalk drains, and area drainpipes to a series of above-grade bioretention ponds incorporating low impact development (LID) vegetation and soil-based materials to reduce pollutants and attenuate stormwater flows.

Construction of the storm drain facilities would be completed by the project applicant or a housing developer (as successor in interest of the project). The responsibility for operation and maintenance of stormwater treatment and flow control facilities would be transferred to a homeowner's association (HOA) once it has been created.

Utilities

All utilities would be extended from existing facilities located under Redwood Boulevard. For Valley Oaks North, an 8-inch water line, an 8-inch sanitary sewer line, and an 18-inch storm drain would extend west on "A" Street to service the residential units. For Valley Oaks South, an 8-inch water line and an 8-inch sanitary sewer line would extend west from the facilities under Verandah Avenue. Recycled water lines would also be extended onto the site for outdoor irrigation uses.

A 67.5 feet wide PG&E gas easement, supporting two 15-inch-wide (diameter) gas lines with maintenance access easements on both sides, extends generally north to south through the project site. No vertical construction is allowed on the PG&E gas line easements. Roadways and driveways including utility crossings, paving and street improvements such as traffic signs are permitted with PG&E approval.

Phasing

As shown in Figure 8 – Project Phasing, the project would be constructed in three phases, namely:

- Valley Oaks South
- Valley Oaks North Phase 1 (Areas 1 and 2)
- Valley Oaks North Phase 2 (Area 3)

Construction is anticipated to commence in April 2025 and last approximately 32 months, concluding in December 2028. Depending on the developers planning and financing of the project, Valley Oaks South and Valley Oaks North Phase 1 (Areas 1 and 2) may be developed concurrently. It is assumed that Valley Oaks North Area 3 will be developed last due to the regulatory permitting listed below associated with jurisdictional wetlands and drainageways. Trails and amenities proposed in the Open Space area will be developed incrementally as residential development occurs. The exact phasing order and timing does not affect the analysis herein.

Project-Related Approvals and Permits

City of Novato

Approvals and permits required for the project by the City of Novato include:

- **General Plan Map and Text Amendment**. Land use map amendment to change from BPO to High Density Multi-Family Residential, Medium Density Residential, and Open Space, and a text amendment to Policy LU 27 regarding *Site 4* preferred land use concept and design guidelines.

- **Master Plan Amendment** (Rescind and Replace). Rescind the existing San Marin Commerce Park Master Plan and replace with a new master plan to allow for the proposed land uses and densities.
- **Precise Development Plan**. Establish a precise development plan for the project site.
- **Reduced Wetland Setback**. Allow for a reduction to the 50-foot setback from top of bank codified in the Novato Municipal Code.
- **Vesting Tentative Map**. Tentative map to create the proposed residential lots, condominium air space rights, and common area lots.
- **Alternative Affordability Component** (for affordable housing). Proposed alternative to the City's standard Affordable Housing Requirements.
- **Design Review**. For the site design, architecture, and related design aspects of the project.
- **Vacation of Right-of-Way**. Pinkston Road right-of-way and other unnecessary easements, as necessary.

Other Responsible Agencies

The following regional, state, and federal agencies may require their own permits, inspections, reporting and/or certifications prior to construction and/or completion of the project:

- **California Regional Water Quality Control Board**: 1) 401/404 of the Clean Water Act "certification of water quality"; and 2) a National Pollutant Discharge Elimination System (NPDES) Construction General Permit for waste discharge.
- **U.S. Army Corps of Engineers**: Section 404 permit.
- **California Department of Fish and Wildlife**: Section 1602 Lake and Streambed Alteration Agreement.
- **Marin Airport Land Use Commission (ALUC)**: The project site is within the Gnoss Field Marin County Airport two-mile referral area. Marin ALUC is tasked with making a project consistency finding with the Airport Land Use Plan.
- **Marin Local Area Formation Commission (Marin LAFCo)**: Annexation approval of the 2.5±-acre portion of the site (Wright property and Pinkston Road right-of-way) not currently within the Novato Sanitary District sewer service boundary.

Additionally, the following service districts require their own permits to approve various aspects of project construction and various project-serving utilities:

- **Novato Fire Protection District (NFPD)** would determine compliance with local fire code requirements for emergency access, life safety systems (e.g., fire sprinklers), and Wildland Urban Interface (WUI) building standards.
- **Novato Sanitary District (NSD)** will review the project design and construction of new wastewater infrastructure associated with the project. Additionally, approximately two

acres of the project site (Wright Property) will require annexation into NSD. The 0.5±-acre Pinkston Road area would also be annexed into the NSD service area boundary.

- **North Marin Water District (NMWD)** is the domestic and recycled water provider at the site. New domestic and recycled water connections will need to be designed to NMWD standards and approved by NMWD.

Maximum Site Buildout

The project site currently has a General Plan land use designation of Business and Professional Office (BPO). The required General Plan Amendments and proposed and maximum buildout alternatives are shown in Table 1: General Plan Amendments and Maximum Buildout.

Table 1: General Plan Amendments and Maximum Buildout *

Proposed General Plan Designation	Gross Acres ^	Net Acres	Allowable Density (DUs/acre)	Proposed Units	Maximum Allowable Units (Net)	Net Unit Increase per Maximum
High Density Multi-family Residential (HDMFR or R20)	2.58	1.02	20.1 - 30	20	31	11
Medium Density Residential (MDR or R5)	15.15	12.2	5.1 - 10	61	122	61
Sub-total	*17.73*	*13.22*	--	*81*	*153*	*72*
Open Space (OS)	19.94		--	--	--	--
Total	**37.67**		--	--	--	--

* The proposed 45 JADUs are not included in general plan density calculations per Novato Municipal Code Section 19.34.031.B and Government Code Section 65852.2.

^ The listed gross acreage does not include the 0.5±-acre Pinkston Road right-of-way.

Should the proposed General Plan amendment be granted, and the project site not developed, the 17.73 gross acres (13.22 net acres) would remain available for residential uses under the HDMFR (R20) and MDR (R5) General Plan land use designations. Due to site constraints, such as the PG&E pipeline easements, areas that are not developable due to environmental constraints, and the land areas necessary for streets and other common improvements, the realistic maximum density is 153 units.

Therefore, this Initial Study will also examine an alternative land use to the proposed project at a programmatic level. The alternative land use discussion analyzes buildout of the approximately 1.02 net buildable acres at a density of 30.0 units per acre or 31 HDMFR units, and 12.2 net buildable acres at a density of 10.0 units per acre or 122 MDR units, for a total of

Assembly Bill 52 and Senate Bill 18 (for the general plan amendment). The City did not receive any responses. Consultation with local tribes is further described in the Tribal Cultural Resources section.

Project Consistency with General Plan 2035 Final EIR Mitigation Measures

Mitigation measures from General Plan 2035 Final EIR (City of Novato, 2020b) applicable to this project and site are listed below in Table 2: General Plan 2035 Draft EIR Mitigation Measure Consistency Analysis, below. The table described each applicable General Plan 2035 mitigation measure, the project's consistency with each mitigation measure, and the document section of the analysis in this IS/MND. In some instances, General Plan EIR mitigation measures have been replaced with equal or more effective measures specific to the proposed project and site characteristics.

Table 2: General Plan 2035 Draft EIR Mitigation Measures Consistency Analysis

General Plan 2035 Draft EIR Mitigation Measure	Project Consistency	Initial Study Section
MM AQ-1 Construction Emissions Measures. New discretionary projects in the Plan Area that exceed the construction screening criteria of the Bay Area Air Quality Management District (BAAQMD) shall be conditioned to reduce construction emissions of reactive organic gases, nitrogen oxides, and particulate matter (PM_{10} and $PM_{2.5}$) by implementing the BAAQMD's Basic Construction Mitigation Measures (described below) or equivalent, expanded, or modified measures based on project and site-specific conditions. Basic Construction Mitigation Measures ▪ All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, with priority given to the use of recycled water for this activity when feasible. ▪ 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 visible emissions evaluator. ▪ A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency 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.	During the construction phase, the proposed project would implement all listed basic construction mitigation measures as a condition of approval for the project. CALEEMOD emission estimates can be found in Appendix AQ-1, which includes the construction emissions measures and shows that the project would not exceed BAAQMD thresholds. Therefore, the project is consistent with Mitigation Measure AQ-1.	Air Quality

General Plan 2035 Draft EIR Mitigation Measure	Project Consistency	Initial Study Section
BIO-3 Biological Resources Inventory for New Development. A detailed inventory of biological resources conducted by an independent, professionally qualified biologist, plant ecologist, arborist, or appropriately qualified specialist shall be required for projects in sensitive and vulnerable habitats, as identified in Mitigation Measure BIO-2. If there are seasonal constraints with performing surveys, presence of such special status species shall be assumed and measures to reduce impacts to special status species and avoidance shall be implemented in accordance with a biological resources assessment and/or project specific California Environmental Quality Act documentation. If sensitive resources are identified on the project site, recommendations to protect the sensitive resources shall conform with applicable State and federal regulations regarding their protection and may include avoidance of the resource, providing setbacks, clustering development onto less sensitive areas, preparing restoration plans, off-site mitigation, and/or other similar measures as determined on a project specific basis.	The Biological Resources Analysis maps vegetation, aquatic communities, and unvegetated land and documents plant and wildlife species present on the project site. All Mitigation Measures outlined in the biological resources section of this Initial Study (BIO-1 and BIO-2) would be implemented to protect sensitive resources identified in the BRA. Therefore, the project is consistent with Mitigation Measure BIO-3.	Biological Resources
BIO-4 Nesting Bird Protection. All discretionary projects shall retain the services of a qualified biologist(s) to conduct a pre-construction nesting bird survey during the nesting season (February 1 through August 31) at most 14 days prior to any and all development that may remove trees or vegetation that may provide suitable nesting habitat for migratory birds or other special-status bird species. If nests are found the qualified biologist(s) shall identify and the project sponsor shall implement appropriate avoidance measures, such as fenced buffer areas or staged tree removal periods.	Mitigation Measures BIO-1 and BIO- 2 in this Initial Study call for protection of burrowing owls and other avian species during nesting. Therefore, the project is consistent with Mitigation Measure BIO-4.	Biological Resources
BIO-6 Biological Studies for Wildlife Movement Corridors. All discretionary projects on parcels with indicators of wildlife movement corridors shall retain the services of a qualified biologist(s) to conduct a biological assessment prior to any and all development that may impact wildlife movement. If movement corridors are potentially impacted by the proposed project, the qualified biologist(s) shall identify appropriate mitigation measures to avoid or minimize the impact. Such measures shall be a condition of approval and implemented by the project sponsor.	The project is not located within a designated wildlife corridor, nor would it constrain wildlife movement. Therefore, Mitigation Measure BIO-6 does not apply to the project.	Biological Resources
CUL-1 Historical Resources Study Program. All discretionary projects shall investigate the potential to impact historical resources. A historical resources evaluation shall be performed to confirm the presence of historical resources within the project site when there is a structure(s) or feature of a type, period, and/or method of construction that could be qualified as having historic status. The study shall, at a minimum, be conducted by a qualified professional meeting the Secretary of the	A Cultural Resources Inventory was prepared by Archaeological Resource Service in December 2022 (Appendix CUL-1). The study includes the results of a	Cultural Resources

General Plan 2035 Draft EIR Mitigation Measure	Project Consistency	Initial Study Section
Interior's (SOI) Professional Qualification Standard (PQS) for architectural history (NPS 1983). The study shall include a pedestrian survey of the project site and background research including a records search at the Northwest Information Center (NWIC), building permit research, and/or research with the local historical society(ies). The subject property(ies) shall be evaluated for federal, state, and local designation on California Department of Parks and Recreation 523 series forms, included as an appendix to the study. If historical impacts are identified, the study shall include recommendations to avoid or reduce impacts on historical resources and the project sponsor shall implement the recommendations or conduct additional environmental review.	California Historical Resource Information System records search, a historic-period map review, a cultural resources geoarchaeological sensitivity assessment, and a pedestrian field survey. No historical or archaeological impacts were identified on the project site. Therefore, the project is consistent with Mitigation Measure CUL-1.	
CUL-2 Archaeological Resources Study Program. All discretionary projects shall investigate the potential to disturb archaeological resources. If preliminary reconnaissance suggests that cultural resources may exist, a Phase I cultural resources study shall be performed by a qualified professional meeting the Secretary of the Interior's (SOI) Professional Qualification Standard (PQS) for archaeology (NPS 1983). A Phase I cultural resources study shall include a pedestrian survey of the project site and sufficient background research and, as necessary, field sampling to determine whether archaeological resources may be present. Archival research shall include a records search at the Northwest Information Center (NWIC) and a Sacred Lands File (SLF) search with the Native American Heritage Commission (NAHC), and coordination with Native American tribes listed by the NAHC. The Phase I technical report documenting the study shall include recommendations to avoid or reduce impacts on archaeological resources. The project sponsor shall implement the recommendations.	The Cultural Resources Inventory concluded that cultural resources are unlikely to exist on the project site. Therefore, a Phase 1 cultural resources study is not required, and Mitigation Measure CUL-2 does not apply to the project.	Cultural Resources
CUL-3 Paleontological Resource Studies. Avoidance and/or mitigation for potential impacts to paleontological resources shall be required for any development in Novato that occurs within high sensitivity geologic units (Pleistocene alluvium [Qpa] and Pleistocene alluvium [Qoa] deposits), whether they are mapped at the surface or occur at the subsurface. When paleontological resources are uncovered during site excavation, grading, or construction activities, work on the site will be suspended until the significance of the fossils can be determined by a qualified paleontologist. If significant resources are determined to exist, the paleontologist shall make recommendations for protection or recovery of the resource.	The proposed project is not located in an area with high sensitivity geologic units. Although Mitigation Measure CUL-3 does not apply to the project, the applicant would implement Mitigation Measure GEO-2 in this Initial Study related to paleontological resources.	Cultural Resources

General Plan 2035 Draft EIR Mitigation Measure	Project Consistency	Initial Study Section
The City shall require the following specific measures for projects that could disturb geologic units with high paleontological sensitivity: ▪ Retain a Qualified Paleontologist to Prepare a PMMP. Prior to initial ground disturbance, the project applicant shall retain a Qualified Paleontologist, as defined by the SVP (2010), to direct all mitigation measures related to paleontological resources and design a Paleontological Mitigation and Monitoring Program (PMMP) for the project. The PMMP shall include measures for a preconstruction survey, a training program for construction personnel, paleontological monitoring, fossil salvage, curation, and final reporting, as applicable.		
GEO-1 Soil Investigation Report. New development projects not connected to the municipal sewer system and requiring the use of septic tanks or alternative wastewater disposal systems shall complete a soil investigation report to be submitted to the City of Novato for review and approval prior to issuance of grading and building permits. The study shall demonstrate the capability of the underlying soils to support the use of septic tanks or alternative wastewater disposal systems. Such report shall be prepared by a registered professional geologist and shall include soil type characteristics, percolation rates, and design recommendations.	The proposed project would be connected to the municipal sewer system and does not require the use of a septic tank or alternative wastewater disposal system. Therefore, Mitigation Measure GEO- 1 does not apply to the project.	Geology and Soils
N-1 Construction Noise Reduction Measures. The following measures to minimize exposure to construction noise shall be included as standard conditions of approval for applicable projects involving construction: 1. *Mufflers*. During excavation and grading construction phases, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards. 2. *Stationary Equipment*. All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receptors. 3. *Equipment Staging Areas*. Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receptors. 4. *Smart Back-up Alarms*. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels.	All construction equipment used for the project would be operated in accordance with manufacturer's standards. Illingworth and Rodkin, Inc. conducted a construction noise analysis for the project (see Appendix N-1), and considered stationary equipment and staging areas, and determined noise impacts to be less than significant. Therefore, the proposed project is consistent with Mitigation	Noise

General Plan 2035 Draft EIR Mitigation Measure	Project Consistency	Initial Study Section
Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.	Measure N-1 and would implement construction noise reduction measures as a condition of approval for the project to further reduce construction noise.	
N-2 Construction Vibration Reduction Measures. The following measures to minimize exposure to construction vibration shall be included as standard conditions of approval for applicable projects involving construction: 1. *Building Examination*. The pre-existing condition of any buildings within 25 feet of any construction activities shall be recorded in order to evaluate damage from project-related construction. Fixtures and finishes within a 25-foot radius of construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition. 2. *Stationary Equipment*. All vibratory stationary construction equipment shall be placed as far as possible from the nearest sensitive receptors. 3. *Equipment Staging Areas*. Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related vibration sources and noise-sensitive receptors.	The closest sensitive receptors are located more than 1,000 feet from proposed constructions activities and there are no other existing buildings in the vicinity. All stationary equipment would be placed as far as possible from the nearest sensitive receptors per part two of the construction vibration reduction measures condition of approval. Therefore, the proposed project would be consistent with Mitigation Measure N-2.	Noise
T-1 Intersection Delay Mitigations. The following additional intersection improvements are necessary to maintain acceptable operation under Existing plus Project and Cumulative conditions with the proposed project. ▪ San Marin Drive/Simmons Lane (Intersection #1) ▫ Signalize the intersection; restripe both San Marin Drive approaches to include separate left-turn, through, and right-turn lanes. ▫ Alternative Mitigation: install a roundabout; the westbound approach would have two lanes, one serving through/right movements and one serving left-turn movements, and the remaining three approaches would have single lanes. ▫ The alternative roundabout mitigation may require minor	Since adoption of the General Plan 2035 Environmental Impact Report vehicle miles traveled has replaced level of service as the metric to determine a transportation impact under CEQA pursuant to Senate Bill 743. Therefore, Mitigation Measure T-1 from the General Plan EIR would no longer apply to the project under CEQA.	Transportation

General Plan 2035 Draft EIR Mitigation Measure	Project Consistency	Initial Study Section
right-of-way acquisitions on one or more intersection corners. ▪ Redwood Boulevard/San Marin Drive (Intersection #4) ▫ Widen the SMART railroad overpass to provide space on the westbound approach for two left-turn lanes, two through lanes, and one right-turn lane, as well as bike lanes and a widened sidewalk on the south side of the overpass. ▫ Widen the southbound Redwood Boulevard approach to include a left-turn lane, shared left- turn/through lane, and right-turn lane. ▫ Restripe the northbound Redwood Boulevard to include a left-turn lane, left-turn/through lane, and two right-turn lanes. ▫ Add right-turn overlap signal phasing on the northbound and westbound approaches. ▫ This mitigation would entail roadway and overpass widening that could require right-of-way acquisition. ▫ To make this intersection function acceptably, additional improvements would be needed at the Highway 101 South Ramps/San Marin Drive intersection, as described in the next bullet. ▪ Highway 101 South Ramps/San Marin Drive (Intersection #5) ▫ Modify the eastbound San Marin Drive approach (the SMART railroad overpass) to include a through lane, a shared through/right-turn lane, and a right-turn lane. ▫ Provide an enhanced bicycle-pedestrian crossing at the on-ramp entrance, including modified signal phasing to include protected pedestrian and bicyclist movements across the ramp. ▫ This mitigation would entail roadway and overpass widening that could require right-of-way acquisition, and potentially affect areas that appear to be wetlands between the SMART rail corridor and the off- ramp.		

General Plan 2035 Draft EIR Mitigation Measure	Project Consistency	Initial Study Section
▪ Highway 101 North Ramps/Atherton Avenue (Intersection #6) ▫ Widen the northbound off-ramp to include two left-turn lanes and a shared through/right-turn lane. ▫ Novato Boulevard/San Marin Drive-Sutro Avenue (Intersection #9) ▫ Signalize the intersection. ▫ Alternative Mitigation: install a single-lane roundabout with a southbound right-turn "slip" lane. ▫ The alternative roundabout mitigation may require minor right-of-way acquisition on one or more intersection corners. ▪ Diablo Avenue/Novato Boulevard (Intersection #14) ▫ Restripe the eastbound and westbound Diablo Avenue approaches to include separate left-turn, through, and right-turn lanes. ▫ Restripe the northbound Novato Boulevard Approach to include a left-turn lane, through lane, and through/right-turn lane. ▫ Widen and modify southbound Novato Boulevard to include dual left-turn lanes and a shared through/right-turn lane. ▫ Modify the signal phasing to protected left-turns on all approaches plus a westbound right-turn overlap phase. ▫ The mitigation may require minor right-of-way acquisition on Novato Boulevard to the northwest of the intersection. ▪ South Novato Boulevard/Redwood Boulevard (Intersection #30) ▫ Signalize the intersection. ▫ Alternative Mitigation: install a single-lane roundabout with an eastbound right-turn "slip" lane. ▫ The alternative roundabout mitigation may require minor right-of-way acquisition on one or more intersection corners.		

General Plan 2035 Draft EIR Mitigation Measure	Project Consistency	Initial Study Section
▪ Highway 101 South Ramps/Ignacio Boulevard-Enfrente Road (Intersection #32) ▫ On the southbound Highway 101 "loop" off-ramp, extend the length of the dual right-turn pockets to 500 feet. ▫ Optimize signal timing on the coordinated Ignacio Boulevard-Bel Marin Keys Boulevard corridor. ▪ Bel Marin Keys Boulevard/Digital Drive (Intersection #35) ▫ Restripe the westbound approach to include a left-turn lane and a left-turn/through/right-turn lane and modify the signal to operate with split phasing in the eastbound and westbound directions.		

Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is "Potentially Significant" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Agricultural Resources	☒	Air Quality
☒	Biological Resources	☒	Cultural Resources	☐	Energy
☒	Geology / Soils	☐	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials
☐	Hydrology & Water Quality	☐	Land Use / Planning	☐	Mineral Resources
☒	Noise	☐	Population / Housing	☐	Public Services
☐	Recreation	☐	Transportation	☒	Tribal Cultural Resources
☐	Utilities & Service Systems	☒	Wildfire		
☒	Mandatory Findings of Significance				

Determination

On the basis of this initial evaluation:

I find that the project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	X
I find that the project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the project MAY have a potentially significant or a potentially significant unless mitigated impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	

I find that although the project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required.	

Brett Walker _____ August 25, 2023_____

Brett Walker
Senior Planner

Date

Environmental Checklist

The discussion below analyzes the potential environmental impacts of the project per the criteria as described in Public Resources Code Sections 21064.5, 21080(c), 21082.1, and 21083 and CEQA Guidelines Section 15070. This analysis uses the Appendix G of the CEQA Guidelines as a framework to address each environmental resource.

Aesthetics

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Discussion

Impact Analysis

a. Scenic Vista

A scenic vista can generally be defined as a public viewpoint that provides expansive views of a highly valued landscape for the benefit of the public. The City of Novato General Plan identifies hillsides and ridgelines surrounding the city as scenic resources that generally enhance the community's visual character, including views of Mt. Burdell. Other scenic resources the City has identified include the Bay plains and Bay shorelines (City of Novato 2020a). The General Plan also requires preservation of views between Highway 101 and Mount Burdell, which is visible in the distance from portions of roadways near the site. The General Plan also includes a designation for "Scenic Hills and Ridges" (see General Plan Figure ES-6, Ridgelines and Scenic Resources, City of Novato 2020a); however, the project site is not within that zone.

As shown in Figure 10 – View of Project Site From Redwood Boulevard, the landscape consists of rolling hills with annual grasses and oak woodland in the foreground and middle ground and higher ridgelines beyond. Remnants of historic ranching operations (fences, tractors, Quonset hut structure, etc.) on the lower portions of the site below the 40-foot above mean sea level (AMSL) elevation are visible in the images. These hillsides are designated by the city as a scenic resource, but views from Redwood Boulevard and U.S. 101 in this corridor are not specifically designated as scenic vista points. Additionally, there are existing homes in the Partridge Knolls development that are at higher elevations and are visible from Redwood Blvd and US 101. The Buck Institute is also located above the project site and located in a prominent, visible location (from US 101, Redwood Blvd, and the project site) with Mount Burdell in the background, both of which are visible from the project site.

The project would not block views of Mt. Burdell but would obstruct some views of the hillsides to the west of the site from adjacent roadways. Because the project would be built on the flatter areas of the project site, buildings would not break the ridgeline from Redwood Boulevard and U.S. 101 and views of a significant portion of the hillsides would still be visible over the proposed buildings.

Since the project would only partially block some views of hillsides from Highway 101 and Redwood Boulevard and since the views are already partially blocked by existing development, impacts would be less than significant. In addition, the project would be designed to integrate with the landscape to the extent possible by limiting grading to the lower elevations, using building materials in a natural color palette, and including varied building heights. Finally, development of low height and high quality is anticipated by the General Plan for the area on and around the project site.

Environmental Determination: Less than Significant Impact

b. Scenic Resources

There are no officially designated State Scenic Highways in Marin County (California Department of Transportation [Caltrans] 2019). Highway 101 is eligible for State designation for a four-mile stretch in Marin City, approximately four miles away from the project site, near SR 37 where it terminates at the transition to Highway 101. These eligible stretches of eligible highway are too distant from the project site to be affected by project implementation. Additionally, no buildings or rock outcroppings would be damaged or removed from the project site.

Therefore, the project would not cause a significant damage scenic resources within a state scenic highway and impacts would be less than significant.

Environmental Determination: No Impact

c. Visual Character or Quality

The project site is in a non-urbanized area that is adjacent to existing development, with views of the hills, oak woodland, and ridgelines that form a scenic resource and sense of place throughout Novato. North of the site is the Days Inn at Novato hotel, a low-rise structure on Redwood Boulevard. Verandah at Valley Oaks, consisting of 80 townhome units, is surrounded by the project site and located directly to the east. To the west on the ridgeline is the Partridge Knolls residential neighborhood. Recently approved to the north is the Habitat Redwood Boulevard 80-unit housing development surrounding the Days Inn. Along the east side of Redwood Boulevard, electricity transmission lines are above ground, and the roadway is separated from Highway 101 by a grass median and a chain-linked fence. On the east side of Highway 101, light industrial structures and supporting equipment are visible from the roadway. The Buck Institute is located to the northwest of the project site.

As shown in Figure 10 – View of Project Site From Redwood Boulevard, a prominent ridgeline is visible from the project site looking west. On the top of the ridgeline, the Partridge Knolls residential neighborhood is visible from Redwood Boulevard and Highway 101. The City's Hillside and Ridgeline Protection (Zoning Code Division 19.26) requires a detailed design review process to ensure that new buildings are designed to respond appropriately to their hillside setting. For the proposed project, residential densities have been reduced based on the steepness of slopes and the buildings have been designed to blend with the terrain and not extend above ridgelines. The Hillside Ordinance requires that buildings be painted in colors that emulate native vegetation and soils, and darker tones used for exterior siding and roofs in high-visibility areas and screened by landscaping or natural topography and building pads must be sited to minimize the need for grading or retaining walls and maximize the preservation of existing trees.

The project would not block views of Mt. Burdell but would obstruct some views of the more immediate, lower hillsides. However, as the project would be built on the flatter areas of the

project site, the residential buildings would not break the ridgeline from these viewpoints and views of hillsides would still be visible over and between the proposed residential units.

The General Plan states that "ridgelines and hillsides contribute to Novato's identity by creating a sense of separation for developed areas. These natural features establish physical boundaries for the community that are more recognizable than the jurisdictional boundaries created by the city limit" (City of Novato 2020, Page 3-15). Hillsides and ridgelines visible across the project site contribute to the sense of place in Novato. Existing nearby development, however, already contrasts with the natural landscape, integrating to varying degrees based on design and allowing those natural features to be seen by virtue of their low heights. In this way, existing development occurs without completely disrupting the beauty and sense of place in the project vicinity.

The project architectural design references the hilly topography in its rooflines, building massing, and arrangement. The color palette of the project draws on the hues found in the natural environment, with the browns, greens, and yellows evident in the landscape. The project would also include landscaping, with trees, shrubs, and small grassy areas around which the buildings would be situated and which would continue onto the base of the slopes, increasing vegetation throughout the site, but particularly closer to the roadway.

The project would change the visual character of the site from undeveloped open space to residential development. However, a change in landscape does not necessarily create a substantial degradation of the visual quality. The proposed design for the project is aligned with those described in the General Plan and would include perimeter landscaping to soften the effects of new development. Furthermore, the General Plan anticipates commercial and office development on the project site; the proposed residential development would likely be less intrusive that typically larger commercial office buildings. Although CEQA guidelines does not consider undeveloped buildings as a baseline condition, the General Plan land use designation does establish anticipated levels of development that may be considered for a comparative analysis for resulting aesthetic purposes.

Furthermore, the project applicant prepared a set of objective standards (Valley Oak Objective Standards, March 2023) that establish site development and architectural standards for the project. These standards, along with the City's Multi-Family Development (Zoning Code Divisions 19.10 and 19.20, and Section 19.34.124) standards and multi-family design review (Zoning Code Section 19.42.030) requirements will help to ensure a high-quality design that is integrated into the landscape to the extent feasible.

While the project would change the visual character of the site from relatively undeveloped open space to a residential development, this change would not substantially degrade the visual character of the site or its surroundings.

With adherence to City of Novato regulations that govern visual quality and design review of the project and protection of hillsides and ridgelines, it would not degrade the visual quality on the site substantially and impacts would be less than significant.

Environmental Determination: Less than Significant Impact

d. Light or Glare

For purposes of this analysis, light refers to light emissions (brightness) generated by a source of light. Stationary sources of light include exterior parking lot and building security lighting, and interior lights emanating through windows. Moving sources of light include the headlights of vehicles driving on roadways within the project site. Streetlights and other security lighting also serve as sources of light in the evening hours.

Glare is defined as focused, intense light emanated directly from a source or indirectly when light reflects from a surface. Daytime glare is caused in large part by sunlight shining on highly reflective surfaces at or above eye level. Reflective surfaces area associated with buildings that have expanses of polished or glass surfaces, light-colored pavement, and the windshields of parked cars.

The project site is in a less developed area of the city and has limited lighting. Adjacent uses generate moderate levels of light from exterior building and parking lot lighting. Streetlights are present along Redwood Boulevard, and other existing light sources include headlights from vehicles traveling on Redwood Boulevard and Highway 101 at night. The primary source of glare in the project area is from the sun reflecting from light colored building materials and finishes and metallic and glass surfaces of parked vehicles at adjacent uses.

The project would generate new sources of light from windows associated with the residences, exterior safety lighting, streetlights, and parking area lights. Cars entering and exiting the site at night would temporarily increase light. When implemented, the project could generate glare from sunlight reflected on west-facing windows during certain times of the day. Light-colored or reflective exterior finishes could generate glare, as could the sun shining on the windshields of cars parked on site.

Lighting installed on the project site would be required to comply with City of Novato regulations that include shielding or modification on outdoor lighting to prevent emission of light or glare beyond the property line and requirements to direct light sources to prevent lighting adjacent streets and shielding light sources (Novato Zoning Code Section 19.22.060). The project is designed with color schemes that blend with the natural environment. While pale siding colors include shades of white, glare would be prevented by the amount of eave overhang, the variation in siting, and by the density of the vegetation that is proposed in the landscape design. Select windows would feature awnings and other shading structures that would alleviate glare. Headlights of vehicles entering and exiting the project site at night would be downcast and shielded by both existing and proposed buildings, fencing, and vegetation.

The project would generate light and glare on the undeveloped site, but with compliance with the City ordinances regulating light and glare, the project would not introduce substantial light or glare that would adversely affect daytime or nighttime views in the area. Therefore, impacts related to light and glare would be less than significant.

Environmental Determination: Less than Significant Impact

Maximum Buildout

The project site is not identified as a scenic resource and denser development on the site would not interfere with scenic vistas since building heights would be limited to 35 feet in Valley Oaks North and 45 feet in Valley Oaks South. To meet City design standards included in General Plan 2035, views of a proposed alternative development from surrounding areas would be required to go through design review and be consistent with City regulations as discussed above, notably a limit on building heights, maximum floor area ratios, and maximum lot coverages in the proposed Valley Oaks Master Plan and Precise Development Plan. Therefore, the Maximum Buildout development alternative would have a less than significant impact on a scenic vista, similar to the proposed project.

The project site is not visible from State or locally designated scenic roadways, and, therefore, an alternative development would not damage scenic resources within a State scenic highway. Although the project site would include increased massing for additional units most development would be situated in the area with zero to 10 percent slope per the City's hillside ordinance. Pursuant to General Plan design criteria the Maximum Buildout development alternative would be required to include landscaping, which would help maintain the visual character of the site.

Although housing units would be designed differently than the proposed project, project approvals for the Maximum Buildout development alternative would include submittal of a lighting plan that demonstrates compliance with the City's Light and Glare regulations and would reduce the impact of new light sources to less than significant. As with the proposed project, the architectural design would include exterior materials in natural colors and that do not include reflective surfaces, in accordance with the General Plan design criteria. The potential number of parked cars would have to be estimated during specific project proposals and garages, carports, or increased parking area trees could be required as part of design review to reduce glare impacts. Therefore, impacts related to light and glare would be less than significant under Maximum Buildout development alternative.

Agriculture and Forestry Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Discussion

a-e. Agricultural and Forest Resources

There are no areas of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within Novato (California Department of Conservation 2021), and the project site is not under a Williamson Act contract (California Department of Conservation 2016). The site is designated as Business and Professional Office in the Novato General Plan (City of Novato 2020a) and zoned Planned District (City of Novato Zoning Map, 2019). The site does not contain forestland or timberland. Therefore, the project would not result in the conversion of agriculture use to non-agriculture uses, conflict with a Williamson Act contract, or existing zoning for agriculture, forest or timberland or result in the loss of such lands and there would be no impact on agricultural and forestry resources.

Environmental Determination: No Impact

Maximum Buildout

There would be no change in impacts as compared to the project.

Air Quality

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?		X		
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?				X

Discussion

Methods

An Air Quality and Greenhouse Gas Assessment was prepared by Illingworth and Rodkin, Inc. for the project, dated May 12, 2023 (see Appendix AQ-1). Air pollutant emissions generated by project construction and operation were estimated using the California Emissions Estimator Model (CalEEMod), version 202.1.1.152. CalEEMod uses project-specific information, including the project's land uses, square footages for different land uses, and location, to model a project's construction and operational emissions. The analysis reflects the construction and operation of the project as described in the project description.

This analysis provides a description of existing air quality in the project area and identifies potentially significant impacts that could occur from the construction of the project. Where applicable, mitigation measures were identified to reduce impacts to less than significant.

Overview of Air Pollution

The federal and State Clean Air Acts (CAA) mandate the control and reduction of certain air pollutants. Under these laws, the U.S. Environmental Protection Agency (U.S. EPA) and the California Air Resources Board (CARB) have established the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS) for "criteria pollutants" and other pollutants. Some pollutants are emitted directly from a source (e.g., vehicle tailpipe, an exhaust stack of a factory, etc.) into the atmosphere, including carbon monoxide, volatile organic compounds (VOC)/reactive organic gases (ROG), nitrogen oxides (NO_X), particulate matter with diameters of ten microns or less (PM_{10}) and 2.5 microns or less ($PM_{2.5}$), sulfur dioxide, and lead.

Other pollutants are created indirectly through chemical reactions in the atmosphere, such as ozone, which is created by atmospheric chemical and photochemical reactions primarily between ROG and NO_X. Secondary pollutants include oxidants, ozone, and sulfate and nitrate particulates (smog).

Air pollutant emissions are generated primarily by stationary and mobile sources. Stationary sources can be divided into two major subcategories:

- Point sources occur at a specific location and are often identified by an exhaust vent or stack. Examples include boilers or combustion equipment that produce electricity or generate heat.
- Area sources are widely distributed and include such sources as residential and commercial water heaters, painting operations, lawn mowers, agricultural fields, landfills, and some consumer products.

Mobile sources refer to emissions from motor vehicles, including tailpipe and evaporative emissions, and can also be divided into two major subcategories:

- On-road sources that may be legally operated on roadways and highways.
- Off-road sources include aircraft, ships, trains, and self-propelled construction equipment.

Air pollutants can also be generated by the natural environment, such as when high winds suspend fine dust particles.

Air Quality Standards and Attainment

The project is located in Marin County, which is in the San Francisco Bay Area Air Basin. The San Francisco Bay Area Basin is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). As the local air quality management agency, the BAAQMD is required to monitor air pollutant levels to ensure that the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) are met and, if they are not met, to

develop strategies to meet the standards. Depending on whether the standards are met or exceeded, the San Francisco Bay Area Air Basin is classified as being in "attainment" or "nonattainment." The Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM_{10}), and fine particulate matter ($PM_{2.5}$). This nonattainment status is a result of several factors, such as mobile sources, wood burning, industrial combustion, and dust, in the San Francisco Bay Area Air Basin.

Under state law, air districts are required to prepare a plan for air quality improvement for pollutants for which the district is in non-compliance.

Air Quality Management

The BAAQMD's 2017 Clean Air Plan (2017 Plan) provides a regional strategy to protect public health and the climate. Consistent with the greenhouse gas (GHG) reduction targets adopted by the state, the 2017 Plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. To fulfill state ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors (ROG and NOX) and reduce transport of ozone and its precursors to neighboring air basins. In addition, the 2017 Plan builds upon and enhances the BAAQMD's efforts to reduce emissions of fine particulate matter and toxic air contaminants (TAC) (BAAQMD 2017a).

Air Pollutant Emission Thresholds

The BAAQMD's significance thresholds in the updated April 20, 2022, CEQA Air Quality Guidelines for project operations within the San Francisco Bay Area Air Basin are the most appropriate thresholds for use in determining air quality impacts of the project. Table AQ-1 – BAAQMD Air Quality Thresholds of Significance presents the significance thresholds for construction and operational-related criteria air pollutant and precursor emissions used for the purposes of this analysis. These represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the San Francisco Bay Area Air Basin's existing air quality conditions. For the purposes of this analysis, the project would result in a significant impact if construction or operational emissions would exceed any of the thresholds shown in Table AQ-1.

Table AQ-1: BAAQMD Air Quality Thresholds of Significance

Pollutant/Precursor	Adverse Effects	Operation: Maximum Annual Emissions (tpy)	Operation: Average Daily Emissions (lbs./day)
ROG	54	10	54
NO_x	54	10	54
PM_{10}	82 (exhaust)	15	82
$PM_{2.5}$	54 (exhaust)	10	54

lbs./day = pounds per day; tpy = tons per year; ROG = reactive organic gases; NO_X = oxides of nitrogen; PM_{10} = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less.; $PM_{2.5}$ = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less

Source: BAAQMD 2017b, Table 2-1.

The BAAQMD does not have quantitative thresholds for fugitive dust emissions during construction. Instead, the BAAQMD recommends Best Management Practices (BMPs) be implemented to reduce fugitive dust emissions. The City will include a project condition of approval to implement the BAAQMD Basic Construction Mitigation Measures as a project design feature. The best management practices include the following:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered or maintain at least two feet of freeboard.
3. 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.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. Enclose, cover, water daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
6. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
8. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.

9. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
10. Post a publicly visible sign with the telephone number and person to contact at the lead agency 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.

In the absence of a qualified Community Risk Reduction Plan, BAAQMD has established the following Thresholds of Significance for local community risks and hazards associated with TACs and $PM_{2.5}$ for assessing individual source impacts at a local level. Impacts would be significant if:

- The project would result in an increased cancer risk of > 10 in one million.
- The project would result in an increased non-cancer (i.e., Chronic or Acute) risk of > 1.0 Hazard Index.
- The project would result in an ambient PM2.5 concentration increase of > 0.3 µg/m3 annual average.

A project would be considered to have a cumulatively considerable impact if the aggregate total of current and proposed TAC sources within a 1,000 feet radius of the project boundary in addition to the project would exceed the Cumulative Thresholds of Significance. Impacts would be significant if:

- The project would result in an increased cancer risk of > 100 in one million.
- The project would result in an increased non-cancer (i.e., Chronic or Acute) risk of > 10 Hazard Index.
- The project would result in an ambient PM2.5 concentration increase of > 0.8 µg/m3 annual average.

Excess cancer risks are defined as those occurring in excess of or above and beyond those risks that would normally be associated with a location or activity if toxic pollutants were not present. Non- carcinogenic health effects are expressed as a hazard index, which is the ratio of expected exposure levels to an acceptable reference exposure level.

BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and the chronically ill. These facilities include residences, school playgrounds, child-care centers, retirement homes, and convalescent homes.

Methodology

Air pollutant emissions generated by project construction and operation were estimated using the California Emissions Estimator Model (CalEEMod), version 2022.1.1.12 CalEEMod uses project-specific information, including the project's land uses, square footages for different uses (e.g., apartments low-rise and general office), and location, to model a project's construction and operational emissions. The analysis reflects the construction and operation of the project as described in the project description.

Impact Analysis

a. Conflict with Air Quality Management Plan

Consistency with BAAQMD quantitative thresholds is interpreted as supporting the 2017 Clean Air Plan's goals. As discussed under threshold (b) below, the project would not exceed BAAQMD significance thresholds related to air quality emissions and would not result in exceedances of BAAQMD thresholds for criteria air pollutants, and thus would not conflict with the 2017 Plan's goal to attain air quality standards. Further, the 2017 Clean Air Plan includes goals and measures to increase the use of electric vehicles, promote the use of on-site renewable energy, and encourage energy efficiency. The project includes features that are consistent with these goals and measures, including meeting California Green Building Standards and being a fully electrified development. Therefore, the project would not conflict with or obstruct the implementation of an applicable air quality plan and the project would have a less than significant impact.

Environmental Determination: Less Than Significant

b. Project Criteria Pollutant Emissions

The Bay Area is considered a non-attainment area for ground-level O_3 and $PM_{2.5}$ under both the NAAQS and the CAAQS and non-attainment for PM_{10} under the CAAQS. As part of an effort to attain and maintain the NAAQS and CAAQS, the BAAQMD has established thresholds of significance for these air pollutants and their precursors and apply to both construction period and operational period impacts.

Construction Period Emissions

The California Emissions Estimator Model (CalEEMod) Version 2022.1.1.12 was used to estimate emissions from on-site construction activity, construction vehicle trips, and evaporative emissions. The project land use types and size, and anticipated construction schedule were input to CalEEMod. A full air quality analysis and CalEEMod model output along with construction inputs are included in Appendix AQ-1. The model provides emission estimates for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic.

Average daily emissions were annualized for each year of construction by dividing the annual construction emissions by the number of active workdays during that year. Table 3 of Appendix AQ-1 shows the annualized average daily construction emissions of ROG, NOX, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project. As indicated therein, modelled annualized project construction emissions would not exceed the BAAQMD significance thresholds during any year of construction and construction related impacts would be less than significant.

Operational Emissions

ROG, PM, and NO_X emissions from the project would be generated primarily from automobiles driven by future residents. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are also typical ROG emission sources from these types of land uses. CalEEMod was used to estimate emissions from operation of the proposed project assuming full build-out.

Annual emissions were predicted using CalEEMod and daily emissions were estimated assuming 365 days of operation. Table 5 of Appendix AQ-1 shows unmitigated net average daily operational emissions of ROG, NO_X, total PM_{10}, and total $PM_{2.5}$ during operation of the project. The unmitigated operational period emissions would not exceed the BAAQMD significance thresholds and impacts would be less than significant.

Environmental Determination: Less Than Significant

c. Sensitive Receptors

Certain population groups, such as children, the elderly, and people with health problems, are particularly sensitive to air pollution. Therefore, the majority of sensitive receptor locations are schools, hospitals, and residences. The closest sensitive receptors to the project site are the adjacent multi-family residences in the Verandah at Valley Oaks and the single-family residences to the west and southwest of the project site. The project would introduce new sensitive receptors (i.e., residents) to the area.

Project impacts related to increased health risk can occur either by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity or by significantly exacerbating existing cumulative TAC impacts. The project would introduce new sources of TACs during construction (i.e., on-site construction and truck hauling emissions) and operation (i.e., mobile sources).

Appendix AQ-1 includes a Health Risk Assessment for the proposed project and conclusions are summarized below. Project impacts to existing sensitive receptors were addressed for temporary construction activities and long-term operational conditions. There are also several sources of existing TACs and localized air pollutants in the vicinity of the project. The impact of the existing sources of TAC was assessed in terms of the cumulative risk which includes the project contribution as well as the risk on the new sensitive receptors introduced by the project.

Construction Emissions

The CalEEMod model provided total uncontrolled annual PM_{10} exhaust emissions for the off-road construction equipment and for exhaust emissions from on-road vehicles. The maximum increased cancer risks were calculated using the modeled TAC concentrations combined with BAAQMD CEQA guidance for age-sensitivity factors and exposure parameters. Non-cancer health hazards and maximum $PM_{2.5}$ concentrations were also calculated and identified. The project maximally exposed individual (MEI) is identified as the sensitive receptor that is most impacted by the project's construction and operation. The location of the MEIs and nearby sensitive receptors are shown in Figure 1 of Appendix AQ-1.

Based on the results of the Health Risk Assessment prepared for the project, the unmitigated maximum cancer risks from construction activities would exceed the BAAQMD single-source significance threshold. However, with the incorporation of the Mitigation Measure AQ-1, the mitigated risk and hazard values would reduce emissions such that cancer risk caused by construction would not exceed the BAAQMD single-source significance thresholds. The unmitigated $PM_{2.5}$ concentration, which includes the basic best management practices, do not exceed their respective BAAQMD single-source significance thresholds. Therefore, with implementation of Mitigation Measure AQ-1, construction-related impacts would be less than significant.

Mitigation Measures

AQ-1: Construction Equipment With Low Diesel Particulate Matter Exhaust Emissions

Implement a feasible plan to reduce DPM emissions by 65 percent such that increased cancer risk from construction would be reduced below BAAQMD significance thresholds as follows:

1. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for PM (PM10 and PM2.5), if feasible, otherwise,

    a) If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 65 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).
    b) Use of electrical or non-diesel fueled equipment.

2. Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 65 percent or greater. Elements of the plan could include a combination of some of the following measures:
    a) Implementation of No. 1 above to use Tier 4 or alternatively fueled equipment,

b) Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors,
c) Use of electrically powered equipment,
d) Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
e) Change in construction build-out plans to lengthen phases, and
f) Implementation of different building techniques that result in less diesel equipment usage.

Such a construction operations plan would be subject to review by an air quality expert and approved by the City prior to construction.

Environmental Determination: Less Than Significant with Mitigation Incorporated

Project Operations

Diesel stationary equipment that could emit substantial TACs (e.g., emergency generators or fire pumps) are not planned for this project. Diesel powered vehicles are the primary concern with local traffic-generated TAC impacts. Per BAAQMD recommended risks and methodology, a road with less than 10,000 total vehicle per day is considered a low-impact source of TACs. Redwood Blvd weekday traffic counts were obtained in April 2023, with the total mid-week average of 1,518 trips. The proposed project would generate 824 daily trips and traffic would be dispersed on the roadway system with a majority of the trips being from light-duty vehicles (i.e., passenger automobiles). Therefore, emissions from project traffic are considered negligible and operational impacts would be less than significant.

While not required by CEQA, a health risk assessment was completed to assess the impact that the phased construction emissions from the proposed project and the existing TAC sources would have on the new proposed sensitive receptors (residents) (see Appendix AQ-1).

Environmental Determination: Less Than Significant

d. Odors

During construction activities, heavy equipment and vehicles would emit odors associated with vehicle and engine exhaust and during idling. However, these odors would be intermittent and temporary and would cease upon completion, and odors disperse with distance. Overall, project construction would not generate other emissions, such as those leading to odors, affecting a substantial number of people. Construction-related impacts would be less than significant.

The BAAQMD 2017 CEQA Air Quality Guidelines provides screening distances for land uses that have the potential to generate substantial odor complaints. The uses in the table include wastewater treatment plants, landfills or transfer stations, refineries, composting facilities,

confined animal facilities, food manufacturing, smelting plants, and chemical plants (BAAQMD 2017b). Multi-family residential development is not included in this list, and operation of the project would not generate other emissions, such as those leading to odors, which would affect a substantial number of people. No operational impacts would occur.

Environmental Determination: Less Than Significant

Maximum Buildout

Construction of the Maximum Buildout development alternative would similarly be required to demonstrate consistency with the BAAQMD 2017 Clean Air Plan and mitigate potential impacts in the case that BAAQMD thresholds are exceeded. Further, developments would need to incorporate sustainable project features in accordance with the latest California Green Building Standards, as well as Building Energy Efficiency Standards.

BAAQMD 2022 CEQA Air Quality Guidelines include screening guidelines for criteria air pollutants and precursors. Table 4-1 (Single Land Use Construction and Operational Criteria Air Pollutant and Precursor Screening Levels) includes *Single Family Housing*, *Apartments*, and *Condo-Townhouse* as land use categories with identified screening levels. A maximum buildout project of 153 units would be below the screening levels for each of the three listed land use categories.

In addition, since the project site boundaries would not change under maximum buildout, the individual and cumulative health impacts from existing, off-site TAC sources would remain the same and health risks would be below the BAAQMD thresholds. Housing development would also not be a source of TACs or objectional odors. Accordingly, impacts under maximum buildout would remain less than significant.

Environmental Determination: Less Than Significant

Biological Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological		X		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological		X		

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
resources, such as a tree preservation policy or ordinance?				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion

Methods

A Biological Resources Analysis (BRA) was prepared by Monk & Associates (M&A) for the project, dated October 20, 2022, and peer reviewed by Kimley-Horn (see Appendix BIO-1). The project site has a long history of biological resource analysis field work dating back to 1998 which is referenced by M&A in their report.

The analysis provides a description of existing biological resources on the project site and identifies potentially significant impacts that could occur to sensitive biological resources from the construction of the project. Where applicable, mitigation measures were identified to reduce impacts to less than significant. The results and project impacts are summarized below.

Impact Analysis

a – b. Special-Status Species, Sensitive Habitat

Special Status Plants

According to the CNPS' Petaluma River quad and the CDFW's CNDDB (RareFind database), a total of 12 special-status plant species are known to occur within three miles of the project site or within the USGS Petaluma River quad (7.5-Minute Series). Most of these special-status plants are known from specialized habitats such as tidally influenced marshes that occur in association with the Petaluma River approximately three miles east of the project site, as well as plants adapted to serpentinite soils or coastal prairie, which do not exist on the project site.

To address potential impacts to special-status plants, M&A Biologists conducted special-status plant surveys on the project site over multiple years. M&A's first surveys were conducted monthly between March and July 2014. Two additional surveys of the project site's wetlands were conducted in February and April of 2015, the following year; the 2014 and 2015 surveys followed the CDFW's survey protocol that was in effect at that time (CDFW 2000). In March

2018, the CDFW came out with an updated special-status plant survey protocol (CDFW 2018). Hence, two more surveys of the Former Lands of Wright wetlands were conducted in February and November of 2020, and in 2022, M&A conducted an additional season of special-status plant surveys on the project site, including the Former Lands of Wright property, in 2022, with one conducted in March, one in April, one in May, and one in June following the current CDFW protocol.

No special-status plants were found during all of M&A's site surveys which were appropriately timed to correspond with the blooming periods of special-status plants known from similar habitats in the region. Owing to the lack of specialized habitats, and the more than two years of negative survey results, M&A concluded that it would be highly unlikely that special-status plants would occur on the project site now or in the future. Therefore, based on the results of the two years of protocol level surveys conducted to date, no impacts to special-status plants are expected from project site development.

Special Status Wildlife and Nesting Birds

No special-status animal records have ever been mapped on or adjacent to the project site. A review of resource agency databases for known special status wildlife species occurrences within three miles surrounding the project site identified potential for 10 special status wildlife species (Appendix X). Based on the disturbed nature of the site and species-specific habitat requirements, five of these species could be eliminated from the evaluation. Five special status species were identified to have moderate potential to be present on the project site. The species include, namely the California red-legged frog (*Rana draytonii*), White-tailed Kite (*Elanus caeruleus*), Western Burrowing Owl (*Athene cunicularia*), pallid bat (*Antrozous pallidus*) and Townsend's big-eared bat (*Corynorhinus townsendii*).

California Red-Legged Frog

Based on a site assessment report prepared by Harding Lawson Associates (HLA) for the 40-acre San Marin Business Park project site, HLA dismissed the potential presence of the California red-legged frog on the project site. Based on subsequent discussions this conclusion was confirmed by USFWS (M&A, 2022).

This conclusion is based on a number of factors. Firstly, the seasonal wetlands and drainage ditch on the entire project site are too shallow and ephemeral to provide deep plunge pools or other escape habitat required for California red-legged frogs to escape predators such as the raccoon (*Procyon lator*). These wetlands do not stay inundated long enough to provide California red-legged frogs with larval development habitat as they are typically dry by May or earlier. Suitable California red-legged frog breeding habitat typically must remain inundated into August so that the larvae have time to successfully metamorphose.

Secondly, the project site is not hydrologically connected to a known California red-legged creek, pond, or other suitable California red-legged frog drainage so there is no known corridor for connectivity with offsite California red-legged frog habitats.

Finally, M&A biologists have conducted surveys over several years and have never observed a California red-legged frog or other large frogs onsite. Thus, M&A concluded that the project site and the seasonal wetlands and ephemeral drainage do not provide suitable habitat for the California red-legged frog and as such, no impacts are expected from implementation of the proposed project.

Nesting Birds

The project site contains suitable habitat for burrowing owls and nesting bird species (e.g., white-tailed kite). Vegetation removal and ground disturbance during construction has the potential to damage suitable burrows, make burrows inaccessible, and/or harm burrowing owl individuals. Additionally, construction activities, if occurring during nesting season (February 1st through August 31st), have the potential to impact nests of the native nesting birds or lead to the abandonment of active nests by causing auditory, vibratory and/or visual disturbance. Therefore, the project would have potentially significant impacts related to burrowing owls and nesting birds. Implementation of Mitigation Measure BIO-1 would be required to reduce impacts to burrowing owls and implementation of Mitigation Measure BIO-2 would reduce significant impacts for nesting birds. Impacts on burrowing owls and nesting birds would be less than significant with mitigation.

Mitigation Measures

The following mitigation measures would be required to avoid or reduce the project's potentially significant impacts to nesting birds and burrowing owls.

BIO-1 Burrowing Owl Mitigation

A pre-construction survey shall be performed in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012) within 14 days of initial ground disturbance associated with the project. The pre-construction survey shall include suitable habitat within the project site and areas up to 656 feet (200 meters) from the project site. The pre-construction survey shall be conducted prior to the start of staging and construction, regardless of the time of year. If burrowing owls are detected within the project site proposed limits of grade (i.e., where ground-disturbing activities would occur) during the non-nesting season and the burrow cannot be avoided, a burrowing owl exclusion plan shall be prepared and implemented.

The burrowing owl exclusion plan would reduce the project's potentially significant impacts to burrowing owls to less than significant with mitigation. If a burrowing owl(s) is detected within the project site, but outside of the proposed limits of grade during the non-nesting season, vehicular traffic, construction noise and visual disturbance shall be minimized to the extent feasible to minimize the potential for flushing overwintering owls from protective burrows. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless, after consultation with the CDFW, a qualified biologist verifies that either: (1) burrowing owls have not begun egg laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and capable of independent survival.

One coast live oak (*Quercus agrifolia*), one Monterey cypress (*Cypresses macrocarpa*), and one black oak (*Quercus kelloggii*) are also proposed for removal. The three trees proposed for potential removal are all valley oak trees. Since many of the listed tree species are native, mitigation is required to comply with NMC Division 19.39. Mitigation Measure BIO-4 would ensure compliance.

BIO-4 Native Tree Mitigation Plan

Prior to the removal of any native trees or land disturbances that would adversely impact native trees, a Native Tree Mitigation Plan shall be submitted to the City for review and approval. The plan shall include the following items:

- Site plan that identifies native trees proposed for removal or that would be impacted by land disturbance activities.
- Identification (tree species and planting location) of replacement trees at a rate of no less than 3:1 replacement ratio. Replacement trees shall be from stock generated from on-site resources or local gene pools for each species planted.
- Planting installation details including size of plant materials, estimated height and spread at maturity, the area and type of top dressing, tree staking, and soil mix shall be included.
- Replacement trees shall be a 15-gallon container size or larger.
- Long-term management and maintenance plan with specified funding mechanism.
- Tree protection plan for trees not proposed for removal but would potentially be impacted by land disturbance activities.

Therefore, the project would not conflict with local policies and ordinances. Impacts would be less than significant with mitigation incorporated.

Environmental Determination: Less Than Significant With Mitigation Incorporated

f. Habitat Conservation Plans

The project site is not located within the boundaries of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. As such, the project would not conflict with the provisions of an applicable plan, and no impact would occur.

Environmental Determination: No Impact

Maximum Buildout

Should the proposed General Plan amendment be granted, and the project site not developed, the 17.73 gross acres would remain available for residential uses under the HDMFR and MDR

General Plan land use designations. The area designed Open Space (OS) would not be developed due to land use restrictions, the sloped topography and existing biological resources.

A project with 153 units would likely have a similar "footprint" due to noted site constraints, necessary access roads, and development standard limitations. In Valley Oaks North, more duets (single-family attached) units would likely be constructed, and in Valley Oaks South, smaller townhome-style condominiums or other similar multi-family residential units would be constructed. The steep hillside and presence of oak woodlands adjacent to the proposed Valley Oaks South development area would likely preclude an expanded development area footprint. Construction of the Maximum Buildout development alternative would not be significantly different from the project as proposed in terms of area of disturbance and would therefore be similar impacts to biological resources.

Assuming that biological conditions on the site would not be significantly different if such a project were proposed, the same mitigation measures would be required for an alternative project and impacts to biological resources under this alternative would be the same as for the proposed project.

Cultural Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		X	X	
c) Disturb any human remains, including those interred outside of dedicated cemeteries?		X		

Discussion

Methods

A Cultural Resources Inventory for the project site was completed by Archeological Resource Service (ARS) in December 2022 and peer reviewed by Kimley-Horn (Appendix CUL-1). Tasks to prepare the Inventory included:

1. An inquiry with the Regional Office of the California Historical Resources Information System, to determine the presence or absence of previously recorded historic or prehistoric cultural resources.
2. A check of appropriate historic references to determine the potential for historic era archaeological deposits.
3. Contact with the Native American Heritage Commission to determine the presence or absence of listed Sacred Lands within the project area.
4. Contact with all appropriate Native American organizations or individuals designated by the Native American Heritage Commission as interested parties for the project area.
5. A surface reconnaissance of all accessible parts of the project area to locate any visible signs of potentially significant historic or prehistoric cultural deposits.

The California Native American Heritage Commission (NAHC) works to identify, catalogue, and protect places of special religious or social significance, graves, and cemeteries of Native Americans per the authority given the Commission in Public Resources Code 5097.9. The Native American Heritage Commission was contacted on April 11, 2022, requesting a check of the Sacred Sites database and the identity of any tribes or individuals that should be contacted regarding the subject property.

The agency responded on May 25, 2022, indicating that a Native American sacred site was not present within the project area. It was recommended that the Federated Indians of Graton Rancheria be contacted along with Guidiville Rancheria, for further information.

On May 25, 2022, ARC sent letters to Ms. Buffy McQuillen, Tribal Historic Preservation Officer for the Federated Indians of Graton Rancheria and to Mr. Donald Duncan, Tribal Historic Preservation Officer for Guidiville Rancheria requesting additional information or recommendations that the tribes wished to share regarding the potential for a sacred site within the property. No response has been received to date.

A literature check indicated that the Veranda at Valley Oaks, adjacent to project site and Redwood Boulevard was examined in 1979 and again in 2016 and no significant cultural resources were observed in either evaluation (ARS, 2022).

City of Novato Consultation Compliance

Pursuant to the requirements of AB 52 and SB 18, on October 13, 2021, the City sent consultation invitation letters to the Federated Indians of Graton Rancheria, the Guidiville Indian Ranchera, and the Wuksache Indian Tribe/Eshom Valley Band. These three tribes were identified by the Native American Heritage Commission as traditionally and culturally affiliated with the geographic area of the project site. The City did not received responses from the listed tribes, so no tribal consultation occurred.

Impact Analysis

a. Historical Resources

As shown in the image below, the only structure on the project site is a Quonset hut located on the northern edge of the property. Based on historic aerial photographs, ARS estimated that it was constructed sometime between 1965 and 1973. The building has no floor and has been functioning as a barn for many years. The Quonset hut would be removed as part of the proposed development.

A historical resource is a resource listed in, or determined to be eligible for listing, in the California Register of Historical Resources (CRHR), a resource included in a local register of historical resources, or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (CEQA Guidelines Section 15064.5[a][1-3]).

A resource shall be considered historically significant if it:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

The Quonset hut functions as a barn and is not included in a local register or historic resources and is not considered historic per the criteria listed above. As such, there are no historic resources on the project site and therefore there would be no impact.

Environmental Determination: No Impact

b. Archeological Resources

As concluded in the Cultural Resources Inventory by ARS, there was no indication of a scientifically significant cultural deposit on the project site. Examination of native soils resulted in a negative finding for cultural resources. The entire project area was subject to an intensive archaeological surface inspection. Non-significant features were found, but no scientifically significant cultural resources were identified.

Based on the results of the cultural resources records search, Native American scoping, and pedestrian field survey, no cultural resources were identified within the project site. There are no sacred lands on the project site and communications with the Federated Indians of Graton Rancheria and Guidiville Rancheria resulted in no responses.

ARS concluded that it is considered relatively unlikely that artifacts or features will be encountered during ground disturbance. However, the unanticipated discovery of archaeological resources, which may also be considered historical resources, during construction of the project remains a possibility and impacts to unanticipated resources are potentially significant. The following mitigation measures would reduce archaeological impacts to less than significant levels by requiring halting construction in the vicinity of any cultural resources found during construction and requiring evaluation and treatment of resources determined to be significant.

Mitigation Measures

The following mitigation measure would be required to avoid or reduce the project's potentially significant impacts to archaeological resources.

CUL-1 Archaeological Monitoring

A qualified archaeological monitor shall be retained by the project Applicant to observe all project- related ground disturbing activities. Ground disturbing activities include, but are not limited to, asphalt removal, hand excavation, clearing, grubbing, and removing and/or recompacting unconsolidated soils near the ground surface. Archaeological monitoring shall be performed under the direction of an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983). Monitoring shall occur within limits of the grading and project footprint and only where alluvial fan deposits may be buried.

If suspected archaeological resources are encountered at any point during project construction on either project site, work within a minimum of 60 feet of the suspected resource must halt and the find evaluated for listing in the CRHR. If a resource is determined to be a tribal cultural resource, then the provisions of Mitigation Measures TCR-1 shall control. The 60-foot radius may be reduced or expanded at the discretion of the qualified archaeologist if the potential resource is not determined to be a tribal cultural resource subject to Mitigation Measures TCR-1. Archaeological monitoring may be reduced to spot-checking or eliminated at the discretion of the monitor, in consultation with the qualified archaeologist, Native American monitor

required pursuant to TCR-1, and lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 60 percent of rough grading. If monitoring is reduced to spot-checking, spot-checking shall occur when ground-disturbance moves to a new location within the project sites and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).

CUL-2 Unanticipated Discovery of Archaeological Resources

If archaeological resources are encountered during ground-disturbing activities, work within a minimum of 60 feet shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the project, additional work, such as data and/or heritage recovery excavation, may be required. Treatment of the resource(s) shall be determined on a case- by-case basis based on the nature of the find between the qualified archaeologist, and lead agency. If a resource is determined to be a tribal cultural resource, then the provisions of Mitigation Measures TCR-1 shall control.

Environmental Determination: Less Than Significant with Mitigation Incorporated

c. Human Remains

No human remains have been identified within the project sites; however, 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 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 County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the Coroner would notify the Native American Heritage Commission, which would determine and notify a most likely descendant (MLD). The MLD has 48 hours from being granted site access to make recommendations for the disposition of the remains. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from subsequent disturbance. With adherence to State law and incorporation of Mitigation Measure CUL-1 and CUL-2, impacts related to the discovery of human remains would be less than significant.

Environmental Determination: Less Than Significant with Mitigation Incorporated

Maximum Buildout

Construction of the Maximum Buildout development alternative would not be significantly different to that proposed. The recommended mitigation measures will ensure that any unknown cultural resources discovered project construction are adequately mitigated.

Therefore, impacts to cultural resources under this alternative would be generally the same as the project.

Energy

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

Discussion

Methodology

An Air Quality and Greenhouse Gas Assessment was prepared by Illingworth and Rodkin, Inc. for the project, dated May 12, 2023 (see Appendix AQ-1). Energy consumption is directly related to environmental quality in that the consumption of nonrenewable energy resources releases criteria air pollutant and greenhouse gas (GHG) emissions into the atmosphere. The environmental impacts of air pollutant and GHG emissions associated with the project's energy consumption are discussed in the Air Quality and Greenhouse Gas Emissions sections, respectively, and the CalEEMod outputs used to estimate energy consumption associated with the project are provided in Appendix AQ-1.

Impact Analysis

a. Energy Use

Construction

The energy consumption associated with construction of the project includes primarily diesel fuel consumption from on-road hauling trips and off-road construction diesel equipment, and gasoline consumption from on-road worker commute and vendor trips.

Energy use during construction would be temporary in nature, and construction equipment used would be typical of similar-sized construction projects in the region. In addition, construction contractors would be required to comply with the provisions of California Code of Regulations Title 13 Sections 2449 and 2485, which prohibit diesel-fueled commercial motor vehicles and off- road diesel vehicles from idling for more than five minutes and would minimize unnecessary fuel consumption. Construction equipment would be subject to the U.S. EPA Construction Equipment Fuel Efficiency Standard, which would also minimize inefficient, wasteful, or unnecessary fuel consumption.

Furthermore, per applicable regulatory requirements such as 2022 CALGreen, the project would comply with construction waste management practices to divert a minimum of 65 percent of construction debris. These practices would result in efficient use of energy necessary to construct the project. In the interest of cost-efficiency, construction contractors also would not utilize fuel in a manner that is wasteful or unnecessary. Overall, project construction would be temporary and typical of similar types of projects. Therefore, the project would not involve the inefficient, wasteful, and unnecessary use of energy during construction, and the construction- phase impact related to energy consumption would be less than significant.

Operational

Operation of the project would contribute to regional energy demand by consuming electricity, and gasoline and diesel fuels. The proposed development would be 100 percent electric and not use natural gas. Electricity would be used for heating and cooling systems, lighting, appliances, and water and wastewater conveyance, among other purposes. Gasoline and diesel consumption would be associated with vehicle trips generated by residents and maintenance employees. Operational energy consumption estimates for the project is provided in Appendix AQ-1. Note that the CalEEMod output assumed natural gas usage in the model. Therefore, the natural gas consumption in the CalEEMod output was converted into electricity consumption to account for the increased electricity use.

The project would be required to comply with all standards set in the latest iteration of the California Building Standards Code (California Code of Regulations Title 24), which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources by the built environment during operation. California's CALGreen standards (California Code of Regulations Title 24, Part 11) require implementation of energy-efficient light fixtures and building materials into the design of new construction projects. Furthermore, the 2022 Building Energy Efficiency Standards (California Code of Regulations Title 24, Part 6) require newly constructed buildings to meet energy performance standards set by the CEC. These standards are specifically crafted for new buildings to result in energy efficient performance so that the buildings do not result in wasteful, inefficient, or unnecessary consumption of energy. In addition, per CALGreen, all plumbing fixtures used for the project would be high-efficiency fixtures, which would minimize the potential the inefficient or wasteful consumption of energy related to water and wastewater.

Therefore, project operation would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy. Impacts would be less than significant.

Environmental Determination: Less Than Significant

b. Conflict with Plans

As stated above the project would be required to be built in conformance California Building Standards Code and CALGreen standards. The project would also be required to comply with existing regulations, including applicable measures from the City's Climate Change Action Plan, Greenhouse Gas Reduction Measures. General Plan 2035, Appendix E includes a list of energy efficiency goals and policies that are part of the City's Climate Change Action Plan. Table ENG-1: Project Compliance with Energy Efficiency Reduction Measures, includes applicable Energy Efficiency Reduction Measures and the project's consistency with those measures. As such, the project would not conflict with any other state-level regulations pertaining to energy. The project would comply with existing State energy standards and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Table ENG-1: Project Compliance with Energy Efficiency Goals and Policies

Energy Efficiency Reduction Measure	Project Consistency
RM – 4: Work with organizations and agencies such as the Marin Energy Watch Partnership, the Bay Area Regional Network, Resilient Neighborhoods, and the Marin Climate & Energy Partnership to implement energy efficiency programs.	In addition to City-facilitated coordination efforts, residents of the project will have access to a number of programs designed to reduce GHG Emissions. These include: ▪ California Youth Energy Services (CYES) provides no-cost green house calls to homeowners and renters, regardless of income level. ▪ Energy Upgrade California is an energy efficiency program that provides rebates and resources to upgrade single family and 2–4-unit multi-family dwellings to save energy and water. ▪ Smart Lights is designed to help small businesses become more energy efficient. The program offers free start-to-finish technical assistance and instant rebates to help defray the cost of upgrading and/or repairing existing equipment.
RM-6: Encourage residents and businesses to switch to GHG-free electricity and encourage Marin Climate & Energy Clean Energy to reach its goal to provide electricity that is 100 percent GHG-free by 2025.	The City will promote GHG-free electricity options, including MCE Deep Green, MCE Local Sol, and PG&E Solar Choice, to residents and businesses with the plan convert 300 households and 30 businesses each year between 2018 and 2020. All residents will have access to and benefit from these options.
RM-9: Reduce GHG emissions from residential and commercial energy use by facilitating the development of small-scale distributed renewable energy production.	Additionally, each residential unit will be able to generate electricity by solar photovoltaic panels and be wired for installation of back up battery storage and EV chargers, all of which will be installed by the Applicant during project construction.

Energy Efficiency Reduction Measure	Project Consistency
RM-12: Increase tree cover and increase shade of structures and other improvements within the City.	Consistent with BIO-4 Native Tree Mitigation Plan, project plans would include extensive landscaping throughout the development area including the planting of shade trees in parking lots and adjacent to residential structures, thereby providing shade to reduce heat gain and maximize GHG sequestration.
RM-17: Improve infrastructure for low emission vehicles.	Each residential unit will be wired for installation of back up battery storage and EV chargers, all of which will be installed by the project Applicant during project construction.
RM-21: Reduce community vehicle miles traveled through development of affordable housing for lower-income households.	The project will provide affordable housing on-site that meets or exceeds the City of Novato's Affordable Housing Requirements Ordinance which requires that 20 percent of the units be designated as affordable units and deed restricted at certain affordability limits.
RM-22: Promote walking through design standards and amenities that concentrate uses, reduce the need for vehicular travel, and enhance the pedestrian experience.	Recreation amenities such as a central community gathering space, community play area, pocket park and walking trails will be constructed as part of the project. Additionally, the Novato-San Marin SMART Station is located less than ½ mile south of the project site.
RM-24: Increase the number of multi-family residents who bike to work and for other utilitarian purposes.	On-site bike amenities will be provided on-site that meet or exceed City requirements. Additionally, Redwood Boulevard includes a Class 2 bicycle facility which provides bicycle access to the Novato-San Marin SMART Station.

Source: City of Novato, General Plan 2035, Appendix E: Greenhouse Gas Reduction Measures.

Environmental Determination: Less Than Significant.

Maximum Buildout

Should the proposed General Plan amendment be granted, and the Valley Oaks project not be developed, the approximately 17.73 acres of useable project site would remain available for uses as allowed under the HDMFR and MDR designations. The realistic maximum unit count under the HDMFR and MDR designation would be represented by a housing development up to approximately 153 units, an increase of 72 units as compared to the proposed project.

The alternative project would also be required to adhere to the same state regulations for construction and energy efficiency standards as the proposed project for new developments. Since the feasibly developable land area would not change, the density would increase, resulting in smaller units than currently proposed or an increased number of attached units. On a per capita basis, smaller units and/or more attached units are more energy efficient. Therefore, the alternative project would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy during construction or operation. Impacts would be less than significant.

Geology and Soils

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?		X		
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building		X		

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Code (1994), creating substantial direct or indirect risks to life or property?				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

Discussion

Methodology

A Geotechnical Exploration was prepared by ENGEO for the project, dated January 20, 2023, and peer reviewed by Kimley-Horn (see Appendix GEO-1), and their sub-consultant Miller Pacific Engineering Group. ENGEO reviewed eight past geotechnical reports dating back to 1978 by other consultants in proximity or within the limits of the project site as part of their analysis. The report summarized the current geologic site conditions, identified geologic hazards, and recommended specific project-design features that would need to be incorporated to reduce risk from geological hazards.

Impact Analysis

a-i Fault Rupture

The project site is located in a seismically active region due to its proximity to the active margin of the North American and Pacific Plates. The nearest fault is the Burdell Mountain fault, located approximately 0.6 miles northeast of the project site (USGS 2019). No known active faults run through the project site; therefore, the potential for surface rupture resulting from the movement of nearby major faults is low.

Ground shaking refers to movement of the Earth's surface during a seismic event. Ground shaking is normally the major cause of damage in earthquakes. To address the threat from earthquakes and ground shaking, all new developments must conform to current City and State seismic and geotechnical codes. The California Building Code (CBC), which the City of Novato has adopted under Municipal Code Section 4-1.3, includes seismic regulations that would be

enforced during the design and construction phases of the project. Adherence to these requirements during development would help ensure integrity and safety during seismic activity. Impacts would be less than significant.

Environmental Determination: Less Than Significant

a-ii – iv, and c. Seismic and Geologic Hazards

Liquefaction is the process by which soil is temporarily transformed to fluid form during intense and prolonged ground shaking or because of a sudden shock or strain. Liquefaction typically occurs in areas where the groundwater is less than 30 feet from the surface and where the soils are composed of poorly consolidated fine to medium sand. The project site is located in an area with low liquefaction potential (City of Novato 2020a). The Geotechnical Exploration prepared for the project also indicated that the potential for liquefaction is negligible (Appendix GEO-1). Therefore, impacts regarding liquefaction hazards would be less than significant.

Given the greater slopes particularly in the southern and western portions of the project site (see Figure 6 – Slope Analysis and Limits of Grading), the project site is located in a high landslide potential hazard zone (City of Novato 2020a). As shown in Figure 9 – Project Site Constraints, several of the slopes immediately above and to the west of the proposed development area have known existing landslide deposits and scarps.

Minor sloughing can be expected on the hillslopes to the west, as is indicated by the current presence of colluvium deposits. The Geotechnical Exploration concluded that slope stabilization measures will be required where building limits are adjacent to these landslide areas and a landslide repair would be required on the natural slopes of Valley Oak North to the northwest behind Lots 41, 42, and 43, and on the natural slope to the south adjacent to Lot 53. To repair these landslides, the Geotechnical Exploration recommended either constructing a keyway to remove and replace landslide debris with engineered fill using remedial grading measures with keyways and subdrains or constructing catchment walls.

A remedial grading plan clarifying the geotechnical recommendations is recommended once 40-scale project plans have been finalized. Additionally, natural weathering and cuts into the hillside would further increase the potential for slope instability (Appendix GEO-1).

Implementation of Mitigation Measure GEO-1 would reduce the potential for landslides by specifying design and construction criteria to avoid accelerating soil creep or induce shallow landsliding.

Mitigation Measures

GEO-1 Geotechnical Recommendation

The Geotechnical Exploration prepared by ENGEO (January 20, 2023) provides recommendations that would ensure the project is suitable from a geotechnical standpoint and would increase the safety and integrity of the project. All recommendations in the Geotechnical

Greenhouse Gas Emissions

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Discussion

Methods

An Air Quality and Greenhouse Gas (GHG) Assessment was prepared by Illingworth and Rodkin, Inc. for the project, dated May 12, 2023 (see Appendix AQ-1). Air pollutant and GHG emissions generated by project construction and operation were estimated using the California Emissions Estimator Model (CalEEMod), version 202.1.1.152. CalEEMod uses project-specific information, including the project's land uses, square footages for different land uses, and location, to model a project's construction and operational emissions. The analysis reflects the construction and operation of the project as described in the project description.

This analysis provides a description of existing GHG emissions in the project area and identifies potentially significant impacts that could occur from the construction of the project. Where applicable, mitigation measures were identified to reduce impacts to less than significant.

Impact Analysis

a. Greenhouse Gas Emissions

GHG emissions associated with development of the proposed project would occur over the short- term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Emissions for the proposed project are discussed below. CalEEMod was used to predict GHG emissions from operation of the site assuming full build-out of the project.

Construction GHG Emissions

GHG emissions associated with construction were computed at 1,635 MT of CO2e for the total construction period. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction related GHG emissions, though the California Office of Planning and Research (OPR) recommends quantifying emissions and disclosing that GHG emissions would occur during construction, even in cases where BAAQMD does not. BAAQMD encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable. The proposed project would implement BMPs as discussed above under Air Quality. Impacts would be less than significant.

Operational GHG Emissions

The CalEEMod model along with the project vehicle trip generation rates were used to estimate daily emissions associated with operation of the proposed project. As shown in Table 9 for informational purposes, net annual GHG emission resulting from operation of the proposed project are predicted to be 955 MT of CO2e in 2028.

For this impact to be considered less than significant, it must be consistent with a local GHG reduction strategy (Threshold B) or meet the minimum project design elements recommended by BAAQMD (Threshold A). Threshold A is being applied to the analysis of this project as Threshold B is not applicable. Threshold A requires the project:

1. Avoid construction of new natural gas connections for the residential buildings,
    - Conforms – The project will be all-electric powered.

2. Avoid wasteful or inefficient use of electricity,
    - Conforms – The project would meet CALGreen Building Standards Code requirements.

3. Include electric vehicle (EV) charging infrastructure that meets current Building Code CALGreen Tier 2 compliance, and
    - Conforms – All garages would be wired to accommodate EV chargers.

4. Reduce VMT per service population by 15 percent over regional average.
    - Conforms – The City of Novato has determined that the project qualifies for screening from a transportation VMT analysis, therefore a VMT analysis was not required.

The project conforms with Threshold A. Therefore, the GHG emissions impacts from the project would be less than significant.

Environmental Determination: Less Than Significant

b. Conflict with Applicable Plans

The City of Novato General Plan 2035 has an integrated Climate Change Action Plan (CCAP, adopted in 2020) and enforces its building codes, which aim to reduce GHG emissions. Table ENG-1: Project Compliance with Energy Efficiency Reduction Measures, includes applicable Energy Efficiency Reduction Measures and the project's consistency with those measures. Therefore, if individual projects conform to City Building Codes and the General Plan Greenhouse Gas Reduction Measures, they will conform with the CAP and would not conflict with local plans, policies, or regulations applicable to GHG emissions.

The project will be constructed in conformance with at minimum the 2022 CalGreen and the Title 24 Building Codes, which requires high-efficiency water fixtures, water- efficient irrigation systems, and compliance with current energy efficiency standards. Compliance with these standards ensures compliance with State and federal plans, policies, and regulations applicable to GHG emissions. Impacts would be less than significant.

Environmental Determination: Less Than Significant

Maximum Buildout

Construction of the Maximum Buildout development alternative would be required to comply with the Novato CCAP. GHG impacts under this alternative would be the similar to impacts as discussed for the project and compliance with the Novato CCAP would ensure GHG emissions would not exceed regulatory standards.

Hazards and Hazardous Materials

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			X	

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				x
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				x

Discussion

Methodology

A Phase I Environmental Site Assessment (ESA) was prepared by AllWest Environmental for the project, dated February 24, 2023 (see Appendix HAZ-1). The Phase I ESA was prepared to assess the project site for conditions indicative of releases of hazardous substances in the project area resulting from current, historical, and surrounding land use activities.

The analysis considers the findings and recommendations of the Phase I ESA and identifies potentially significant impacts associated with hazards and hazardous materials from the construction of the project. Where applicable, mitigation measures were identified to reduce impacts to less than significant. The results and project impacts are summarized below.

Impact Analysis

a, b, c. Use or Release of Hazardous Materials or Creation of Hazard

Construction

Project construction may include the temporary transport, storage, and use of potentially hazardous materials including fuels, lubricating fluids, cleaners, or solvents. The project will involve the disturbance of soil, grading and excavation, which could also result in the upset of hazardous materials at the site. Project construction would also require heavy construction equipment, the operation of which could result in a spill or accidental release of hazardous materials, including fuel, engine oil, engine coolant, and lubricants. All construction would occur within the project site and any impacts as a result of the transport, use, or disposal of hazardous materials during construction would be temporary.

According to the Phase I ESA, the project site is not a recorded source of soil, soil vapor or groundwater contamination. Further, based on the results of the vapor intrusion condition (VIC) screening conducted on the project site, the potential for a VIC from current and historical land use activities is considered very low. Available documentation suggests no significant evidence of contamination that has impacted on-site groundwater or soils. Reportable quantities of hazardous materials are not stored at the project site and are not documented or reported previously. Therefore, construction activities, specifically ground disturbing activities, would not have the potential to result in release of hazardous materials into the environment. Construction impacts would be less than significant.

Operations

Residential uses typically do not use or store large quantities of hazardous materials other than those typically used for household cleaning, maintenance, and landscaping. Therefore, the project would not involve the use, storage, transportation, or disposal of hazardous materials in significant quantities. Operational impacts would be significant impact.

Environmental Determination: Less Than Significant

d. Exposure to Hazardous Materials

The Phase I ESA included an Environmental Data Resources (EDR) report from the Environmental Data Resources, Inc. to summarize the federal, tribal, and local environmental record source databases (Appendix HAZ-1). Review of federal, tribal, state, and local government records did not encounter data gaps. The EDR's agency database search identified no current or historical releases or other conditions at the project site or surrounding area appearing to have significantly impacted the underlying soil or ground water.

The California Department of Toxic Substances Control (DTSC) EnviroStor, the State Water Resources Control Board (SWRCB) GeoTracker and the California Environmental Protection Agency (CalEPA) Registered Site Portal (RSP) databases were reviewed online on February 9, 2023. EnviroStor and GeoTracker are databases used to track sites with documented releases, and associated investigation and cleanup efforts. The subject property was not included on either of the databases.

The Phase I ESA did not identify any Recognized Environmental Conditions (RECs) within the project site. Therefore, the proposed project would not be located on a hazardous materials site and would not create a significant hazard to the public or the environment. Impacts would be less than significant.

Environmental Determination: Less Than Significant

e. Airport Safety

Gnoss Field, the nearest airport, is located 0.96-mile northeast of the project site, which is within the Gnoss Field area of influence (County of Marin 1991), and within the Marin County

Airport Land Use Commission (ALUC) referral area. Prior to a City Council hearing, the project will be presented to Marin ALUC, who will make a consistency determination. The project site is located in Aviation Safety Zone 4 – Overflight Zone / Federal Aviation Regulations (FAR) Part 77 Conical Surface. As discussed under the Planning Considerations section in the Airport Land Use Plan, the Overflight Zone is immediately outside the Traffic Pattern Zone, and aircrafts are still climbing out and/or descending in this area. However, the risks appear to be minimal at this distance. Additionally, as discussed in the Noise Section, the project site does not fall within an airport noise contour and would not result in noise-related impacts. Therefore, construction and operation of the project would not expose people residing or working in the project area to airport-related safety hazards or excessive noise. Impacts would be less than significant.

Environmental Determination: Less Than Significant

f. Emergency Response

Novato is a participant in the Marin County Multi-Jurisdictional Hazard Plan (2018). The project would not interfere with this adopted emergency response plan or the City of Novato Emergency Operations Plan. The project would not result in closure, rerouting or substantial alteration of streets or property access points during or after construction. Redwood Boulevard, which is an evacuation route, would not be closed during project construction or operation. Fire and emergency vehicle access would be provided from the project driveways off of Redwood Boulevard (Novato Fire District 2021). Although some street intersection construction may be required, closure of Redwood Blvd is not anticipated, and project construction would occur solely on the site. As such, there would be no impacts.

Environmental Determination: No Impacts

g. Wildland Fire Hazards

The project site is not located in a State Responsibility Area or Very High Hazard Severity Zone for wildland fires (California Department of Forestry and Fire Protection [CALFIRE] 2022). The site is classified as a Local Responsibility Area, where responsibility for fire protection falls on the Novato Fire Protection District (NFPD), rather than the state or federal government (CALFIRE 2022). The northeastern portion of the project site is located within the Wildland Urban Interface (WUI) zone, an area of high fire hazard, as mapped by the NFPD. However, this area is planned for open space and recreational uses and would not include habitable structures. While the development area of the project site is outside of this zone, nevertheless, the project proposes to construct the new homes to full Wildland Urban Interface standards.

The project would not expose people or structures to a significant risk involving wildland fires. Furthermore, the project would be required to comply with the applicable fire safety provisions of the California Building Code, thereby reducing the risk of damage from fire to the maximum extent practicable. Impacts would be less than significant.

Refer to the Wildfire section for additional details regarding wildfire risks at the project site.

Environmental Determination: Less Than Significant

Maximum Buildout

Construction of the Maximum Buildout development alternative would not be significantly different from the project as proposed and would be built within similar parameters and have similar risks related to hazards and hazardous materials. Since hazardous conditions on the site would not be significantly different if a 140-unit project, impacts from hazards and hazardous materials under this alternative would be similar to those of the proposed project.

Hydrology and Water Quality

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
i. Result in substantial erosion or siltation on- or off-site?			X	
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			X	
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
iv. Impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

Discussion

Methodology

A Hydrology and Hydraulics Report for the project site was prepared by Balance Hydrologics, Inc. dated February 2023 and peer reviewed by Kimley-Horn & Associates (Appendix HYD-1).

The analysis provides a description of existing hydrologic setting on the project site and identifies a proposed plan for stormwater conveyance and storage system for the project. Where applicable, mitigation measures were identified to reduce impacts to less than significant. The results and project impacts are summarized below.

Impact Analysis

a. Water Quality / Discharges

Temporary site preparation, grading, and paving activities associated with construction of the project could result in soil erosion that may degrade water quality. However, on-site construction activities would be required to comply with the requirements of the City of Novato Municipal Code Chapter 7-4 (the City's Urban Runoff Pollution Prevention Ordinance) and National Pollutant Discharge Elimination System (NPDES) permit requirements. In addition, all of Marin County, including Novato, is under the jurisdiction of the Marin County Flood Control and Water Conservation District, which is responsible for managing stormwater and flooding problems in the County. The City adheres to the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) to minimize the negative impacts of storm runoff. Specifically, proposed construction activities would be required to comply with Novato Municipal Code 7-4.10(c), which requires construction plans to include construction, erosion, and sediment control BMPs. Because the project would disturb more than one acre of land, the applicant would be required to obtain coverage under the NPDES Construction General Permit and prepare a Stormwater

Pollution Prevention Plan (SWPPP), which includes BMPs for erosion control. The project would also be subject to the City's Urban Runoff Pollution Prevention Ordinance.

The project would increase the amount of impervious surface on the site. The total impervious area would be 302,850 square feet, which is approximately 18 percent of the total project area (38 acres) (CBG, Vesting Tentative Map, Sheet C.13, 3/17/23). The site is currently undeveloped and has no impervious area.

Although the project would introduce new impervious surfaces, the site would be designed for runoff from impervious areas to be routed to one of four biorientation facilities proposed on the site prior to being discharged into the existing stormwater drain systems adjacent to Redwood Boulevard (Appendix HYD-1). Additionally, the project would be required to comply with the City of Novato Municipal Code 7-4.6 and 7-4.10(d), which requires the project site to be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention, and/or rainfall harvest and use. Adherence to these regulations would ensure that pollutants to do not affect water quality. Therefore, impacts to water quality would be less than significant.

Environmental Determination: Less Than Significant

b. Groundwater

The North Marin Water District (NMWD) supplies water to the City of Novato from the Russian River, Stafford Lake and recycled water. The NMWD has no local, developed groundwater supply source (NMWD 2016). The project would not involve or require the use of groundwater and as discussed in the Utilities and Service Systems section, the NMWD has an existing water supply available to serve the project. Additionally, the bioretention basins and swales would allow groundwater recharge. Impacts would be less than significant.

Environmental Determination: Less Than Significant

c (i – iii). Drainage

The project would be graded in a matter that would mimic existing flow patterns (direction and volume) and direct stormwater to the same outlet locations used under the existing conditions.

As described in the Hydrology and Hydraulics Report (Appendix HYD-1) and the Preliminary Stormwater Control Plan prepared by CBG (dated March 17, 2023), project runoff would be directed to one of the two bioretention areas in the Valley Oaks North area for treatment and any overflow would be directed to one of the existing storm drains along Redwood Boulevard. Additionally, Valley Oaks South includes two bioretention areas for stormwater control. All storm drains would have the capacity to handle the increased runoff from the proposed project. Runoff from the site would not cross property lines onto the adjacent Verandah property (Appendix HYD-1).

In addition, to comply with the City's urban runoff programs, implementation of various project applicant proposed design features would capture and treat stormwater runoff, reduce the quantity and level of pollutants in runoff leaving the site, and would ensure project runoff does not exceed the capacity of stormwater drainage systems. The project would not increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding or exceed the capacity of the stormwater drainage system, nor that would impede or redirect flood flows. Impacts would be less than significant.

Environmental Determination: Less Than Significant

c (iv), d. Flood Hazard Areas and Risk of Release of Pollutants

The project site is located approximately four miles west of San Pablo Bay and four miles east of Stafford Lake, the nearest large bodies of water. There is low potential for a seiche to form on San Pablo Bay and, due to the distance between the site and the San Pablo Bay, there is likely no risk if one were to form. Although a seiche could form on Stafford Lake during a seismic event, there would be no risk of inundation from a seiche at the project site due to the relatively small size of Stafford Lake and distance from Stafford Lake to the project site. The project site is also not within the Stafford Lake Dam inundation area and would not be flooded if the Novato Creek Dam failed (City of Novato 2020a).

Although an earthquake on the Hayward and Rodgers Creek fault complex, which runs under the San Pablo Bay, could create a tsunami, the potential for a tsunami to impact the City of Novato and the project site is low (City of Novato 2020a). In addition, and project site is not located within a tsunami inundation zone as shown in Figure 4.8-5 of the General Plan 2035 Final EIR (City of Novato 2020). The project site is also not within a 100-year or 500-year flood plain (see Figure 4.8-2 from the General Plan 2035 Final EIR). This area of the project site would be constructed to be above the required flood elevation. Additionally, the proposed bioretention areas and on-site stormwater treatment would ensure that off-site pollution does not occur if the project site was to be inundated.

Therefore, impacts resulting in flood hazard, tsunami, or seiche release of pollutants due to project inundation would be less than significant.

Environmental Determination: Less Than Significant

e. Groundwater Management

The project site is located within the Novato Valley Groundwater Basin, which is a low priority basin according to the Department of Water Resources (DWR) Sustainable Groundwater Management Act Basin Prioritization dashboard (DWR 2020). Low priority basins are not required to adopt a groundwater sustainability plan.

The project would be subject to the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) (SWRCB 2018). The San Francisco Bay RWQCB is responsible for adopting and updating the Basin Plan, which establishes water quality control measures and flow requirements

needed to provide reasonable protection of beneficial uses in the watershed. As discussed in criterion (a), the project would be required to comply with NPDES requirements and portions of the Nine Minimum Controls (NMC), such as Chapter 7- 4 (Urban Runoff Pollution Prevention) and Chapter 7-5 (Regulatory Fee for Clean Stormwater Activities) relevant to water quality. The project would therefore not conflict with or obstruct implementation of the Basin Plan.

As discussed in the Utilities and Service Systems section, the City of Novato is served by the NMWD which provides potable and recycled water service to the City, surrounding unincorporated areas, and portions of West Marin. Approximately 80 percent of the Novato water supply comes from the Russian River through the NMWD wholesale water supplier, the Sonoma County Water Agency. The remaining 20 percent comes from local runoff into Stafford Lake. NMWD has no local, developed groundwater sources (NMWD 2016).

Additionally, as discussed under criterion (a), the project includes features that comply with NMC Sections 7-4.6 and 7-4.10(d), which require the project to be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention, and/or rainfall harvest and use, which would decrease the amount of runoff from the site, allowing for more infiltration. The project would not use groundwater and would not conflict with a sustainable groundwater management plan. Impacts would be less than significant.

Environmental Determination: Less Than Significant

Maximum Buildout

Construction under the Maximum Buildout alternative would not be significantly different from the project as proposed. The alternative project would also be required to comply with the City of Novato Municipal Code 7-4.6 and 7-4.10(d), which requires the project site to be designed to control pollutants, pollutant loads, and runoff. Additionally, an alternative project would require the same NPDES Construction General Permit which requires certain stormwater control measures to reduce impacts. Thus, the alternative housing development would not degrade water quality. It would also source water from NMWD and not deplete groundwater supplies by using wells or well-water. The other conditions of construction and operation that avoid hydrology and water quality impacts as discussed above for the project would be similar for an alternate project, and impacts would be less than significant.

Land Use and Planning

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?				x
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				x

Discussion

Impact Analysis

a. Physically Divide and Established Community

The project site is in an area of Novato that is largely undeveloped and without substantial residential development. Adjacent uses include an office/research and development, single-family residential, and open space. Across Highway 101 to the east are light industrial uses.

The project would not involve constructing bridges, roadways, or other linear features that would divide an established community. Neither would it result in the removal of existing roadways that could prevent access within an established community. Therefore, development of the site would not physically divide an established community and no impact would occur.

Environmental Determination: No Impact.

b. Conflict with Policies and Regulations

The project site has a General Plan designation of Business and Professional office (BPO). The proposed project includes a request for a General Plan Amendment to modify the project site's land use map designation from BPO to Medium Density Residential (R5), High Density Multiple Family Residential (R20), and Open Space (OS) and a text amendment(s) regarding Policy LU 27 specific to Site 4 (Novato 2020a, Pages 2-37—2-39).

The City of Novato zoning for the project site is Planned District (PD).

The project would be consistent with the proposed General Plan land use map designations and text amendments. This includes single-family, two- family, and multi-family buildings and related residential uses, such as parking, open space, and recreation amenities. The project site includes areas with 25 percent slope and other areas with sensitive biological resources that would be maintained as open space.

The City's 6th Cycle Housing Element (updated in 2023) demonstrates that affordable housing is needed in Novato (City of Novato 2023). While the Housing Element identifies specific opportunity areas for affordable housing development throughout Novato, Goal 1 New Housing Construction, and its related policies, requires the City to ensure an adequate supply of housing (Policy 1.2) and promote a variety of housing types (Policy 1.3).

As described in the Project Description section, the project proposes to restrict the sale prices of twenty (20) percent of the total units (16 units) to low- and moderate-income households earning 65% and 90% of the Area Wide Median Income for Marin County (Below Market Rate or BMR). Half of the restricted units will be available to Moderate-Income Households, half to Low-Income Households. Deed restrictions will be recorded against the BMR units to ensure long-term affordability. In addition, the JADUs, if rented, will be affordable to very lower-income households based on the smaller unit sizes (150-500 square feet).

The project would also include adoption of a master plan, precise development plan, a vesting tentative subdivision map, design review approval, and required plan consistency review. As discussed throughout this Initial Study, the project includes wetland and other water features, is subject to state and Federal regulatory requirements, and is assigned mitigation measures that avoid or reduce potential impacts to a less than significant level.

Because the project aligns with these policies and programs and addresses the need for additional affordable housing, assuming approval of the requested General Plan Amendment, the project would be consistent with applicable City land use plans, policies, and regulations. Impacts would be less than significant.

Environmental Determination: Less Than Significant Impact

Maximum Buildout

Construction of the Maximum Buildout development alternative would increase density but would not include roads, bridges, or other components that would divide an established community. Neither would the increased density conflict with other plans, policies, or regulations established for the purpose of mitigating environmental impacts. Impacts to this issue area would remain less than significant.

Mineral Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion

Impact Analysis

a-b. Loss of Mineral Resources

The project is in an area of Novato where there are no active mining operations or known mineral resources present. The project site does not fall within a Mineral Resource Zone (Stinson et al.1982). In addition, Novato's General Plan 2035 does not identify mineral resources within the vicinity of the project area (City of Novato 2020a). No mineral resources would be altered or displaced by the project and there would be no impact.

Environmental Determination: No Impact

Maximum Buildout

Construction of the Maximum Buildout development alternative would be constructed in the same location as the project; thus, there would be no impacts to mineral resources.

Noise

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

Discussion

Methodology

A Noise and Vibration Assessment was prepared for the project by Illingworth & Rodkin, Inc., dated May 23, 2023 (Appendix N-1), and peer reviewed by Kimley-Horn & Associates. The analysis includes a description of noise measurements taken, the regulatory setting, and a discussion of construction and operational noise impacts. The information and analysis below are informed by the findings of the analysis.

Sensitive Receivers

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. The City of Novato General Plan states that noise-sensitive receivers generally include schools, hospitals, libraries, group care facilities, and convalescent homes (City of Novato 2020a). There are no sensitive receivers within 1,000 feet of the project site.

Impact Analysis

a. Noise Increases

Construction Noise

Project construction would include demolition, site preparation, grading, trenching, building construction, architectural coating, and paving stages. Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

The City's Municipal Code limits grading activities and equipment operations to the hours of 7:00 a.m. to 6:00 p.m. on weekdays only. Construction activities, including warming up or servicing equipment and any preparation for construction are limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and to the hours of 10:00 a.m. to 5:00 p.m. on Saturdays. No construction is allowed on Sundays or official federal national holidays, except as otherwise authorized by the community development director.

Because noise thresholds for temporary construction are not provided in the City's General Plan or Municipal Code, the Noise and Vibration Assessment used the noise limits established by the Federal Transit Administration (FTA) to identify the potential for impacts due to substantial temporary construction noise. The FTA identifies construction noise limits in the Transit Noise and Vibration Impact Assessment Manual. During daytime hours, an exterior threshold of 80 dBA Leq shall be applied at residential land uses and 90 dBA Leq shall be applied at commercial and industrial land uses.

As described in Appendix N-1, construction noise levels would potentially exceed the exterior threshold of 80 dBA Leq at 50 feet from existing and planned residential land uses. This would be a significant impact. Implementation of Mitigation Measure N-1 would reduce these impacts to less than significant.

Operational Noise

Under the City of Novato Municipal Code, noise sources shall not exceed standards provided in Table 3-5 (See NMC Section 19.22.070), which are 60 dBA during daytime hours and 45 dBA during nighttime hours at residential uses, beyond the property line of the parcel on which the sources are located or ambient noise levels, whichever is higher.

The project would generate operational noise that would be typical of residential uses, including heating, ventilation, and air conditioning (HVAC) equipment, parking lot activities, and solid waste collection and recycling operations. Noises produced by the project would be similar in character to the existing noise environment associated with surrounding residential uses.

Off-site Roadway Noise

The project site is located adjacent to Redwood Boulevard and Highway 101. As described in detail in Appendix N-1, the project's noise contribution would be at or below 1 dBA L_{dn} along all segments in the project vicinity. The project would not result in a permanent noise increase of 3 dBA L_{dn} or more at noise-sensitive receptors in the project vicinity.

Mechanical Equipment

For the single-family residences and duet attached homes in Valley Oaks North Areas 1, 2, and 3, HVAC units would be located on the ground level in the backyards or side yards of each residence. For the multi-family units located in the Valley Oaks South development, HVAC units would be located either in clusters at the ends of the buildings or on the rooftops. Worst-case conditions are assumed for this project, which would locate the HVAC units on the ground-level in clusters of two to three units at the ends of the buildings.

Noise levels produced by residential HVAC units typically range from 53 to 63 dBA at 3 feet during operation. These types of units typically cycle on and off continuously during daytime and nighttime hours. Up to three units operating simultaneously would generate noise levels ranging from 58 to 68 dBA Leq.

Valley Oaks North Area 2 residences along the northern boundary could have HVAC units within 20 feet of a property line, which would result in operational noise levels up to 47 dBA Leq. This would exceed the nighttime ambient noise levels, resulting in a significant impact.

Implementation of Mitigation Measure N-2 Acoustical Study would reduce this impact to less than significant.

Mitigation Measures

The following mitigation measure would be required to avoid or reduce the project's potentially significant impacts to noise.

N-1 Noise Control Plan

Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction material, are necessary to protect the health and safety of persons, promote the general welfare of the community, and maintain the quality of life. The construction crew shall adhere to the following construction best management practices to reduce construction noise levels emanating from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity.

The construction contractor shall develop a construction noise control plan, including, but not limited to, the following available controls:

- Ensure that grading and equipment operations are limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays only. Construction activities, including warming up or servicing

equipment and any preparation for construction shall be limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and to the hours of 10:00 a.m. to 5:00 p.m. on Saturdays. No construction is allowed on Sundays or official federal national holidays, except as otherwise authorized by the community development director.

- Construct temporary noise barriers along the perimeter of the project site where activities would occur within 50 feet of adjoining noise-sensitive receptors when construction noise would exceed 70 dBA within the residential units (noise-sensitive receptors) with the windows and other openings closed. Temporary noise barriers (e.g., fences) should be designed to provide a five (5) dBA noise reduction by interrupting the line-of-sight between the noise source and receptor and constructing the barriers in a manner that eliminates any cracks or gaps.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

Implementation of the above measures would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With the implementation of these measures and recognizing that noise generated by construction activities would occur over a temporary period, the temporary increase in ambient noise levels would reduce impacts to a less-than-significant level.

Mitigation Measure N-2 Acoustical Study

A detailed acoustical study shall be prepared during final building design to evaluate the potential noise generated by outdoor building mechanical equipment and demonstrate the necessary noise control to meet the City's nighttime threshold of 45 dBA Leq at the property lines of each residential lot per the requirements of the City's Municipal Code Section 19.22.070. Noise control features such as the installation and use of less noisy HVAC equipment, sound attenuators, baffles, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 45 dBA Leq at the property line of each residence located on the project site. The noise control features identified by the study shall be incorporated into the project prior to issuance of a building permit.

Environmental Determination: Less than significant impact with mitigation incorporated.

b. Vibration

The construction of the project may generate vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include grading, foundation work, paving, and new building framing and finishing. According to the equipment list provided by the project applicant, impact or vibratory pile driving activities, which can cause excessive vibration, are not expected for the project.

As described in the Noise and Vibration Assessment (Appendix N-1), vibration levels would be at or below 0.058 in/sec Peak Particle Velocity (PPV) at the nearest buildings surrounding the project site, which would be well below the conservative 0.3 in/sec PPV threshold.

Neither cosmetic, minor, or major damage would occur at conventional buildings located 20 feet or more from the project site. At these locations, and in other surrounding areas where vibration would not be expected to cause cosmetic damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high-power tools). By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum.

Because construction of the project would not exceed the State's threshold of 0.3 in/sec PPV at buildings adjoining the site, impacts would be less-than-significant.

Environmental Determination: Less Than Significant

e-f. Airport Noise

Gnoss Field is a public airport located approximately one mile northeast of the project site. According to the Airport Land Use Plan Marin County Airport Gnoss Field, the project site lies well

outside the 60 and 55 dBA CNEL contour lines. Aircraft noise would result in exterior noise levels below the City's requirements for residential land uses. Therefore, the proposed project would be compatible with the City's exterior noise standards for aircraft noise and impacts would be less than significant.

Environmental Determination: Less Than Significant

Maximum Buildout

Construction of the Maximum Buildout development alternative would be similar to the project as proposed because construction would be required to comply with Novato Municipal Code Section 19.22.070 and similar types of construction equipment would be used. Although construction may take longer than the project as proposed, louder construction equipment such as pile drivers would not be used for an alternative project.

The Novato Municipal Code would ensure that construction would only occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturday. Similarly, the alternative project would be required to comply with Mitigation Measure NOI-1 regarding construction noise and NOI-2 to reduce noise from mechanical equipment. These mitigation measures will ensure that construction-related noise and operational-related noise associated with outdoor HVAC and other mechanical equipment would be reduced to a less than significant level.

Because the Maximum Buildout development alternative would be built in the same location as the proposed project, it would not conflict with an airport land use plan or contribute to cumulative excessive noise levels within the vicinity of an airport. Noise impacts under this alternative would be the same as the project.

Population and Housing

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

Discussion

Methodology

The analysis provides a description of population and housing within the City of Novato and identifies potentially significant impacts that could occur from the construction of the project. Where applicable, mitigation measures were identified to reduce impacts to less than significant. The results and project impacts are summarized below.

Impact Analysis

a. Inducement of Substantial Population Growth

The project would directly induce population growth in the area through the proposed construction of 81 dwelling units and 45 JADUs, which would result in approximately 310 new residents.[1] Novato's current population is approximately 51,392 persons (California Department of Finance 2023). Plan Bay Area anticipates that the population of Novato will grow to 56,295 by 2040 (Association of Bay Area Governments 2020). The Novato General Plan 2035 anticipates that the population of Novato will grow to 55,360 by 2035. The population increase

[1] 126 units multiplied by 2.46 persons per unit (California Department of Finance 2023). The referenced 310 residents are a conservative (high) figure since the 45 JADU units would likely average 1.28 persons per unit based on US Census data obtained from the 2021 *American Housing Survey*.

that the project would generate, therefore, falls within the growth projected by Plan Bay Area and General Plan 2035. Therefore, the proposed project would not directly or indirectly induce substantial, unplanned population growth. Impacts would be less than significant.

Environmental Determination: Less Than Significant

b. Displacement of Existing Housing or People

The project site does not currently contain housing or habitable structures, and the project would not result in the removal of housing. Therefore, the project would not displace people or housing. There would be no impact.

Environmental Determination: No Impact

Maximum Buildout

Construction of the Maximum Buildout development alternative would generate approximately 377 new residents, based on a unit count of 153. This increase in population is within the ABAG population forecast for the City. Additionally, this alternative project would not include new full-time employees. Therefore, the impact of maximum buildout would be less than significant.

Public Services

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	

Discussion

Methodology

The analysis provides a description of public services and facilities within the City of Novato and identifies potentially significant impacts that could occur from the construction of the project. Where applicable, mitigation measures were identified to reduce impacts to less than significant. The results and project impacts are summarized below.

Impact Analysis

i. – ii. Police and Fire Protection Services

The Novato Fire Protection District (NFPD) provides fire protection services, emergency medical services, and fire and rescue response for vehicle and hazardous materials incidents to Novato.

The City of Novato and the NFPD operate a joint Emergency Operations Center in the NFPD Administrative office at 95 Rowland Way (City of Novato website, 2023).

The nearest fire stations are Station 61, located on Redwood Blvd approximately 2.2 miles (driving distance) south of the site, and Station 62, located on Atherton Ave approximately 2.7 miles east of the site, and Station 63, located on San Ramon Way approximately 2.9 miles west of the site. Based on the 2009-2013 NFPD Strategic Plan, the district provides emergency services to the area from five stations, comprising 88 personnel (66 firefighters, 9 command staff and 13 administrative staff (NFPD 2009). Station 65 also serves Novato and is 5.5 miles from the project site. Station 65 accommodates a three-person fire district paramedic engine company, and it is part of the 15-person Tam fire crew, in cooperation with the Marin County Fire Department during wildland fire season. This location also has office space used by the Novato Police, Marin County Sheriff, and California Highway Patrol.

According to the City of Novato Emergency Operations Plan, the NFPD's goal is to maintain overall total response time of 8 minutes or less 80 percent of the time for all dispatch emergencies and have five fire stations with adequate equipment to meet local needs (NFPD 2023). No future plans for expansion or renovation of NFPD facilities are in place.

As discussed in the Population and Housing section, the project would involve the construction of 81 dwelling units and 45 JADUs to accommodate approximately 310 persons.[2] The project site is located in the NFPD service area and within three miles of a fire station. Therefore, the NFPD would respond to demands associated with the project and retain an eight-minute response time, which would be adequate to serve demands potentially generated by the project. It is not anticipated that the project would increase response times for the NFPD or impact other NFPD standards. The project would not require the construction of additional fire protection facilities. Impacts would be less than significant.

The Novato Police Department (NPD) serves the city of Novato, providing professional and proactive street patrol, investigative services, traffic enforcement, narcotics enforcement, a 911 dispatch center, and emergency and preparedness services. The police department is staffed by approximately 80 staff, including 60 sworn personnel and volunteers (City of Novato 2023).

The NPD would service the project site and receive auxiliary support from the Marin County Sheriff's Office and California Highway Patrol (City of Novato website, 2023). The nearest police station is approximately 1.5 miles south of the project site at 909 Machin Avenue. Police units are more often mobile and dispatch to emergency calls from where they are in the service area, rather than from the police station. The distance between the facility and the location of the emergency, therefore, does not usually determine response times. Instead, response times correlate more closely with the number of police officers on the street.

[2] 126 units multiplied by 2.46 persons per unit (California Department of Finance 2023)

When occupied, the project would add approximately 310 new residents to the city, which would slightly increase demand for police protection services. The Novato Police Department currently maintains a ratio of 1.10 sworn officers per 1,000 residents and does not have a standard for staffing levels (City of Novato 2013). With an additional 310 new residents to Novato's existing population of 51,392, the ratio of officers per officers per 1,000 residents would continue to exceed 1.10 per 1,000 residents. The project would not require construction of new or expanded police facilities. Therefore, impacts would be less than significant.

Environmental Determination: Less than Significant Impact

iii. School Enrollments

Public schools near the project site include Olive Elementary School, 1.4 miles southeast of the project site at 629 Plum Street, and Lu Sutton Elementary School, 1.7 miles south of the site, at 1800 Center Road. Novato High School is 2.5 miles south of the project site on 625 Arthur Street.

The additional residents that the project generates would increase the number of students attending schools in the Novato Unified School District. The project would add approximately 51 new students, based on a generation rate of 0.41 students per housing unit (Novato Unified School District 2014). Although 51 new students is considered a nominal increase, the applicant for the project would be required to pay school development fees prior to the issuance of building permits, as dictated by State law. According to Government Code Section 65996 (3)(h), payment of such fees constitutes full mitigation of any school impacts under CEQA. Therefore, impacts from the increase in school enrollment would be offset by the required payment of development fees. This impact would be less than significant.

Environmental Determination: Less than Significant Impact

iv. Parks and Recreation

See Recreation section, below regarding impacts to parks and recreation facilities.

Environmental Determination: Less than Significant Impact

v. Other Public Facilities

The Marin County Free Library District provides library services for Novato along with Corte Madera, Ross, and Fairfax and unincorporated areas of Marin County. The district includes 11 facilities and one bookmobile. The Novato Main Branch is the closest to the project site, at 1.7 miles southwest, on 1720 Novato Boulevard. The 2007 Marin County Free Library Vision Plan found the South Novato Branch to need additional space to accommodate its service population (City of Novato 2014). An agreement between the Novato Unified School District and the Marin County Free Library would double the size of the South Novato branch, ostensibly offloading the demand on the Novato Branch as well.

The project would add approximately 310 new residents to Novato, increasing demand for library services. Plan Bay Area anticipates that the population of Novato will grow to 56,295 by 2040 (ABAG 2020). The number of residents introduced by the project is not a substantial percentage of the growth anticipated in Plan Bay Area and would not constitute significant or unplanned growth. Furthermore, the library expansion already planned would accommodate the needs of increased population. Therefore, the impact related to the provision of library services or other public facilities under the proposed project would be less than significant.

Environmental Determination: Less than Significant Impact

Maximum Buildout

Construction of the Maximum Buildout development alternative would generate approximately 377 new residents, an increase in population that is within the ABAG population forecast for the City. Therefore, the alternate project would not necessitate the expansion of police, fire, school, or other public facilities that would cause environmental impacts. Neither would this alternative result in increased response times or exceedance of ratio of officers per 1,000 residents. Impacts to all issue areas would be less than significant.

Recreation

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

Discussion

Methodology

The analysis provides a description of public services and facilities within the City of Novato and identifies potentially significant impacts that could occur from the construction of the project. Where applicable, mitigation measures were identified to reduce impacts to less than significant. The results and project impacts are summarized below.

Impact Analysis

a. Use of Existing Parks and Recreational Facilities

Within a five-mile area of the project site there are three local parks and two nature preserves/open space areas: the Marion Park, Pioneer Park, Partridge Knolls Park, and Mount Burdell Preserve and Rush Creek Preserve. The Olompali State Historic Park is also about 1.25 miles north of the project site. The project would include on-site open space amenities that would include a central community space around which pathways and gathering areas would be situated. On-site amenities may include play areas, trails, seating areas with benches and tables, and a community meeting area (see Figure 5 – Landscaping and Recreation Amenities). The final design of the on-site open space amenities will be determined during the design

process. These facilities are expected to supplement the local recreational facilities available to the approximately 310 new residents on the project site.[3]

Additionally, the City of Novato requires new residential developments to pay development fees for the purpose of maintaining existing parks and developing new parks to serve increased demand for recreational land, though it is not anticipated that new recreational facilities or parks would be required to satisfy increased demand from new residents. Therefore, the project would have a less than significant impact on the physical deterioration of existing recreational facilities.

Environmental Determination: Less Than Significant

b. New Recreational Facilities

Although the project would introduce approximately 310 new residents to the area, this is within the population forecast for Novato and the on-site recreational facilities along with the nearby parks, open spaces, and nature preserves would meet the recreational needs of these residents. The project would not require that new or expanded recreation facilities be built that might have an adverse effect on the environment. There would be a less than significant impact.

Environmental Determination: Less Than Significant

Maximum Buildout

Construction of the Maximum Buildout development alternative would generate approximately 377 new residents, an increase in population that is within the ABAG population forecast for the City. Furthermore, as part of the permitting process, project impact fees related to recreation facilities would still be required, if applicable. Therefore, the alternate project would not cause substantial deterioration to existing facilities or necessitate the expansion of recreation facilities. Impacts would be less than significant.

[3] 126 units multiplied by 2.46 persons per unit (California Department of Finance 2023)

Transportation

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

Discussion

Methodology

The analysis identifies potentially significant impacts that could occur from transportation aspects of the project. Specific details and methodologies pertaining to each transportation significance criteria are described below.

Impact Analysis

a. Conflict with Circulation Plan, Policy, or Ordinance

The following describes the project's potential impact on transit, bicycle, pedestrian, and vehicular circulation as it relates to City plans, ordinances, or policies.

Transit Access and Circulation

The *City's General Plan 2035*[4] (adopted October 27, 2020) discusses the local and regional bus ferry service in the City. There are no policies or thresholds described in this document.

Marin Transit provides local transit service to the City. This bus service, along with regional service provided by Golden Gate Transit, provides a connection between the City, other cities in Marin County, and the adjacent cities in Sonoma County, San Francisco and Richmond. In addition, the Sonoma Marin Area Rail Transit (SMART) provides rail service to Novato and connects the cities between Santa Rosa and Larkspur. The nearest SMART station is the Novato-San Marin station located approximately 0.4 miles south of the project site. The Golden Gate Ferry provides ferry service between Larkspur and San Francisco.

Marin Transit, in its *2020-2029 Short Range Transit Plan*[5], states its latest goals and targets. This includes the following:

1. Systemwide Performance:
    a. Relieves congestion and provides mobility as measured in total ridership;
    b. Ensures high levels of customer satisfaction with services;
    c. Provides accessible and reliable transit services with Marin County;
    d. Ensures services are provided in a reliable manner;
    e. Provides service levels to prevent overcrowding;
    f. Promotes environmental justice based on demographic analysis; and
    g. Meets cost efficiency standards based on cost per revenue hour.
2. Corridor-Level Performance
    a. Provides adequate service frequency in priority transit corridors;
    b. Provides adequate span of service in priority transit corridors; and
    c. Provides competitive travel times to promote transit usage.
3. Route-Level Performance:
    a. Meets service typology productivity standards based on passengers per hour;
    b. Meets service typology cost effectiveness standards based on subsidy per passenger trip; and
    c. Establish funding agreements for Partnership services.
4. District Performance:
    a. Attracts outside funding sources, including federal and state revenue, as well as discretionary grants and other local funds;
    b. Operates the system in a manner that encourages public involvement and participation; and

[4] *City of Novato General Plan 2035*, City of Novato, adopted October 27, 2020.
[5] *2020-2029 Short Range Transit Plan Final*, Marin Transit, January 2020.

c. Maintains a capital plan to minimize air quality issues and provide quality amenities and vehicles.

Due to the proximity of the Novato-San Marin SMART station, residents and visitors of the project can take advantage of this nearby transit facility. This increase in transit usage is consistent with the goals and policies for Marin Transit. Therefore, the project would result in a less than significant impact related to City's transit plans, ordinances, or policies.

Bicycle Access and Circulation

The City's General Plan 2035 discusses the bicycle network (Class I paths, Class II bicycle lanes, and Class III bicycle routes) within the City. In addition, the City has adopted bicycle parking requirements for residential and commercial developments. The *City's Bicycle / Pedestrian Plan* (adopted on March 24, 2015)[6] states the City's goals and policies for biking. The following summarizes these goals for bicycling (and pedestrians):

1. Improve the health of all Novato residents by making the healthy choice the easy choice.
    a. Create a comprehensive system of bicycling and walking paths that connects key destinations, including parks, schools, shopping, and invites people to get outdoors.
2. Develop a bicycle and pedestrian environment that sustains healthy communities and supports a vibrant economy.
3. Improve walkability of Novato streets.
    a. Adopt the draft Complete Streets Policies white paper that is designed to enable safe access for all users, including bicyclists, pedestrians, motorists, and transit riders.
    b. Provide pedestrian access to major destinations, like downtown, senior center, gymnastics center, and parks.
    c. Design streets for use by youth, seniors, and the disabled community.
    d. Provide age-friendly street amenities, including seating areas, good lighting, timing of lights to allow safe crossing, and restroom facilities.
4. Encourage students to bicycle and walk to school.
    a. Establish walking zones 1 mile around elementary schools and 1.5 miles around middle and high schools where walking encouragement and education are prioritized.
    b. Establish bicycling zones 1 mile around elementary schools and 2 miles around middle and high schools where bicycling encouragement and education are prioritized.
5. Increase bicycle and pedestrian safety.

[6] *City of Novato Bicycle / Pedestrian Plan*, City of Novato, Adopted on March 24, 2015.

   a. Improve lighting at intersections.
   b. Improve visibility wherever pedestrians walk.
   c. Improve crossing conditions, particularly in areas with high pedestrian demand.
   d. Manage vehicle speeds to support and encourage bicycling and walking.
   e. Design buildings and streets to support active use and enhance the perception and feeling of safety by bicyclists and pedestrians.
6. Plan, design, and build complete streets.
7. Create vibrant public spaces that encourage walking and bicycling.
   a. Create downtown events that encourage biking or walking.
   b. Include park amenities that invite walking and bicycling.
8. Encourage more people to walk and bicycle outdoors.
   a. Produce or encourage education, marketing, and promotion or incentive programs.
   b. Create pedestrian wayfinding and walking maps citywide to invite and motivate residents to get out and walk.
9. Increase social interaction on streets.
   a. Provide amenities and events that engage residents and visitors.
   b. Create a closed-street event series, where streets are closed to vehicles and active recreation opportunities are created.
10. Build strong communities and livable neighborhoods.
   a. Create walkable neighborhoods that are connected to shops, transit, schools and parks and recreation opportunities.
11. Become a sustainable city.
   a. Reduce emissions from cars through walking and bicycling trip activity.
   b. Reducing health care costs by improving health through physical activity.
   c. Reduce our consumption of fossil fuels by creating an environment where one can leave the car at home.
12. Foster economic growth.
   a. Design and build livable streets that are safe, inviting, and foster community cohesion in order to maintain a strong economy.
13. Reduce bicycle- and pedestrian-related collisions.
   a. Reduce the total number of annual collisions by 50 percent from 2015 to 2020.
   b. Reduce the annual number of bicycle and pedestrian collisions to zero.
14. Seek Bicycle Friendly Community [SM] designation from The League of American Bicyclists and Walk Friendly Community designation from the University of North Carolina Highway Safety Research Center's Pedestrian and Bicycle Information Center (See Appendix E).

The project is located along Redwood Boulevard, which has an existing Class II bicycle lane in each direction. The existing Class II bike lane connects the project to the Novato-San Marin

SMART Station, as well as to other uses in the nearby area and to Petaluma. The proximity of the project to these existing bicycle facilities should encourage biking for residents and visitors.

The City's Municipal Code (19.30.090) also establishes bicycle parking requirements for multi-family residential projects. Multi-family residential projects are required to provide a minimum of 10 percent of the required vehicle parking spaces unless separate secured garage space is provided for each unit. Since the project is required to provide 51 vehicle parking spaces for the multi-family units, this equates to 5 bicycle parking spaces.

Since the project is not proposing to alter existing bicycle facilities and to meet the required bicycle parking, the project would result in a less than significant impact related to City's bicycle programs, plans, ordinances, or policies.

Pedestrian Access and Circulation

The City's General Plan 2035 has a limited discussion on the pedestrian network. Rather, the City's Bicycle / Pedestrian Plan (adopted on March 24, 2015) states the City's goals and policies for pedestrians, as described in the bicycle access and circulation section above.

The project is located along Redwood Boulevard, which has an existing sidewalk on the west side adjacent to the project. This existing sidewalk connects the project to the Novato-San Marin SMART Station, as well as to other uses in the nearby area. The proximity of the project to the SMART station should encourage residents and visitors to walk and use transit.

Within the project site, sidewalks are proposed on internal roadways, along with crosswalks at intersections for the critical pedestrian paths. The project would result in a less than significant impact related to City's bicycle programs, plans, ordinances, or policies.

Vehicle Circulation

The City's General Plan 2035 (adopted October 27, 2020) established standards for acceptable intersection levels of service in the City. Intersection with traffic signals or all-way stop-controlled intersections should operate at LOS D or better. Side-street stop-controlled intersections should operate at LOS E or better. It should be noted that per Senate Bill 743, evaluation of transportation impacts under CEQA is based on vehicle miles traveled (VMT) and not LOS. However, this section discusses LOS for the purposes of being consistent with the City's General Plan and the Marin County Congestion Management Program (CMP).

Roadway segments and freeway segments within the City are also a part of the Marin County CMP roadway network. The Transportation Authority of Marin (TAM) is the region's congestion management agency and has the following thresholds for roadways within the City:

- US-101: LOS E
- SR-37: LOS D
- Novato Boulevard: LOS D

- South Novato Boulevard: LOS D
- Bel Marin Keys Boulevard: LOS D

The General Plan states that all CMP road segments in the City and on SR-37 operate at LOS A or LOS B. The segment of US-101 within the City limits operates at LOS A in the AM peak hour and LOS F in the PM peak hour. However, since US-101 was grandfathered into the CMP, it is allowed to operate at LOS F. Therefore, all CMP roadway and freeway segments within the City meet the Marin County CMP thresholds. As stated in the *Focused Transportation Impact Study for the Valley Oaks Project*[7] completed by W-Trans, each study intersection is expected to operate at LOS D or better in all study scenarios, including Existing and Cumulative conditions without and with the Project. Therefore, the project would not conflict with plans, ordinances, or policies as it relates to vehicular traffic operations and would result in a less than significant impact.

Environmental Determination: Less Than Significant

b. Conflicts with State CEQA Guidelines

The City of Novato describes their VMT policy in the *VMT Analysis for Novato General Plan Update EIR*[8] memorandum prepared by Fehr and Peers on April 18, 2018. This memorandum describes the options for adopting VMT thresholds for future development and transportation projects for CEQA studies. The two options are to use: (1) the State of California Governor's Office of Planning and Research (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA*[9] or (2) adopt jurisdiction specific VMT thresholds. Since the City has not adopted their own VMT thresholds, the OPR guidance was used.

According to the OPR Technical Advisory, screening thresholds are identified to quickly determine when a project should be expected to cause a less than significant impact without preparing a comprehensive VMT analysis. One of the screening thresholds that pertains to this project is Presumption of Less Than Significant Impact Near Transit Stations. To meet this screening criteria, a project must demonstrate:

1. Project is located withing a ½ mile of an existing major transit stop or an existing stop along a high-quality transit corridor.

However, this presumption would not apply if the project were to have qualities that exhibit a project that would still generate significant levels of VMT, such as:

1. Has a Floor Area Ratio (FAR) of less than 0.75.

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[7] *Focused Transportation Impact Study for the Valley Oaks Project*, W-Trans, May 4, 2023.
[8] *VMT Analysis for Novato General Plan Update EIR*, Fehr and Peers, April 18, 2018.
[9] *Technical Advisory on Evaluating Transportation Impacts in CEQA*, State of California Governor's Office of Planning and Research, December 2018.

2. Includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction.
3. Is inconsistent with the applicable Sustainable Communities Strategy.
4. Replaces affordable residential units with a smaller number of moderate- or high-income residential units.

The project is a residential land use and therefore FAR does not apply. The southernmost point of the proposed project is located approximately 0.4 miles from the Novato-San Marin SMART station and therefore qualifies to be located within a ½ mile from an existing major transit stop. In addition, the project is providing the minimum number of parking spaces. Based on the Novato Municipal Code, the project is required to provide 172 parking spaces. The project is proposing to provide 172 parking spaces and therefore is providing the minimum number of parking spaces required. Table T-1: Required and Proposed Parking Spaces summarizes this parking comparison.

Table T-1: Required and Proposed Parking Spaces

Unit Type	Required Parking Ratio (per unit)	# of Units	Required Parking Spaces	Proposed Parking Spaces
Single-family	2	61	122	122
Multi-family				
3-bedroom	2.2	20	44	40 garage spaces
Guest	0.33	20	6.6	10 surface lot spaces
Total			172.6	172

Note: The Novato Municipal Code Section 19.30.040 requires that parking be off-street. Proposed on-street parking does not count towards the required parking count.

The Novato Municipal Code Section 19.20.100.E.3 requires that residential parking shall not be located within a front setback area.

The project is consistent with the Sustainable Communities Strategy. And lastly, the project is proposing 20 percent of the total number of homes as affordable to Low- and Moderate-Income households and providing 45 Junior Accessory Dwelling Units (JADU), which homeowners can choose to rent out and would be considered affordable to lower income households based on the unit sizes of less than 500 square feet. Since the project meets all of the thresholds for the screening criteria for being near a transit station, the project is exempt from CEQA VMT analysis. The project would have a less than significant VMT impact.

Environmental Determination: Less Than Significant

c. Design-Safety

The project proposes to construct a new roadway network for the residential use and also tie into the existing Verandah Avenue. This new roadway network includes a new roadway "A Street", that would have direct access to Redwood Boulevard to the north of Verandah Avenue. The intersection of Redwood Boulevard / "A" Street is proposed to be a side-street stop-controlled intersection with a stop control on "A" Street. The new access roadway would not alter the existing roadway alignment of Redwood Boulevard and would meet the City's design standards. In addition, the *Focused Transportation Impact Study for the Valley Oaks Project*, completed by W-Trans, determined that a left turn lane into A Street from Redwood Boulevard was not warranted.

The new access roadway has also been designed to allow for adequate sight lines. Intersection sight distance for the new access roadway was evaluated following methodology from the American Association of State Highway and Transportation Officials (AASHTO), *A Policy on Geometric Design of Highway and Street, 7th Edition*[10]. Sight distance for was determined based on the following AASHTO intersection sight distance criteria formula:

$$\text{Intersection Sight Distance} = 1.47 \times V_{major} \times t_g$$

Where V_{major} is the design speed of the major road and t_g is the time gap for the vehicle to exit the project driveway and enter the major road. With a posted speed limit along Redwood Road of 45 mph, a design speed of 50 mph was assumed. For passenger cars, the time gap is 6.5 seconds for a vehicle to make a right-turn movement and 7.5 seconds to make a left-turn movement onto Redwood Boulevard. With a 50-mph design speed along Redwood Boulevard, the sight distance criteria for passenger cars making a right-turn is 530 feet and the sight distance criteria for passenger cars making a left-turn is 610 feet. Existing and planned site distances exceed both of these minimum requirements.

Additionally, the proposed residential development within the project site will be required to maintain intersection and driveway sight distance triangles required pursuant to Novato Municipal Code sections 19.20.040, 19.20.070.D, and 19.20.100. The project will ensure that within these sight triangles walls, fences, trees, shrubs, bushes, or hedges shall not exceed 3 feet in height, while tree canopies shall maintain a minimum of 6 feet vertical clearance at all driveway locations.

The other proposed streets within the development will meet the City's minimum standards for roadway design. Therefore, the project would not result in safety hazards to pedestrians, bicyclists, or vehicles. This impact is less than significant.

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[10] *A Policy on Geometric Design of Highway and Street, 7th Edition,* American Association of State Highway and Transportation Officials (AASHTO), 2018.

Environmental Determination: Less Than Significant

d. Emergency Access

Emergency access to the project site would be provided by "A" Street and Verandah Avenue. For the new roadways, each roadway will meet the City's minimum standards for roadway design and emergency access. This includes meeting minimum roadways widths and adequate turn radii for emergency vehicles. Since the project would meet the City standards for emergency access, this impact would be less than significant. The project was also referred to the Novato Fire Protection District and Novato Police Department, who provide primary emergency response within the City of Novato. These emergency response agencies did not object to the street design and did not identify any design features that would hinder emergency responses.

Environmental Determination: Less Than Significant

Maximum Buildout

Construction of the Maximum Buildout development alternative would not be significantly different from the project as proposed in terms of compliance with circulation plans, policies, or ordinances, VMT screening compliance, safety, and emergency access. Site access locations would likely remain the same and VMT would be further reduced based on increased residential densities. Assuming that each of these conditions on the site would not be significantly different if such a project were proposed, this impact would be less than significant.

Environmental Determination: Less Than Significant

Tribal Cultural Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:		X		
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?		X		
b) Cause a substantial adverse change in the significance of a tribal cultural		X		

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i) Listed or eligible for listing in the California				

Discussion

Methodology

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

California Government Code Section 65352.3 (adopted pursuant to the requirements of SB 18) also requires local governments to contact, refer plans to, and consult with tribal organizations prior to making a decision to adopt or amend a general or specific plan and prior to making any decisions on zoning changes related to open space. The tribal organizations eligible to consult have traditional lands in a local government's jurisdiction, and are identified, upon request, by the Native American Heritage Commission (NAHC). As noted in the California Office of Planning and Research's Tribal Consultation Guidelines (2005), "The intent of SB 18 is to provide

California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places."

A Cultural Resources Inventory was prepared by the Applicant's consulting archaeologist for the project site and included contact with the Native American Heritage Commission on April 11, 2022, to request a check of the Sacred Sites database and the identity of any tribes or individuals that should be contacted regarding the subject property. The NAHC responded on May 25, 2022, indicating that a Native American sacred site was not present within the project area. It was recommended that the Federated Indians of Graton Rancheria be contacted along with Guidiville Rancheria, for further information.

On May 25, 2022, letters were sent to Ms. Buffy McQuillen, Tribal Historic Preservation Officer for the Federated Indians of Graton Rancheria and to Mr. Donald Duncan, Tribal Historic Preservation Officer for Guidiville Rancheria requesting additional information or recommendations that the tribes wished to share regarding the potential for a sacred site within the property. No response has been received to date.

City of Novato Consultation Compliance

Pursuant to the requirements of AB 52 and SB 18, on October 13, 2021, the City of Novato sent consultation invitation letters to the Federated Indians of Graton Rancheria, the Guidiville Indian Ranchera, and the Wuksache Indian Tribe/Eshom Valley Band. These three tribes were identified by the Native American Heritage Commission as traditionally and culturally affiliated with the geographic area of the project site. The City did not receive responses from the tribes within the 30 calendar days required by Public Resources Code Section 21080.3.1 or 90 calendar days required by Government Code Section 65352.3 and have not received any responses to date. Therefore, no tribal consultation was requested and was not required.

Impact Analysis

a-b. Tribal Cultural Resources and Consultation

The City of Novato prepared and emailed a notification letter to the NAHC-recommended list of tribes on October 13, 2021, pursuant to AB 52 and SB 18. Consultation letters were submitted to the Federated Indians of Graton Rancheria, Guidiville Indian Rancheria, and the Wuksache Indian Tribe/Eshom Valley Band. Responses were not received from the tribes. As discussed in the Cultural Resources Section, there are no identified cultural resources on-site. However, because the project involves ground disturbance, there is the possibility of encountering undisturbed subsurface tribal cultural resources during construction of the project. Therefore, the project could result in potentially significant impacts to tribal cultural resources. Mitigation Measure TCR-1 is required to reduce impacts to a less than significant level.

Mitigation Measures

The following mitigation measure would be required to avoid or reduce the project's potentially significant impacts to tribal cultural resources.

TCR-1 Unanticipated Discovery of Tribal Cultural Resources

If cultural resources of Native American origin are identified during construction of the project all earth-disturbing work in the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American representative.

See also Cultural Resources Mitigation Measures CUL-1 Archaeological Monitoring and CUL-Unanticipated Discovery of Archaeological Resources.

Environmental Determination: Less Than Significant with Mitigation Incorporated

Maximum Buildout

Construction of the Maximum Buildout development alternative would not be significantly different from the project as proposed in terms of disturbed area and would therefore have similar impact potential to tribal cultural resources. Assuming that conditions on the site would not be significantly different if such a project were proposed, the same mitigation measures would be required for an alternative project and impacts to tribal cultural resources under this alternative would be generally the same as for the proposed project.

Utilities and Service Systems

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Discussion

Impact Analysis

a. Water, Wastewater Treatment or Storm Water Drainage, Electric Power, Natural Gas, and Telecommunications Facilities

Water

Water for the project would be provided by the NMWD via existing utilities on and adjacent to the project site. Approximately 80 percent of the Novato water supply is purchased from the Sonoma County Water Agency (SCWA), whose water supply is sourced from the Russian River. The remaining 20 percent of NMWD water comes from local runoff into Stafford Lake that is treated at the NMWD Stafford Water Treatment Plant (NMWD 2023). Water supply is discussed further under criterion (b) below.

Novato's water supply system includes roughly 5,887-acre feet (AF) of imported water, a storage capacity of 37 million gallons, and two water rights permits for diversion of surface water from Novato Creek and Stafford Lake for the annual diversion of 8,454 AF.

Novato's total water supply contracted volume is 14,100 AF per year. NMWD projects that future supplies would be sufficient to meet forecasted demand under normal year and multiple-dry year scenarios (NMWD 2021b).

The project's estimated water demand would be approximately 2.45 million gallons per year for the indoor water use (Appendix AQ-1), or approximately 6,712 gallons per day, which is approximately 0.04 percent of Novato's water supply during a normal year and approximately 0.06 percent of Novato's water supply during a dry year. The estimated outdoor water usage does not account for the usage of recycled water on-site and was therefore estimated to have no value as the project will use entirely recycled water in outdoor uses.

Existing supplies would be sufficient to meet forecasted demand for the City including the proposed project. Further, new development would offset new water demand through NMWD's water connection rate structure, which funds water infrastructure maintenance. In addition, the project would comply with the City's General Plan Policy PF-3a and NMWD Regulation No. 15, which require water-saving landscaping and related water conservation measures.

Therefore, impacts would be less than significant.

Wastewater

The Novato Sanitary District (NSD) provides wastewater collection, treatment, and disposal services for the Novato Community. Wastewater is transported to the Novato Treatment Plant (NTP) where most of the water undergoes primary and secondary treatment and is either discharged to San Pablo Bay or used for pasture irrigation. The NTP is designed for an average

dry weather flow of 7.0 million gallons per day (MGD) and peak wet weather flow of 30.7 MGD. The NTP had average influent flows of approximately 3.28 MGD for dry weather flow and 18.12 MGD for peak wet weather flow (NSD 2022).

The project's estimated wastewater generation would be approximately 2.04 million gallons per year (assuming water use equivalent to the indoor water use predicted in the CalEEMod Output [Appendix AQ-1] approximately 120 percent of wastewater generation), or approximately 5,589 gallons per day. This would represent approximately 0.08 percent of the NTP wastewater treatment plant remaining capacity for average dry weather flow and 0.02 percent remaining capacity for peak wet weather flow. Therefore, the NTP has capacity to meet the wastewater treatment demands that would be generated from the project. Impacts associated with project's incremental wastewater generation would be less than significant.

Stormwater

The project would be designed and engineered with drainage features appropriate to accommodate the needs of the project and mimic the historical flow patterns. As discussed in *Hydrology and Water Quality*, the project would propose two bioretention basins in the Valley Oaks North area, two bioretention basins in the Valley Oaks South area, as well as a 48-inch culvert at the Street "A" crossing to convey all peak flows from the upslope main drain channel through the project without roadway overtopping.

On-site stormwater generated by the project's impervious surfaces would drain into one of four bioretention areas. Overland flow from upslope open areas will drain to the unnamed drainage channel directly or will be routed through proposed storm drain infrastructure with outfalls to the unnamed drainage channel. Two existing 48-inch culverts will allow all stormwater and overland flow from the unnamed drainage channel sub-watershed to exit to Rush Creek Slough.

As described in Appendix HYD-1, overflow from the bioretention areas would be directed to one of the existing storm drains along Redwood Boulevard and would not outlet across property lines. In addition, based on hydrology report capacity calculations performed by Balance Hydrologics in the preliminary drainage report, the proposed drainage systems are sufficiently sized to meet 25- and 100-year flood flows (Appendix HYD-1). Thus, the volume of stormwater runoff would not exceed the capacity of the storm drainage system serving the site.

The proposed project would install new drainage features that comply with Bay Area Stormwater Management Agencies Association (BASMAA) regulations, Provision E.12 of the Phase II Small MS4 General Permit, and peak flow requirements for drainage infrastructure design. Existing infrastructure at Redwood Boulevard and Highway 101 would be incorporated and would not be negatively impacted. Impacts would be less than significant.

Electricity, Natural Gas, and Telecommunications

As discussed in Section 6, *Energy*, the project would be 100 percent electric, provided by PG&E. A significant impact to electricity and telecommunications facilities may occur if a

project's demand for these services exceeds the capacity of local providers. PG&E maintains the gas lines, electricity distribution lines, and substations that serve the project area. Telecommunications are generally available in the project area; Facility upgrades would not be necessary.

As described in the Energy section, the project would require approximately 1,338 megawatts-hours (MWh) of electricity per year (Appendix AQ-1). PG&E maintains power lines along Redwood Boulevard, which would serve the project site. The substation that powers lines in the vicinity of the project site has a capacity of 16 megawatts (MW) and a peak load of 11 MW, with a remaining capacity of 5 MW (PG&E 2020). The PG&E substation would have sufficient remaining capacity to support the project sites. Accordingly, the project would be accommodated adequately by existing electricity and telecommunication facilities and would not require improvements to existing facilities or the provision of new facilities, which would cause significant environmental effects. Impacts would be less than significant.

Environmental Determination: Less than Significant Impact

b. *Sufficient* Water Supply

As described above under criterion (a), the City of Novato is serviced by the NMWD, which provides potable and recycled water service to the City, the surrounding unincorporated areas.

Approximately 80 percent of the Novato water supply comes from the Russian River through the NMWD wholesale water supplier, the Sonoma County Water Agency. The remaining 20 percent comes from local runoff into Stafford Lake. The District has no local, developed groundwater sources (NMWD 2021b).

The NMWD's 2020 Urban Water Management Plan (UWMP) addresses the District's water system and includes descriptions of water supply sources, water use, comparisons of supply and demand during dry years, etc. Per the UWMP, normal year, single dry year, and multiple dry year supply and demand comparisons are shown below in Table UTL-1 Novato Municipal Water District Water Supply and Demand.

Table UTL-1: Novato Municipal Water District Water Supply and Demand

	Year				
	2025	2030	2035	2040	2045 (Opt)
Normal Year [1]					
Supply Totals	15,913	15,926	15,940	15,954	15,968
Demand Totals	10,679	10,857	11,085	11,108	11,152
Difference	5,234	5,069	4,855	4,846	4,816
Single Dry Year [1]					
Supply Totals	15,913	13,684	13,585	13,472	13,345
Demand Totals	10,679	10,857	11,085	11,108	11,152
Difference	5,234	2,827	2,500	2,364	2,194
Multiple Dry Years	**Year**				
	2025	**2030**	**2035**	**2040**	**2045 (Opt)**
First Year [1]					
Supply Totals	15,913	15,926	15,940	15,954	15,968
Demand Totals	10,679	10,857	11,085	11,108	11,152
Difference	5,234	5,069	4,855	4,846	4,816
Second Year [1]					
Supply Totals	15,913	15,926	15,940	15,954	15,968
Demand Totals	10,679	10,857	11,085	11,108	11,152
Difference	5,234	5,069	4,855	4,846	4,816
Third Year [1]					
Supply Totals	15,913	15,926	15,940	15,954	15,968
Demand Totals	10,679	10,857	11,085	11,108	11,152
Difference	5,234	5,069	4,855	4,846	4,816

Notes:
1. All numbers are in acre-feet per year.

Source: NMWD 2021b.

Table UTL-1 shows that the District's projected water supplies are sufficient to meet projected demands during normal, single, and multiple dry year conditions.

NMWD currently serves the adjacent areas surrounding the project site through existing utilities and services would serve the project site during project operation. The project would include 61 single-family residences with 45 attached JADUs and 20 townhome-style condominium units, for a total of 126 residential units on a 37.6-acre site, and applicable landscaping on the project

site including a community garden and parks. The project's estimated water demand would be approximately 6,712 gallons per day, or 2.45 million gallons per year (Appendix AQ-1).

The project's water demand would represent less than 0.04 percent of projected available NMWD supply. Based on the project's incremental contribution to future demand, new sources of water supply would not be required to meet project water needs. Impacts would be less than significant.

Environmental Determination: Less than Significant Impact

c. Adequate Wastewater Treatment Capacity?

As described in response to criterion (a), above, the project's estimated wastewater generation would be approximately 2.04 million gallons per year (assuming water use equivalent to the indoor water use predicted in the CalEEMod Output (Appendix AQ-1) approximately 120 percent of wastewater generation), or approximately 5,589 gallons per day. This would represent approximately 0.08 percent of the wastewater treatment plant's remaining capacity for average dry weather flow and 0.02 percent remaining capacity for peak wet weather flow. Therefore, the NTP has capacity to meet the wastewater treatment demands that would be generated from the proposed project. As discussed under criterion (a), NSD has indicated that the existing sewer infrastructure that would support the proposed project is not anticipated to have capacity deficiency issues and none of the sewer gravity pipelines in the area have a risk priority above "very low" (NSD 2019). Therefore, impacts associated with project's incremental wastewater generation would be less than significant.

Environmental Determination: Less than Significant Impact

d – e. Solid Waste Generation and Regulatory Compliance

Solid waste from the City of Novato is taken to the Redwood Landfill and Recycling Center located north of the Novato city limit. The landfill is permitted to accept 2,310 tons of material per day and has a design capacity of about 26 million cubic yards. The estimated closure date of the landfill is 2036 (CalRecycle 2023a).

The Novato Sanitary District and its franchise service provider Recology provide solid waste and recycling disposal services in the project vicinity for the provision of trash, recycling and organics services to the project. In 2011, NSD amended its franchise agreement to make major progress toward achieving zero waste goals. The contract requires Recology (the recycling, composting, and garbage collection provider) to achieve an 80 percent diversion of waste to recycling by 2025 (NSD 2011).

Assuming 2.46 residents per dwelling unit (DOF 2023), the project would add an estimated 310 residents. Using an estimated solid waste generation rate provided by CalRecycle for residential land uses, the project would result in an increase of approximately 1,541 pounds of solid waste per day, or 281 tons per year (using a rate of 12.23 pounds per household per day) (CalRecycle 2023b). This represents approximately 0.03 percent of the permitted daily throughput of the

Redwood Landfill and Recycling Center. This does not represent a substantial increase in waste and the project would not be served by a landfill without sufficient capacity. The project would comply with state and local statues and regulations related to solid waste regarding increased recycling efforts per Assembly Bill 341, organic waste collection per Senate Bill 1383, and the City's General Plan policy ES-27f by providing recycling services to residents. Impacts would be less than significant.

Environmental Determination: Less than Significant Impact

Maximum Buildout

Construction of the Maximum Buildout development alternative would result in increased water and electricity consumption and generate more wastewater and solid waste as compared to the project as proposed. However, similar services would be required and the utilities that would be used by the project would have sufficient supply and capacity. Impacts from the alternative project would be less than significant.

Wildfire

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?		X		

Discussion

Methodology

The analysis provides a description of wildfire hazard on the project site and surrounding area and identifies potentially significant impacts that could occur from the construction of the project. Where applicable, mitigation measures were identified to reduce impacts to less than significant. The results and project impacts are summarized below.

Impact Analysis

a. Emergency Plans

The project site is surrounded by residential uses to the north, west, and east, commercial and office uses to the north and south, and the vacant Fireman's Fund buildings (710,000 sq. ft. of office) to the south, which is currently being considered for a mixed-use residential development, including up to 1,300 residential units. The site is classified as a Local Responsibility Area, where responsibility for fire protection falls on the Navato Fire Protection District (NFPD), rather than the state or federal government (California Department of Forestry and Fire Protection [CAL FIRE] 2022). As shown in Figure 12 – Wildland Urban Interface Zone, the westerly portion of the project site is located in the NFPD's Wildland Urban Interface Zone. Development in this zone is required to meet minimum standards for materials and material assemblies and provide a reasonable level of exterior wildfire exposure protection for buildings.

While the development area of the project site is outside of this Zone, nevertheless, the project proposes to construct the new homes to full Wildland Urban Interface standards with noncombustible siding and roofs, tempered glass, gutter guards, and vents will either be eliminated or be intumescent (fireproof). Additionally, there will be a 30-foot Fuel Reduction Area between the developed portion of the project and the open space that will be kept free of flammable fuels. The Fuel Reduction Area will be maintained by the homeowner's association (HOA). The HOA will also be responsible for establishing criteria for 'defensible space' around buildings and requiring maintenance of these areas.

Emergency vehicle access would be provided at both entrances to the project, off Redwood Boulevard. The project would not interfere with emergency access. Thus, the project would not impair an adopted emergency response plan or an evacuation plan and building construction would be consistent with the NFPD's Wildland Urban Interface standards. Therefore, the project would not expose people or structures to a significant risk involving wildfire, nor would it exacerbate the risk of wildfire. Impacts would be less than significant.

Environmental Determination: Less Than Significant Impact

b, c. Exacerbation of Wildfire Impacts

The project site is not in a State Responsibility Area (SRA) or lands classified as Very High Fire Hazard Severity Zone. It is adjacent to SRA lands classified as Moderate Fire Hazard Severity Zone. The project site is adjacent to/in the Wildland Urban Interface (WUI), considered an area subject to high fire hazard, as mapped by the NFPD.

Project design features include components to reduce risks of impacts from wildfire, such as the following:

- Before building permit final approval, the property would undergo vegetation clearance in compliance with California Fire Code Section 4906.

- Roof gutters would be designed to prevent accumulation of leaves and debris in the gutter.
- Roof and attic vents would be designed to resist the intrusion of flame and embers through the ventilation openings.
- Eave or cornice vents would not be installed 12 feet above grade unless they are designed to prevent ember/flame intrusion.
- Windows, window walls, glazed doors, and glazed openings in exterior doors would be fire resistant.
- Exterior doors and exterior walls would be made from or finished with non-combustible or ignition-resistant materials.
- Roof openings and open roof eaves would be designed so that flames and embers cannot intrude. Non-combustible or ignition-resistant materials will be used to finish these areas.

The Novato Fire District, as a condition of approval, will require approval of a Vegetation Management Plan – Fuels Management Plan (Plan), which will need to conform to Novato Fire Protection Standard #220. The Fire District requires this Plan to be incorporated into the landscape plan for the project and be submitted to the Fire Marshal for review and approval prior to implementation.

The project itself would not exacerbate wildfire risks and expose occupants to pollutant concentrations from a wildfire or uncontrolled spread of wildfire, and project design features would help to protect project buildings from the effects of wildfire. The project would not involve the construction of new utility infrastructure that could exacerbate fire risk. All on-site utility infrastructure would be under-grounded, reducing the risk of wildfire caused by overhead power lines. Furthermore, roads, fuel clearance, maintained landscaping, and fire-resistant building materials would help to prevent the spread of uncontrolled wildfire. Impacts would be less than significant.

Environmental Determination: Less Than Significant Impact

d. Hazards from runoff, post-fire slope instability, or drainage changes.

The project site's north/northwestern portion, where the project would be constructed, has relatively flat slopes of 0 to 10 percent. The site increases in slope toward the southwest, up to 20 percent in the proposed location of Valley Oaks South. The remainder of the project site increase in slope to the east, in areas planned for open space and recreational facilities. These portions of the project site have slopes up to 25 percent and the site is in an area considered to have a high landslide potential (City of Novato 2020a).

The Geotechnical Exploration for the project indicated there is potential for slope instability due to several of the slopes immediately above the proposed development have landslide deposits and scarps. Minor sloughing can be expected on the hillslopes to the west, as is indicated by the

current presence of colluvium deposits. (Appendix GEO-1). To reduce the potential for impacts from landslide in general, Mitigation Measure GEO-1 would ensure the project is designed in such a way to reduce the impacts from landslides due to slope instability.

In the event a wildfire occurred on these slopes and was followed by a heavy rainstorm, a landslide could occur. Mitigation Measure WF-1 would be required to reduce impacts.

Mitigation Measures

The following mitigation measure would be required to avoid or reduce the project's potentially significant impacts to Wildfire.

WF-1 Implement Post-Fire Erosion Control Plan and Application

As part of the permitting process, the project proponent shall develop a plan for immediate erosion control to be deployed in the event of a wildfire that affects slopes of 20 percent or more within the project site. The plan shall include provisions for erosion control as soon as possible after the event and shall include one or more of the following, as applicable:

1. Install mulch to cover the soil and reduce rain drop impact, overland flow, and soil particle movement. This can be certified weed-free straw, slash, and geotextile fabrics and should be installed as quickly as possible after the fire event.
2. Apply hydro-mulch mixture of water, fiber mulch, and tackifier on burned slopes to prevent soil erosion and foster revegetation. Seed, fertilizer, or soil stabilizing polymers can also be applied with the hydro-mulch.
3. Spray seed grasses or legumes with a layer of straw mulch over seeded grasses. Ensure the mix of seed includes native grasses and plants with value for local wildlife.

With implementation of Mitigation Measure WF-1, impacts concerning landslides that result from post-fire runoff, slope instability, or drainage changes would be reduced to less than significant.

Environmental Determination: Less Than Significant with Mitigation Incorporated

Maximum Buildout

Construction of the Maximum Buildout development alternative would remain the same and the buildable area of the project site would, similarly, remain the same. Therefore, impacts under this issue area would remain less than significant with mitigation, and Mitigation Measure WF-1 would be required.

Mandatory Findings of Significance

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Does the project:				
a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

Discussion

Impact Analysis

a. Substantially Degrade Biological Resources

As discussed in this Initial Study, the project would have no impact, a less than significant impact, or a less than significant impact after mitigation with respect to all environmental issues.

Regarding Biological Resources, the existing habitat onsite does not currently support special status species. Therefore, there is low potential for special-status species to occur, except for burrowing owls and nesting birds. Implementation of Mitigation Measures BIO-1 and BIO-2 would reduce potential impacts to burrowing owls and nesting birds to a less-than-significant level by requiring pre- construction surveys to determine the presence of burrowing owls and nesting birds and implementing necessary avoidance measures if they are found.

Mitigation Measure BIO- 3 would reduce impacts to 1.71 acres of wetlands by requiring preparation of a Wetland Mitigation Plan to replace impacted wetlands and ensure their preservation in perpetuity, or purchase mitigation credits in lieu of onsite mitigation.

Mitigation Measures BIO-4 would require preparation of a Native Tree Mitigation Plan to replace native trees and fund and manage their long-term preservation.

Regarding Cultural Resources, no historical or archeological resources are known to occur at the project site. Potential impacts to unknown prehistoric archeological sites on the project site would be reduced to a less-than-significant level with implementation of Mitigation Measures CUL-1, CUL-2, and TCR-1, which would require monitoring, notification and appropriate protective measures in the event of an unanticipated discovery of cultural resources.

Regarding Wildfire, to reduce the potential for impacts from a landslide(s), Mitigation Measure GEO-1 would ensure the project is designed in such a way to reduce the impacts from landslides due to slope instability. In the event a wildfire occurred on these slopes and was followed by a heavy rainstorm, Mitigation Measure WF-1 would require the project applicant to implement a Post-Fire Erosion Control Plan that would be deployed in the event of a wildfire that affects slopes of 20 percent or more within the project site.

Environmental Determination: Less Than Significant with Mitigation Incorporated

b. Cumulatively Considerable Impacts

The proposed project was determined to have no impact in comparison to existing conditions for Agriculture and Forestry Resources, Land Use and Planning, and Mineral Resources. Therefore, as there would be no direct or indirect impacts, the proposed project would not contribute to cumulative impacts to these issue areas.

For all other issue areas, the proposed project would have either direct or indirect impacts that have been determined to be less than significant, or less than significant with mitigation incorporated. The project would not adversely affect biological, cultural, or other physical resources outside of the project site. Other impacts, such as air quality, GHG emissions, noise, transportation, and utilities impacts, would be less than significant and would not be cumulatively considerable. There are no major nearby proposed developments that the project would potentially overlap with during construction. Therefore, construction equipment exhaust emissions, GHG emissions, noise would not overlap during construction. The effects of the project would not combine with impacts from other projects in the vicinity to result in a significant cumulative impact.

Environmental Determination: Less Than Significant with Mitigation Incorporated

c. Substantial Adverse Effects on Humans

Effects on human beings are generally associated with impacts related to issue areas such as air quality, geology and soils, hazards and hazardous materials, noise, and transportation. As discussed in this Initial Study, the project would have a less than significant impact or a less than significant impact with mitigation in each of these resource areas. Therefore, the project would not cause substantial adverse effects on human beings, either directly or indirectly and impacts associated with the project would be less than significant with mitigation incorporated.

Environmental Determination: Less Than Significant with Mitigation Incorporated

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Source: ESRI, 2023

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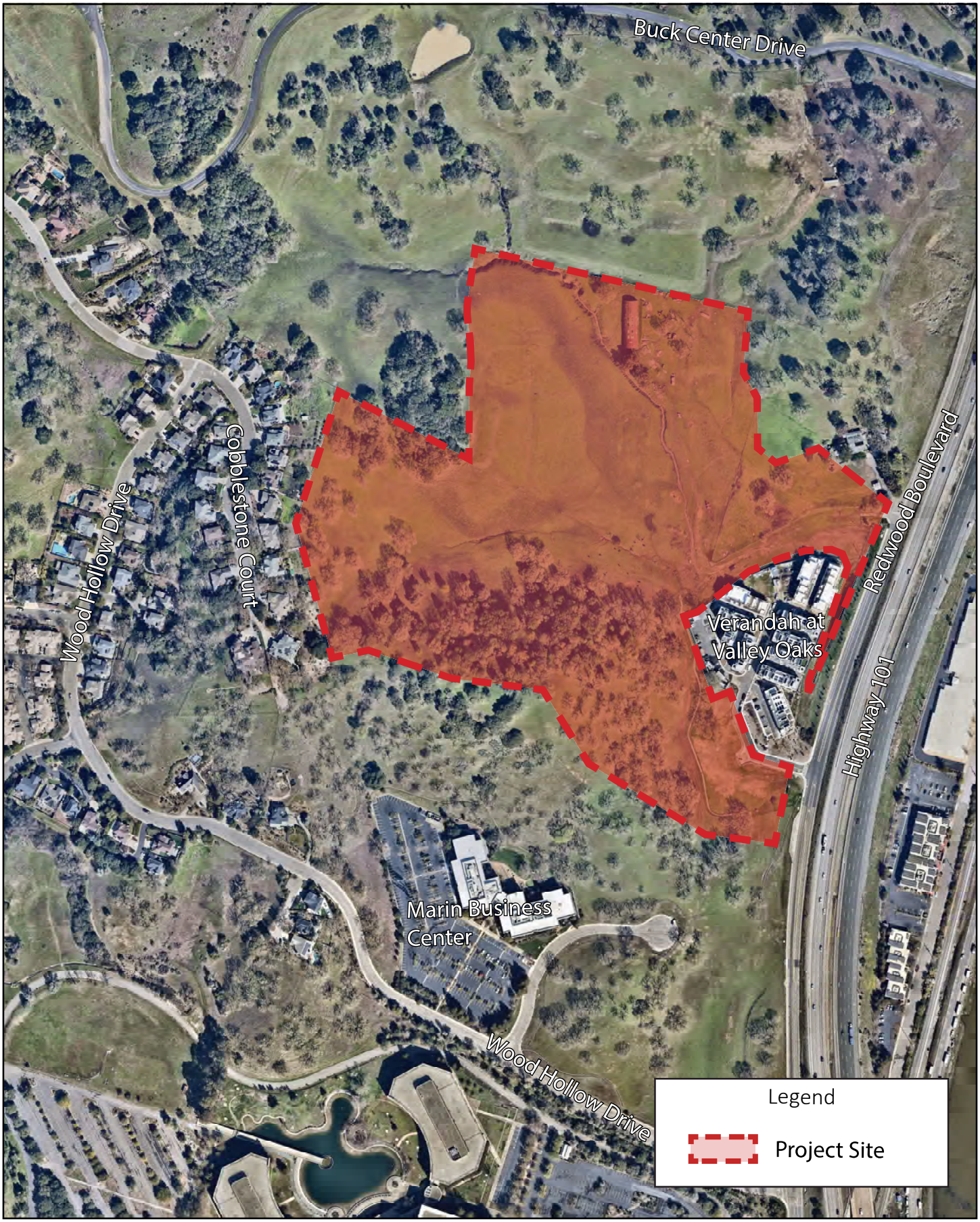
Figure 1 - Regional Location
Valley Oaks
Initial Study



Source: Nearmap, 2023

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Figure 2 - Project Vicinity
Valley Oaks
Initial Study

Source: WHA, 2023

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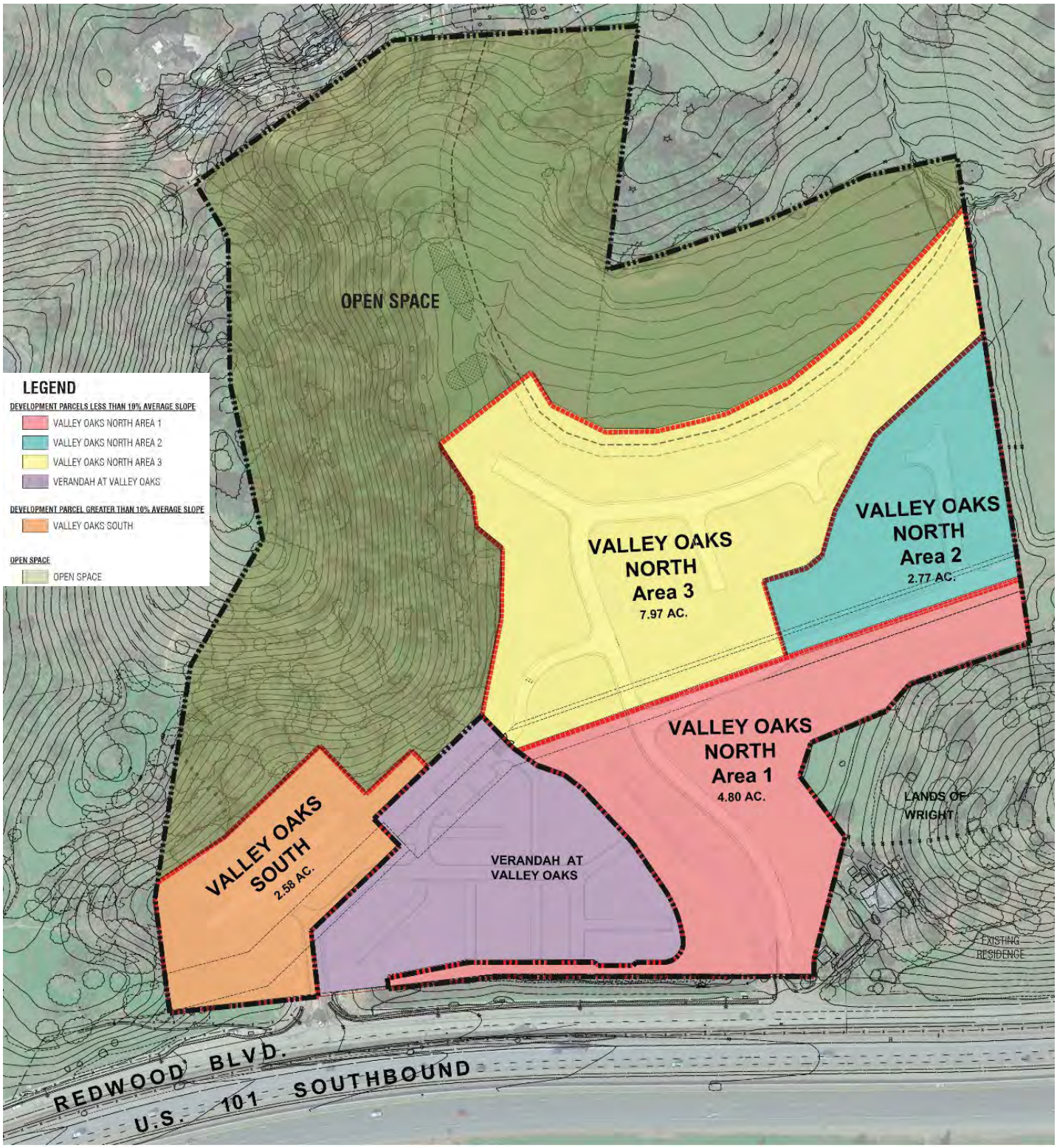
Figure 3 - Site Plan
Valley Oaks
Initial Study



Source: Kimley-Horn, 2023

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Figure 4 Development Area Plan

Valley Oaks
Initial Study

Source: SWA, 2023

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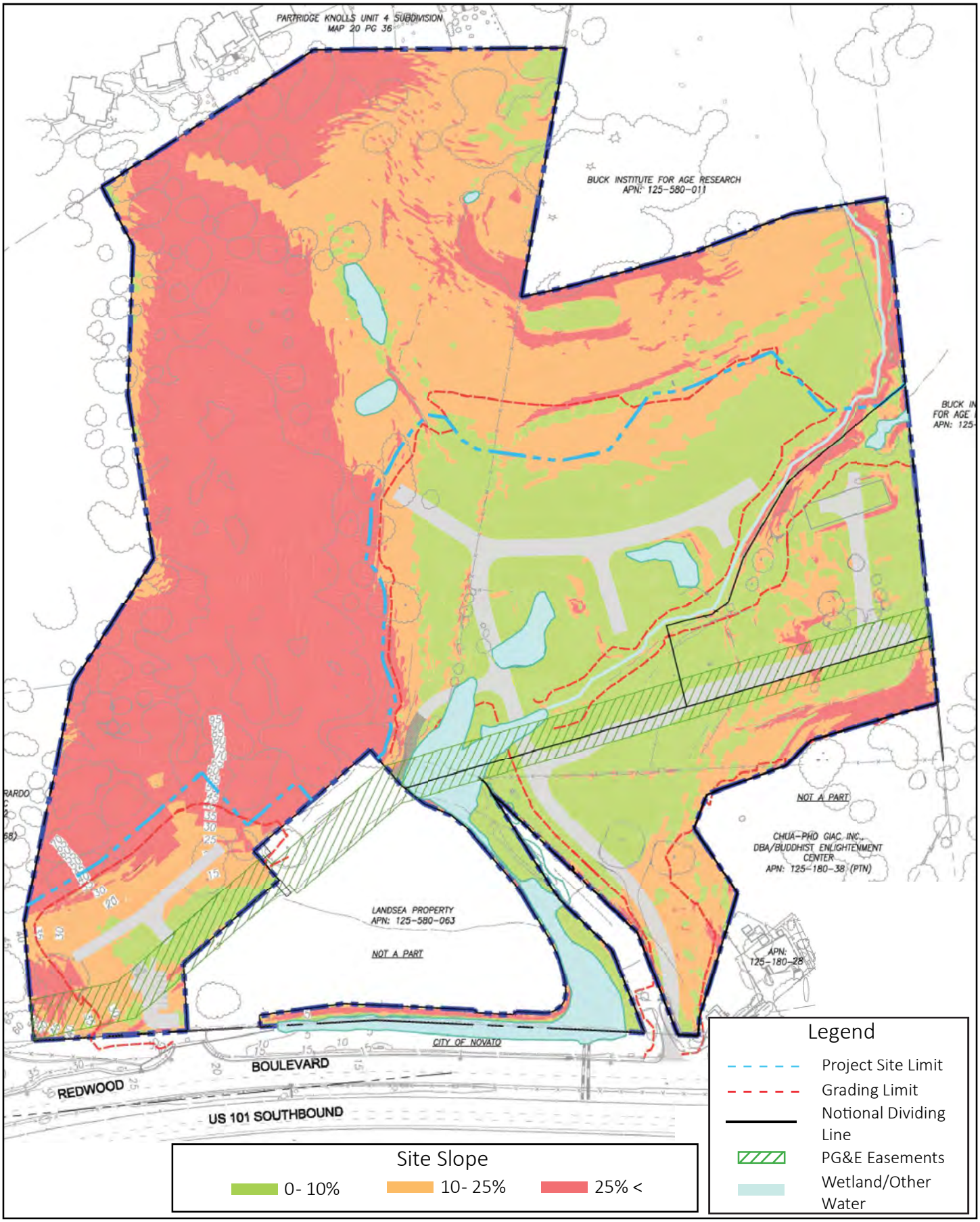
Figure 5 - Landscaping and Recreation Amenities

Valley Oaks

Initial Study



Source: CSW, 2023

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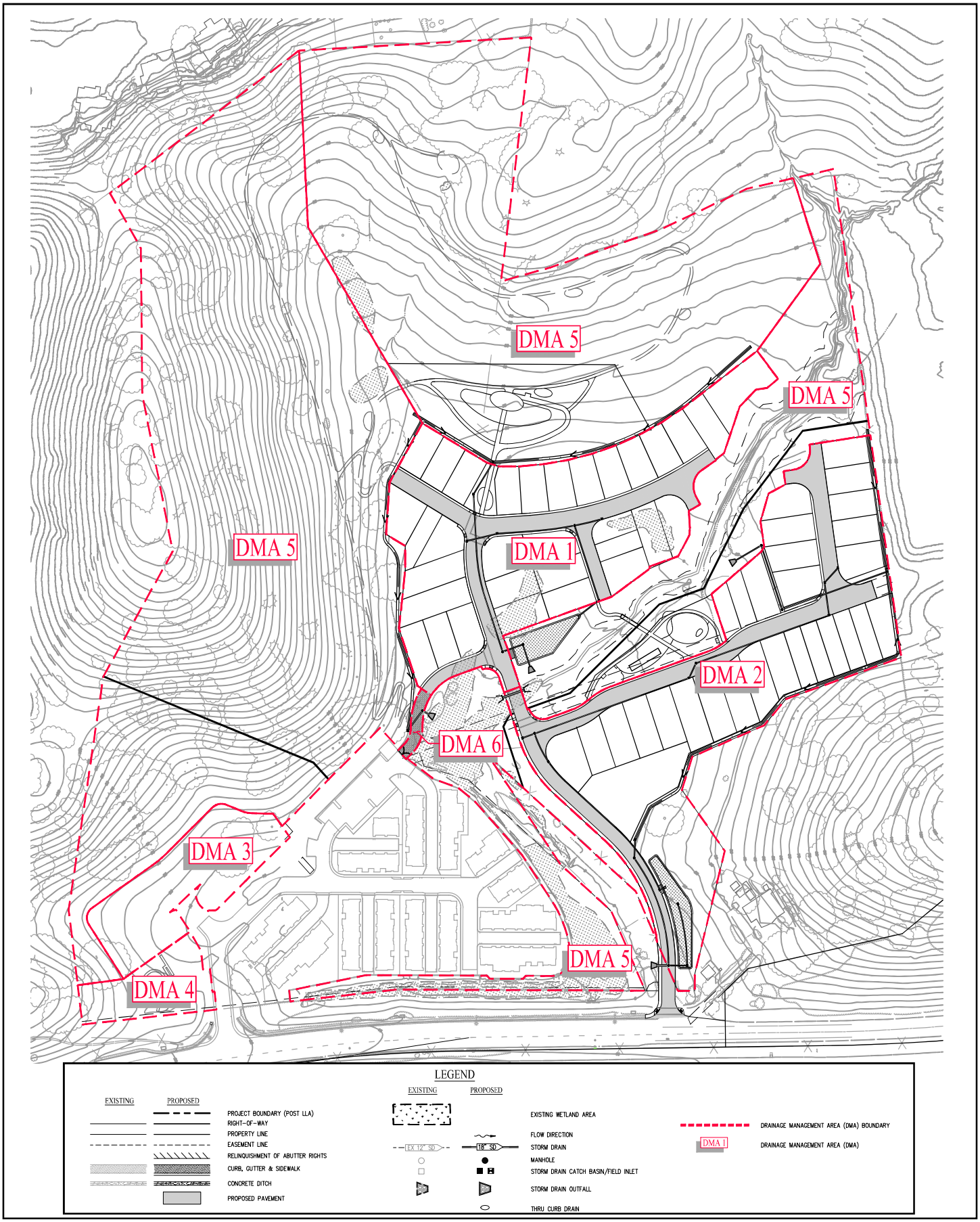
Figure 6 - Slope Analysis and Limits of Grading

Valley Oaks

Initial Study



Source: CBG, 2023

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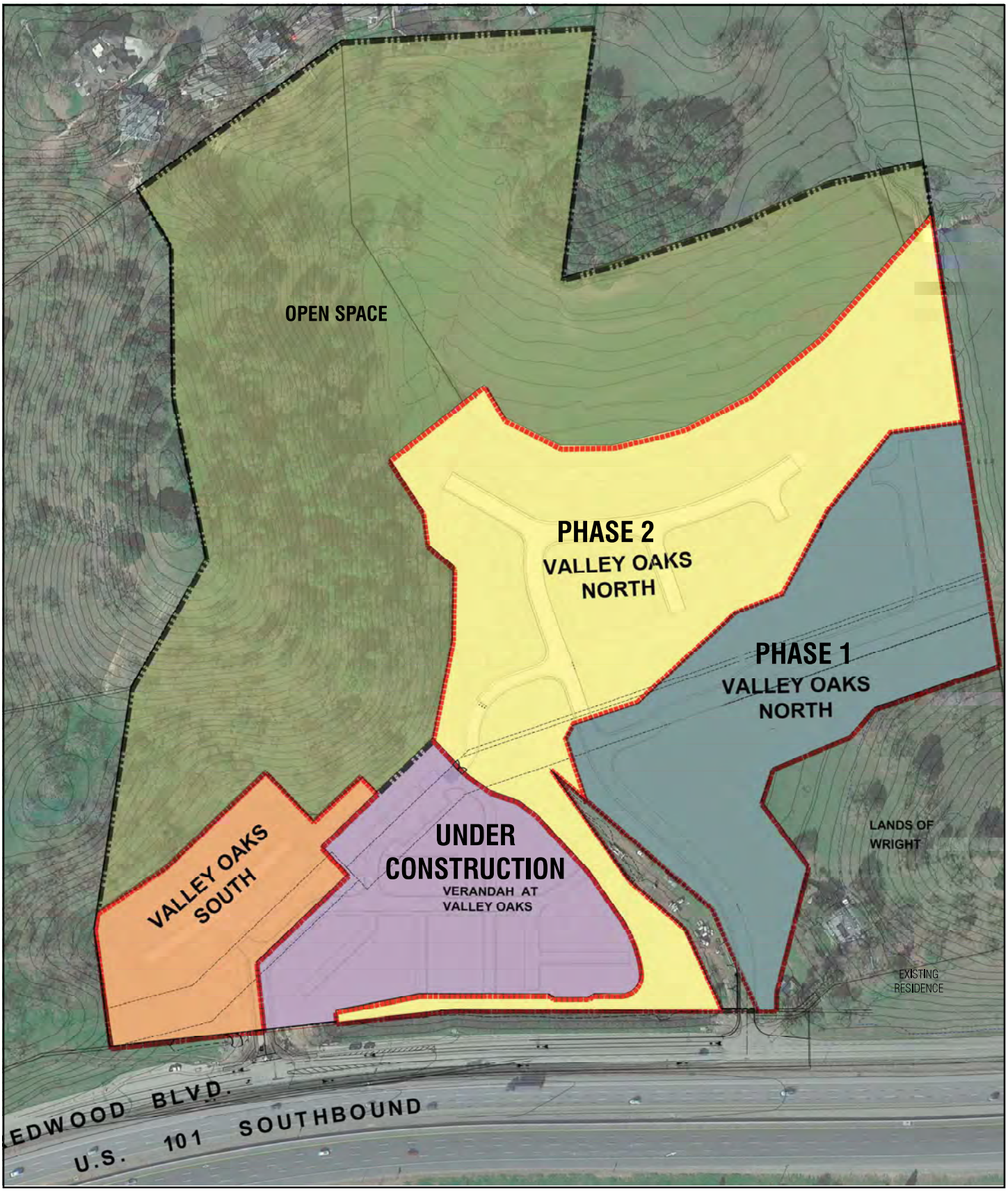
Figure 7 - Preliminary Stormwater Control Plan

Valley Oaks

Initial Study



Source: WHA, 2023

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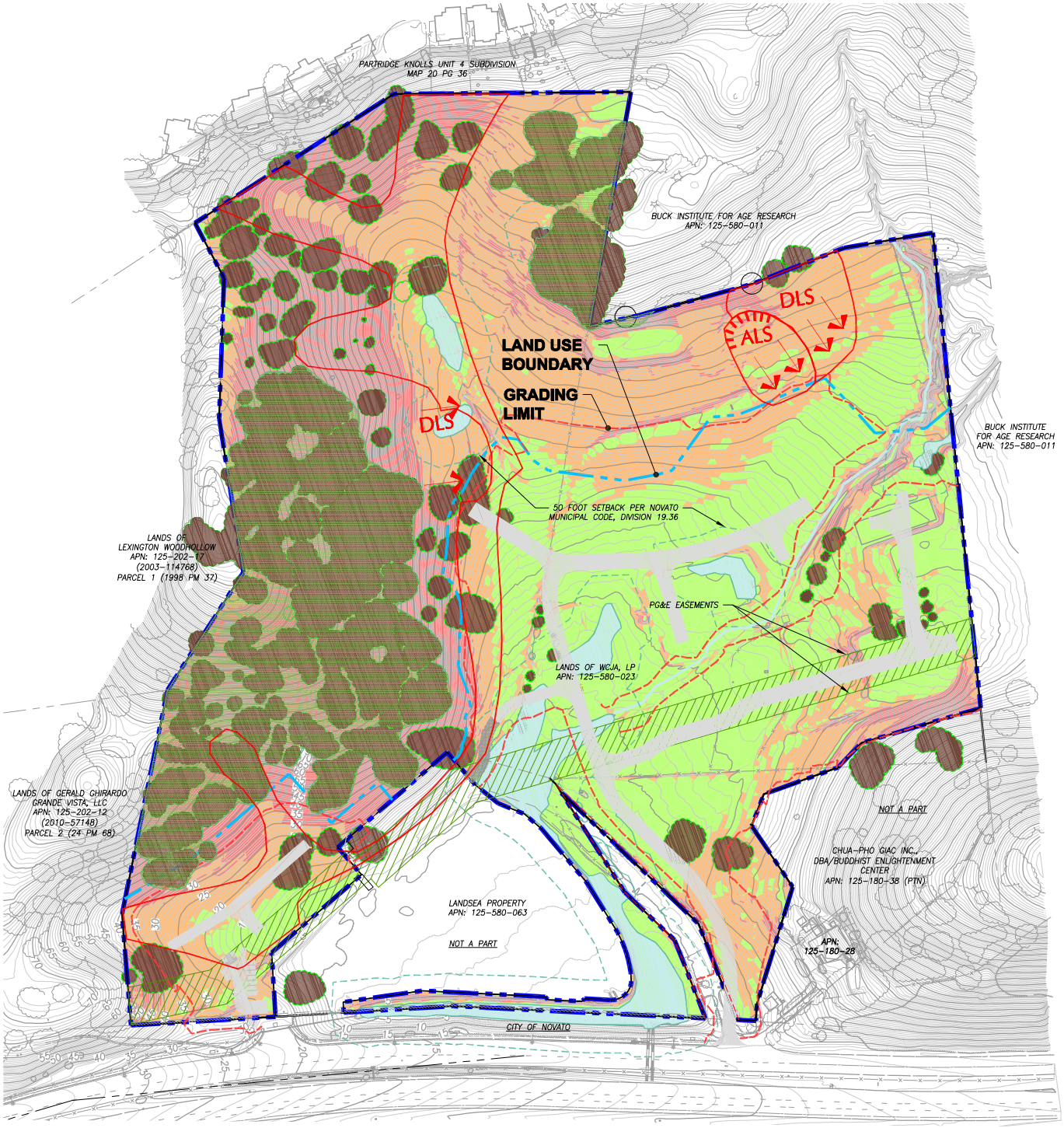
Figure 8 - Phasing Plan
Valley Oaks
Initial Study



Source: CSW, 2022

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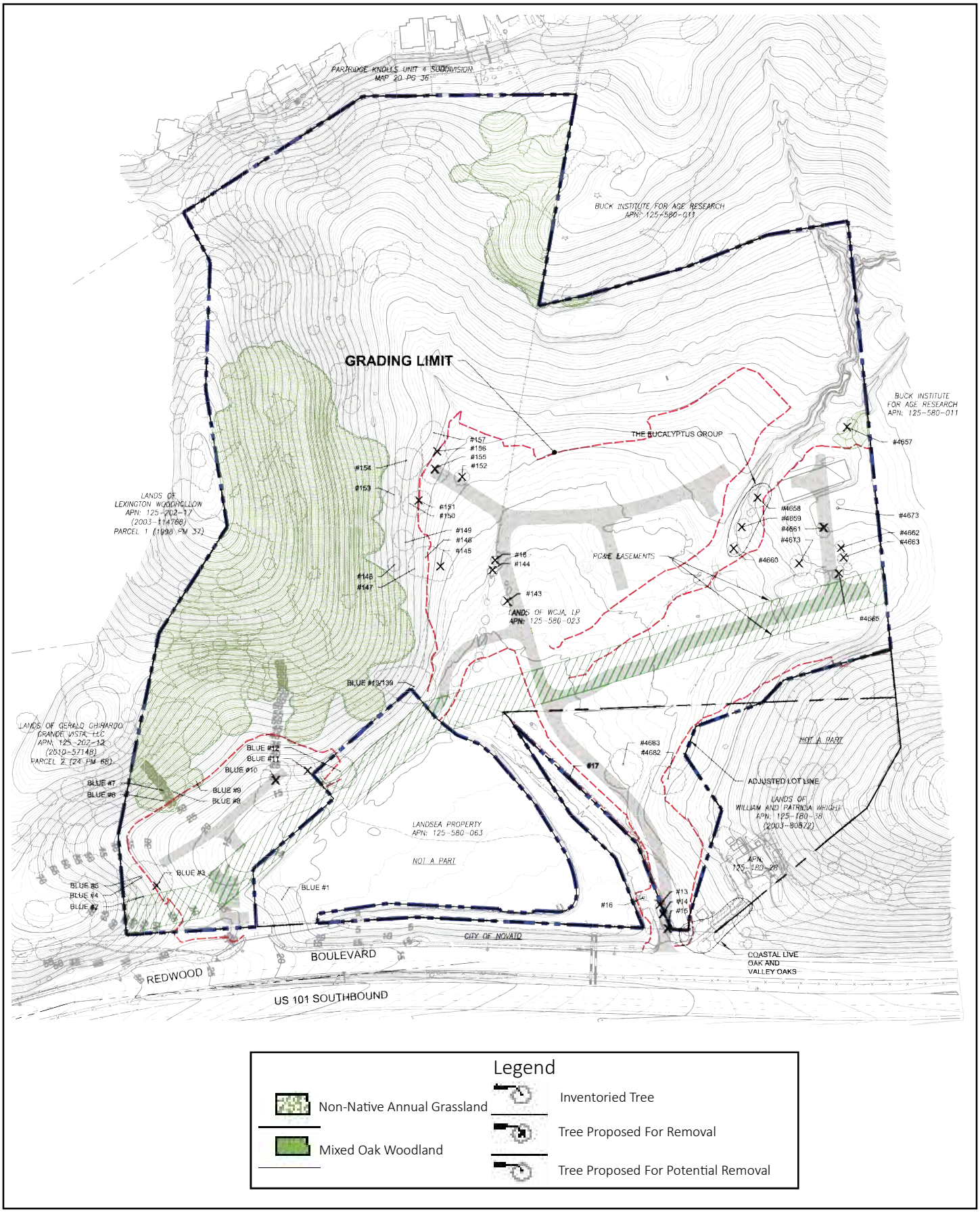
Figure 9 - Project Site Constraints

Valley Oaks

Initial Study

Source: Campus Properties, 2023

Figure 10 - View of Project Site from Redwood Boulevard



Source: CSW, 2022

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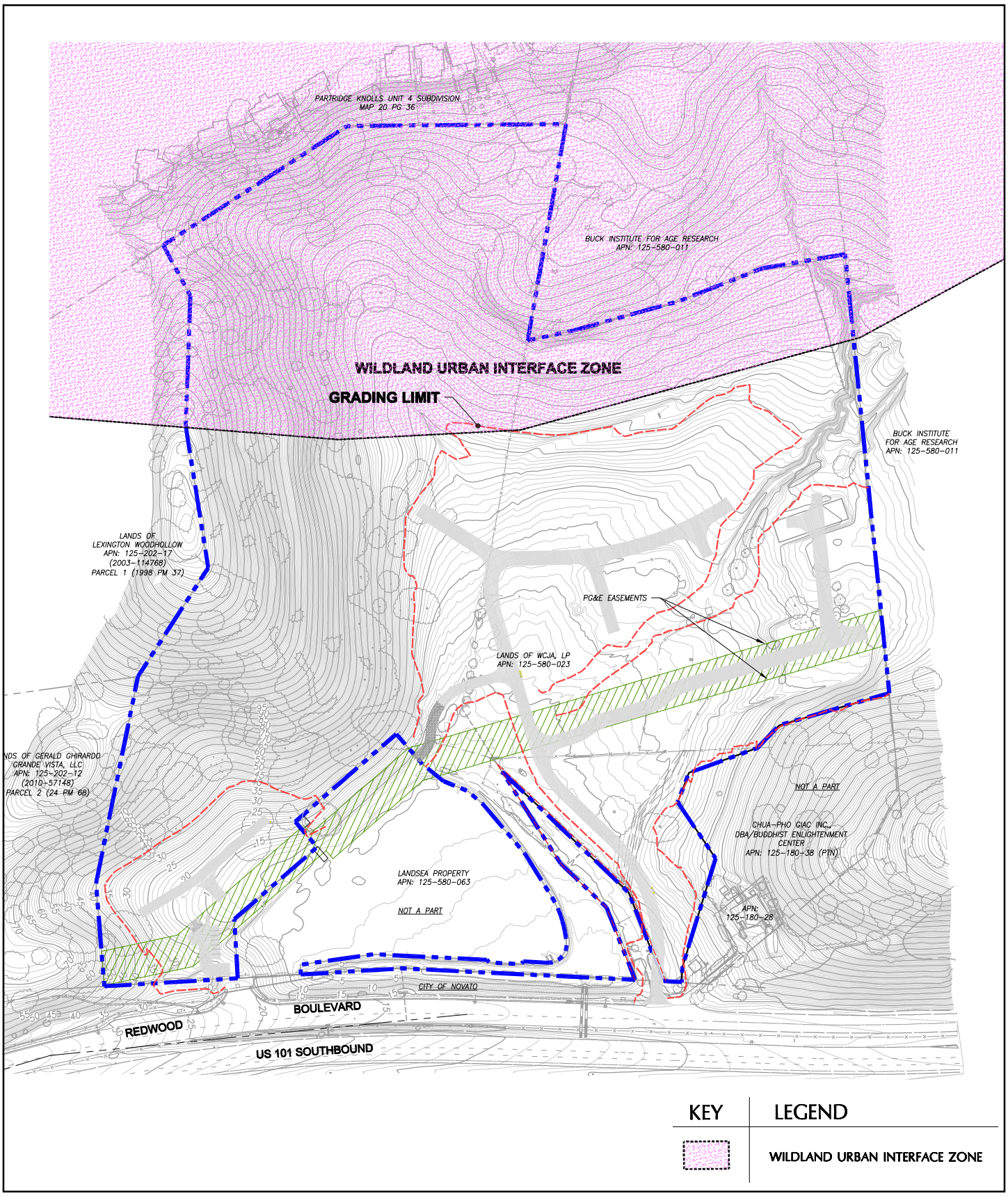
Figure 11 - Trees Proposed for Removal

Valley Oaks

Initial Study



Source: CSW, 2022

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Figure 12 - Wildland Urban Interface Zone

Valley Oaks

Initial Study