

PLANNING COMMISSION

RESOLUTION NO. 2021-002

RESOLUTION OF THE NOVATO PLANNING COMMISSION
RECOMMENDING THE NOVATO CITY COUNCIL APPROVE
A USE PERMIT AND DESIGN REVIEW FOR A COSTCO FUEL
FACILITY LOCATED AT 300 ROWLAND BLVD; APN 153-
340-36

WHEREAS, the City of Novato received applications from Barghausen Consulting Engineers, (“Applicant”) requesting approval of a use permit and design review (collectively, “Project Entitlements”) for the construction and operation of a gas station adjacent to the existing Costco Wholesale store, located at 300 Vintage Way, APN 153-340-36 (“Project”), which is owned by JCC Cal Properties, LLC (the “Property Owner”); and

WHEREAS, the Project is located in the Vintage Oaks at Novato Regional Shopping Center (“Vintage Oaks”). Gas stations are permitted therein subject to securing a use permit pursuant to the land use requirements of the Precise Development Plan for Vintage Oaks (PD 90-008) adopted by Novato City Council Resolution No. 128-90 on December 11, 1990 (the “Vintage Oaks Precise Development Plan”); and

WHEREAS, design review is required for new non-residential development projects pursuant to Novato Municipal Code Section 19.42.030; and

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

WHEREAS, an Initial Study was prepared in compliance with the provisions of CEQA and the CEQA Guidelines, and the procedures for review set forth in the City of Novato Environmental Review Guidelines. The Initial Study considered the project site and its setting and the potential effects of the construction and operation of the Project on the basis of the technical subjects included in the environmental checklist provided in Appendix G of the CEQA Guidelines; and

WHEREAS, on the basis of the findings of the Initial Study, the City has prepared a Mitigated Negative Declaration in compliance with CEQA, the CEQA Guidelines as promulgated by the State Secretary of the Natural Resources Agency, and the procedures for review set forth in the City of Novato Environmental Review Guidelines, finding that although the Project could have a significant effect on the environment, there will not be a significant effect in this case due to the implementation of the mitigation measures identified in the Initial Study/Mitigated Negative Declaration (IS/MND); and

WHEREAS, by separate resolution adopted prior hereto, the Planning Commission did recommend the City Council adopt a Mitigated Negative Declaration for the Project Entitlements

and the construction and operation of the Project, and did consider the IS/MND prior to taking action on the Project and Project Entitlements; and

WHEREAS, on October 7, 2020, the Novato Design Review Commission conducted a publicly noticed hearing to consider providing a recommendation to the Planning Commission and City Council regarding the design aspects of the Project; and

WHEREAS, on October 7, 2020, the Design Review Commission adopted a motion recommending the Planning Commission and City Council approve the design aspects of the Project; and

WHEREAS, public notices describing the Planning Commission's public hearing on the Project and Project Entitlements were sent to all affected property owners within 600 feet of the boundaries of the project site, all public agencies potentially serving the Project or having some oversight of the Project's construction, all responsible and trustee agencies, and all persons requesting notice pursuant to Novato Municipal Code Section 19.58.020 and California Government Code Sections 65905 and 65091, on February 10, 2021, and published in the Marin Independent Journal, a newspaper of general circulation, on February 12, 2021; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 22, 2021, to consider and receive public testimony on the Project Entitlements; and

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

Section 1. Recitals

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

Section 2. Record

The Record of Proceedings ("Record") upon which the Planning Commission bases its recommendation on the Project and Project Entitlements includes, but is not limited to: (1) the IS/MND and Mitigation Monitoring Reporting Program ("MMRP"); (2) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to the IS/MND and MMRP, the Project, and the Project Entitlements; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Novato 2035 General Plan and its related EIR, and the Novato Municipal Code; (5) all designs, plans, studies, data and correspondence submitted to the City in connection with the IS/MND, MMRP, the Project, and the Project Entitlements; (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment periods relating to the IS/MND and MMRP, the Project, and the Project Entitlements; (7) all other matters of common knowledge to the Planning Commission including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas.

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

Section 3. Findings

Use Permit

The Planning Commission hereby makes the following findings as required by Novato Municipal Code Section 19.42.050.E. with respect to the use permit for the Project based on the evidence contained in the Record which is herein incorporated by reference:

- 1. The proposed use is consistent with the General Plan and any applicable specific plan.

Facts in Support: The project site is assigned the General Commercial (CG) land use designation of the 2035 Novato General Plan (“General Plan”). The CG land use designation applies to areas appropriate for a broad range of retail and service uses, including gas stations. In this instance, a gas station can be permitted subject to approval of a use permit pursuant to the Vintage Oaks Precise Development Plan.

The Project has been reviewed for consistency with applicable policies of the General Plan, as documented in Exhibit A, attached hereto and incorporated herein by reference. Exhibit A lists each applicable policy of the General Plan and details facts supporting the Project’s consistency therewith. Based on the facts above and those contained in Exhibit A, the Project is determined to be consistent with Finding No. 1.

- 2. The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provision of this Zoning Ordinance and any relevant Master Plan and/or Precise Development Plan.

Facts in Support: The project site is zoned Planned District (PD). Allowable land uses and development standards are established through the adoption of a Master Plan and Precise Development Plan. For the project site, the Vintage Oaks Precise Development Plan is the operative land use and development standards document. Gas stations are allowed in Vintage Oaks, subject to approval of a use permit. The Project has been reviewed for consistency with applicable Vintage Oaks Precise Development Plan regulations, as detailed below.

The Vintage Oaks Precise Development Plan does not include development standards. Accordingly and pursuant to Novato Municipal Code Section 19.42.060.D., where a precise development plan is silent on any aspect of land use or development otherwise regulated by the Novato Zoning Ordinance, the allowable land use requirements and development standards of the most comparable zoning district shall apply. In this instance, the most comparable zoning district is General Commercial (CG), which traditionally implements the CG land use designation of the General Plan.

The development standards of the General Commercial (CG) zoning district are included in Table 1, below, for comparison with the Project. The Project complies with all applicable standards as documented below.

Table 1. Development Standards

	Max. Height	Minimum Setbacks			Building Coverage*	Floor Area Ratio*
		Front	Side	Rear		
General Commercial	35 feet	0 feet	0 feet	0 feet	40%	0.4
Proposed	18.5 feet	45 feet	100+ feet	100+ feet	< 30%	< 0.3

* Building coverage and floor area ratio calculations based on the shopping center area bound by Rowland Blvd and Vintage Way.

Solid Waste and Recyclable Materials Storage

Novato Municipal Code Section 19.20.120, Table 3-4 details the minimum storage area requirements for non-residential solid waste and recycling. Costco has proposed to use the existing solid waste and recycling facilities associated with the Costco store. The combined square feet of the Costco store and proposed gas station canopy and controller enclosure is approximately 161,000 square feet. Based on the size requirements detailed in Table 3-4, a 672 square-foot area for solid waste and recycling is required. Costco has trash compactors and recycling bins located in an area that is larger than 672 square feet, located on the south side of the Costco store. The gas station will use existing solid waste and recycling storage facilities, which are adequately sized to handle the additional waste, located at the existing Costco Wholesale store. Individual trash bins will be located at the gas station for customer use.

Art Program

Construction of non-residential buildings requires an art piece be installed and maintained as part of the project, or an in-lieu fee be paid into a fund for public art. As a condition of building permit issuance, the Applicant will need to pay an in-lieu fee or propose art at the site. The Applicant has stated a preference to pay an in-lieu fee that can be used by the City to fund public art projects throughout the City.

Parking and Loading

Novato Municipal Code Division 19.30 – Parking and Loading, requires one parking space for each 300 square feet of floor area for shopping centers over 30,000 sq. ft. in floor area. Currently, there are 2,586 parking spaces for 620,226 square feet of building area, representing a ratio of one parking space per 240 square feet. With the removal of 119 parking spaces, as proposed, a total of 2,455 parking spaces would remain, or 1 space per 252 square feet. With the Project, Vintage Oaks would remain consistent with the City’s parking ratio for shopping centers.

Based on the facts listed above, the Project is determined to be consistent with Finding No. 2.

3. The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.
4. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
5. The location, size, design, and operation characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

Facts in Support: The Applicant has designed the Project to ensure the establishment, maintenance and operation of the gas station will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

The gas station is designed for one-way traffic and has adequate vehicle queuing for 29 vehicles that may have to wait for an available fuel dispenser, which is equal to the anticipated peak Saturday midday demand, based on queuing data collected at similar sized gas stations between 2016 and 2018, according to the Vehicle Queuing and Management Plan presented by the Applicant.

The Vehicle Queuing and Management Plan includes contingency actions if vehicle queuing were to periodically exceed capacity. For example, during peak times a Costco employee will manage queuing vehicles by directing customers to available pumps. Further, if vehicle queuing exceeds capacity, Costco staff will block the primary gas station entrance to prevent vehicles from spilling out onto Vintage Way and allow the time for queued vehicles to move through the fuel center. The Vehicle Queuing and Management Plan also details design features supporting efficient fuel facility operations. These features include a green/red light display, similar to a traffic light, notifying waiting motorists when a pump is available. In addition, vehicle pass-through lanes provide adequate spacing for vehicles to pass through the fueling area to an available pump and to exit the station when finished. Overall, the Vehicle Queuing and Management Plan ensures that Vintage Way will not be adversely impacted by queuing vehicles.

The Project's fuel storage and dispensing system is designed with safety features proposed to comply with applicable state and federal standards for gas stations. The IS/MND, Appendix FP, incorporated herein by reference, includes the environmental safeguards and design features of the facility as proposed by the Applicant, including, but not limited to the installation of an underground storage tank (UST) and piping monitoring and leak detection system, sump system to collect any fugitive gasoline, employee training regarding spill cleanup and emergency response, double-walled USTs and dispenser sumps, air quality vapor recovery systems, emergency shut-off valves and fuel hose breakaway systems at the pump, and internal

fire extinguishers at each fuel dispenser. Such features are intended to protect water quality (ground and surface waters), air quality, and general public safety (e.g., fire prevention). The Applicant has presented the USTs and other safety features as having been designed and will be installed in compliance with all applicable local, state, and federal laws and regulations. As conditioned herein, the Applicant is required to obtain all necessary permits and clearances regarding the Project's technical design elements from all local, state, and federal agencies with jurisdiction over gas stations, including, but not limited to: United States Environmental Protection Agency, California Environmental Protection Agency, State Water Resources Board, Marin County Certified Uniform Programs Agency, San Francisco Bay Regional Water Quality Control Board, Bay Area Air Quality Management District, Novato Fire Protection District, North Marin Water District, Novato Sanitary District, Novato Building Division, and Novato Public Works Department.

The Applicant has indicated the Project will be designed and constructed in compliance with local, state, and federal laws and regulations for stormwater retention and drainage. For example, the concrete fuel apron area (location of the fuel dispensers) is designed to capture any accidental fuel spills by directing liquids or any surface drainage containing spilt fuel into an oil/water separator. This separator would capture any fuel and then allow only water to be discharged into the sewer system. The sewer system serving Vintage Oaks does not discharge into any nearby wetland or water feature, but instead directs wastewater to Novato Sanitary District's treatment plant. Notably, a Costco employee will monitor for fuel spills and will have training and appropriate materials to clean-up fuel spills.

The Project features a bioretention basin to capture and treat stormwater runoff from the vehicle queuing area. Stormwater runoff from this area would be directed to the bioretention basin where the water would then filter through a soil mixture design to capture contaminants before being discharged in the public storm drainage system. The Project's stormwater run-off will not be directly discharged into any off-site wetland or water feature.

The Project includes installing a southbound left turn lane from Vintage Way into the gas station site. This improvement requires restriping the lane configuration of a short segment of Vintage Way and changing the adjacent bicycle lanes therein from a Class II bicycle lane (dedicated lane) to a Class III bicycle route (vehicle travel lane shared with bicyclists) with new signs and pavement markings indicating the presence of bicyclists. These proposed modifications have been reviewed by the Public Works Department and W-Trans, the City's transportation consultant. These modifications are considered to be acceptable from an engineering perspective based on maintaining appropriate lane widths, proper sight distance, and installing required signs and pavement markings to note the presence of bicyclists. Accordingly, the changes to Vintage Way would not be detrimental to the health, safety, or general welfare of the public, including pedestrians, bicyclists, and motorists.

The Project was referred to reviewing and permitting agencies, including the Novato Fire Protection District, City of Novato Engineering Division, Novato Sanitary District, and North Marin Water District. Those agencies have requested conditions of approval, as necessary, but

have not identified any project deficiencies or adverse impacts to services or utilities. Additionally, the IS/MND documented potentially significant impacts to the environment, but feasible mitigation measures have been incorporated as conditions of approval herein to reduce said impacts to a less than significant level.

The Project, as proposed and conditioned, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City recognizing the bulk of construction activities and operations would occur on the project site and do not involve the improvement or use of any surrounding private properties. In addition, the Applicant has demonstrated the Project is consistent with the City's codified standards and will not adversely affect neighboring properties or businesses. The use is similar in nature to nearby commercial uses, including the operation of other gas stations, auto services, and drive-through services at Vintage Oaks.

The Project is designed to be compatible with the existing and future land uses in the vicinity. Surrounding land uses include the Vintage Oaks shopping center immediately north of the project site, a bank is located south of Vintage Way, the SMART rail line and wetlands/open space are located south and east of the site, and US Hwy 101 is located west of the site. The proposed gas station is compatible with the existing Costco Wholesale store and Vintage Oaks shopping centers. The Project has been designed for compliance with local, state, and federal laws and regulations as discussed above. Lastly, the City has no immediate or long-range plans on changing the land uses at the project site or within the vicinity of the site.

Based on the facts above, the Project is consistent with Findings 3, 4, and 5.

Design Review

Design Review Finding No. 1: The design, layout, size, architectural features and general appearance of the proposed project is consistent with the general plan, and any applicable specific plan and with the development standards, design guidelines and all applicable provisions of this code [Novato Municipal Code], including this division [Division 19.42 of the Novato Municipal Code] and any approved master plan and precise development plan.

Facts in Support: The 2035 Novato General Plan, Vintage Oaks Precise Development Plan, and the Novato Municipal Code are the regulatory documents applicable to the design of the Project. Each document is addressed below.

2035 General Plan

The General Plan provides a framework of policies adopted to coordinate all major components of Novato's physical development, including the appearance of new development projects. These policies serve as a basis to assess whether public and private development proposals are consistent with the General Plan.

As noted earlier, the project site is assigned the General Commercial (CG) land use designation. From a design perspective, the General Commercial (CG) land use designation allows a maximum

floor area ratio (FAR) of 0.4. The project site is part of the larger Vintage Oaks Precise Development Plan area, which, collectively, is subject to the maximum FAR of the CG land use designation. In this instance, the Vintage Oaks Precise Development Plan area has an FAR of less than 0.3. The fuel canopy is not subject to FAR since it is not habitable floor area, but the approximately 125 square-foot controller enclosures is subject to FAR. Upon completion of the Project, Vintage Oaks will be below the 0.4 maximum FAR.

The Project's design is subject to select community character policies of the Great Places chapter of the General Plan, including:

- CC Policy 6: Infill Development
- CC Policy 9: New Commercial Development
- CC Policy 12: Compatibility of Development with Surroundings
- CC Policy 13: Architectural Character
- CC Policy 18: Parking Standards

The Project's design is consistent with these policies as supported by the facts presented in Exhibit A attached hereto and incorporated by reference.

Vintage Oaks Precise Development Plan

The Vintage Oaks Precise Development Plan acknowledges the creation of a design manual addressing the architecture and general appearance of the shopping center. Subsequently, the Design Review Commission approved the *Design Manual for Vintage Oaks* on March 6, 1991. The Design Manual does not mandate a precise architectural style for Vintage Oaks, but indicates buildings should be designed to be an integral part of the overall shopping center theme and contribute to the design continuity of the development while maintaining a sense of individuality.

The existing Costco Wholesale is a warehouse-style building design featuring an angular design with a split-face block base and metal panels for siding. This design was previously found to be consistent with the Design Manual for Vintage Oaks at the time of its design review. The Project includes materials and colors that are complementary to those of the Costco store. Specifically, the fuel canopy features metal clad columns and fascia that are consistent with the warehouse-style architecture of the Costco store. Further, the fuel canopy structure would be painted Mesa Gray and Sandalwood, reflecting the primary colors of the Costco store. The fuel canopy includes gooseneck sign lighting consistent with the exterior lighting at the Costco store.

The Project would modify existing parking lot landscaping at the Costco warehouse. In this instance, the landscape guidelines of the Design Manual for Vintage Oaks apply to the Project. The Project's landscape plan conforms to the requirements of the Design Manual, including noting replacement trees for those being removed to accommodate the gas station, planter dimensions of a minimum of three-feet in width for shrubs and four-feet in width where trees are proposed, a projected tree shade coverage of over 30% at 15-years of growth, installing low and medium water use plant species, and use of an automatic water-efficient irrigation system.

Novato Zoning Code

As noted earlier, the Vintage Oaks Precise Development Plan does not include development standards. Therefore, the development standards of the General Commercial (CG) zoning district are applied to the Project by default. As indicated in Table 1, below, the Project complies with all applicable development standards.

Table 1. Development Standards

	Max. Height	Minimum Setbacks			Building Coverage*	Floor Area Ratio*
		Front	Side	Rear		
General Commercial	35 feet	0 feet	0 feet	0 feet	40%	0.4
Proposed	18.5 feet	45 feet	100+ feet	100+ feet	< 30%	< 0.3

* Building coverage and floor area ratio calculations based on the shopping center area bound by Rowland Blvd and Vintage Way.

Based on the facts listed above and detailed in Exhibit A, the Project is consistent with Finding No. 1.

Design Review Finding No. 2: The proposed project would maintain and enhance the community's character, provide for harmonious and orderly development, and create a desirable environment for the occupants, neighbors, and visiting public.

Facts in Support: As discussed above, the new structures associated with the Project are designed to complement the adjacent Costco Wholesale store, including metal clad posts and fascia elements, and matching colors. These design features create the appearance of an orderly, cohesive design between the Costco store and the Project.

The proposed gas station canopy is 18'-6" in height with a roof area of approximately 10,000 square feet. This canopy height and roof area meet applicable development standards and represent an insignificant addition to Vintage Oaks considering the size of the shopping center, the existing building footprints and roof areas therein, and the significant expanses of open parking lot that would remain with the Project. Accordingly, the gas station canopy would not be a dominant visual feature within Vintage Oaks and its design would be consistent with and maintain the architectural character of shopping center.

As noted earlier, the Project includes modifying existing landscaping at the project site. The Project's landscaping plan is consistent with Design Manual for Vintage Oaks and is reflective of existing landscaping in the shopping center. The landscaping plan provides new trees and shrubs that will complement the appearance of the Project and the adjacent Costco store. Overall, the Project presents an orderly design consistent with and maintaining the character of Vintage Oaks and creating a reasonably desirable setting for a gas station.

Based on the facts above, the Project is consistent with Design Review Finding No. 2.

Design Review Finding No. 3: The proposed development would not be detrimental to the public health, safety, or welfare; is not materially injurious to the properties or improvements in the vicinity; does not interfere with the use and enjoyment of neighboring existing or future developments and does not create potential traffic, pedestrian or bicycle hazards.

Facts in Support: Please refer to the facts provided for use permit findings nos. 3, 4, and 5 above. Based on the facts above, the Project is consistent with Design Review Finding No. 3.

The Design Review Commission (DRC) reviewed the Project on October 7, 2020, to consider and provide a recommendation on the Project's design with respect to its consistency with the General Plan, Vintage Oaks Precise Development Plan and Design Manual, and Novato Zoning Ordinance. The DRC found the Project to be consistent with the design related policies and standards of these regulating documents. Accordingly, the DRC voted to recommend that the Planning Commission and City Council approve the design aspects of the Project.

Section 4. Recommendation

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission hereby recommends that the City Council grant a use permit and design review to allow the Project, as detailed in the Site Plan Set prepared by MG2, dated June 9, 2020, and revised October 7, 2020, Landscape Plans prepared by DB+A, dated September 16, 2020, Engineering Plans prepared by Kier + Wright, dated July 8, 2020, and Maximum Queues at Fuel Station and Queue Management Plan memo, prepared by Kittelson & Associates, dated September 23, 2020, based on the Record, the findings set forth herein, and subject to the conditions of approval below.

Section 6. Conditions of Approval and Limitations

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

Mitigation Measures

The following mitigation measures are considered Conditions of Approval for the project.

1. MM BIO-1 Nesting Bird Surveys and Avoidance

Costco shall complete the following mitigation prior to the issuance of a demolition, grading, or construction permit, and prior to any land disturbance activities. Refer to the adopted Mitigation Monitoring and Reporting Program (MMRP) for additional information regarding the timing of monitoring, reporting requirements, and responsible parties.

To avoid impacts to nesting birds and other special-status bird species, ground disturbing activities during construction of the project shall be limited to the period between September 1 and January 31 (i.e., outside the nesting season), if feasible. If initial site disturbance, grading, and vegetation removal cannot be conducted during this period, a qualified biologist

shall conduct a pre-construction survey for active nests in and around the project sites, no more than two weeks prior to any construction activities. The nesting bird pre-construction survey shall be conducted on foot inside the project boundaries, including a 300-foot buffer (500-foot for raptors), and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical.

If active nests are identified, the extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect impacts to nesting birds are avoided. The buffer distance shall take into consideration existing disturbances, such as from roadway and railroad traffic adjacent to the project site.

If active nests are identified, species-specific exclusion buffers shall be determined by the biologist (i.e., 500 feet for raptor nests), and construction timing and location adjusted accordingly. The buffer shall be adhered to until the adults and young no longer rely on the nest site, as determined by the biologist. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. An on-site biological monitor shall be present during all grubbing and clearing of vegetation to ensure that these activities remain within the project footprint (i.e., outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to project activities.

2. MM CUL-1: Archaeological Monitoring

Costco shall adhere to the following mitigation as detailed below. Refer to the adopted Mitigation, Monitoring, and Reporting Program (MMRP) for additional information regarding the timing of monitoring, reporting requirements, and responsible parties.

A qualified archaeological monitor shall be retained by Costco to observe all project-related ground disturbing activities on at the fuel facility site. 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).

The archaeological monitor shall be present for all pavement removal on the fuel facility site. After pavement is removed, the archaeologist shall inspect all exposed ground surfaces for the presence of surficial cultural resources prior to initiation of project grading and/or excavation.

If suspected archaeological resources are encountered at any point during project construction of the 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 and TCR-2 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 and TCR-2. 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-3, 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).

3. MM CUL-2: Unanticipated Discovery of Archaeological Resources

Costco shall adhere to the following mitigation as detailed below. Refer to the adopted Mitigation, Monitoring, and Reporting Program (MMRP) for additional information regarding the timing of monitoring, reporting requirements, and responsible parties.

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 and TCR-2 shall control.

4. MM GEO-1: Discovery of Previously Unidentified Paleontological Resources

Costco shall adhere to the following mitigation as detailed below. Refer to the adopted Mitigation, Monitoring, and Reporting Program (MMRP) for additional information regarding the timing of monitoring, reporting requirements, and responsible parties.

In the event a previously unknown fossil is uncovered during construction, all work shall cease until a certified paleontologist can investigate the finds and make appropriate recommendations. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the paleontologist.

5. MM TCR-1: Avoidance of Tribal Cultural Resources

Costco shall adhere to the following mitigation as detailed below. Refer to the adopted Mitigation, Monitoring, and Reporting Program (MMRP) for additional information regarding the timing of monitoring, reporting requirements, and responsible parties.

When feasible, project construction shall avoid tribal cultural resources.

6. MM TCR-2: Tribal Cultural Resources Treatment Plan

Costco shall adhere to the following mitigation as detailed below. Refer to the adopted Mitigation, Monitoring, and Reporting Program (MMRP) for additional information regarding the timing of monitoring, reporting requirements, and responsible parties.

Prior to construction of the Costco fuel facility, Costco, or its consultant(s), shall prepare a tribal cultural resources treatment plan to be implemented in the event an unanticipated archaeological resource that may be considered a tribal cultural resource is identified during construction, subject to review and acceptance by the City of Novato. The plan would include suspension of all earth-disturbing work in the vicinity of the find, 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 FIGR and, if applicable, a qualified archaeologist. Examples of appropriate treatment for tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery.

7. MM TCR-3: Native American Monitoring

Costco shall adhere to the following mitigation as detailed below. Refer to the adopted Mitigation, Monitoring, and Reporting Program (MMRP) for additional information regarding the timing of monitoring, reporting requirements, and responsible parties.

All earth-disturbing work, including archaeological excavation, associated with the Costco fuel facility shall be observed by a local Native American monitor affiliated with the FIGR. In the event of a discovery of tribal cultural resources, the steps identified in the tribal cultural resources plan prepared under measure TCR-2 shall be implemented.

The following conditions of approval shall be met to the satisfaction of the Novato Community Development Department – **Planning Division**:

8. The use permit and design review approval shall expire two (2) years from the date of approval pursuant to Novato Municipal Code Division 19.44 unless the Project is constructed and commences operation prior to expiration.

9. The Applicant shall construct and operate the Project according to the Site Plan Set prepared by MG2, dated June 9, 2020, and revised October 7, 2020, Landscape Plans prepared by DB+A, dated September 16, 2020, Engineering Plans prepared by Kier + Wright, dated July 8, 2020, and Maximum Queues at Fuel Station and Queue Management Plan memo, prepared by Kittelson & Associates, dated September 23, 2020, and Costco Wholesale Fueling Facility Program, dated August 19, 2020.
10. The Applicant shall comply with Novato Municipal Code Division 19.21 (Art Program) prior to issuance of a building permit.
11. The approval granted herein shall not become effective until all appropriate fees billed by the City to the application account are paid in full in accordance with the City's Cost Based Fee System. Failure to pay said fees may result in the City withholding issuance of related building permits, certificate of occupancy, and recordation of final maps or other entitlements.
12. The Applicant shall obtain all necessary design and construction permits, approvals, and or clearances from any other agencies with jurisdiction over the Project, including, but not limited to the United States Environmental Protection Agency, California Environmental Protection Agency, State Water Resources Board, Marin County Certified Uniform Programs Agency, San Francisco Bay Regional Water Quality Control Board, Bay Area Air Quality Management District, Novato Fire Protection District, North Marin Water District, and Novato Sanitary District. Proof of such permits, approvals, and clearances shall be submitted to the City prior to issuance of a demolition, grading, or building permit for the Project.
13. Business hours shall be limited to between 5:30 AM and 10:00 PM local time. Any request for a change to said business hours shall be reviewed by the City to determine if an amendment to the use permit is necessary.
14. The following dust control measures shall be implemented during construction:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry powered sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. 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.
 - f. 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.

- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h. A publicly visible sign shall be posted at the project site with the name and telephone number of the on-site construction manager to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

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

- 15. Building permits issued by the City of Novato are required for the proposed development/project.
- 16. Impact fees will apply to the new development.
- 17. Any construction within the 100-year flood zone shall comply with the City's Flood Damage Prevention Requirements of Novato Municipal Code Section 5-31, if applicable.
- 18. Construction shall comply with the current building codes in effect at the time of building permit application.

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

General Conditions of Approval:

- 19. Applicant shall design and construct all necessary and required improvements and facilities in accordance with Chapter V – Development Standards of the Novato Municipal Code (NMC) and the Uniform Construction Standards All Cities and County of Marin unless specific design exceptions have been approved. Approval of a site plan depicting improvements that do not conform to the NMC does not constitute approval of a design exception, unless explicitly stated herein or in another approved City resolution.
- 20. Applicant shall be responsible for all City plan check and inspection costs. The Applicant shall enter into a Cost Recovery Agreement and deposit funds with the City upon the initiation of plan check services. The amount of the initial deposit shall be determined by the City Engineer. Additional funds may be required based upon actual plan check and inspection costs.
- 21. Applicant shall submit for review and approval Improvement Plans prepared by a California Registered Civil Engineer for all necessary and required on-site and off-site public and private improvements. The Improvement Plans shall show all existing and proposed utilities,

above and below ground, including water, sanitary sewer, storm sewer, communication lines, electricity, natural gas, transformers, vaults and meters. The final plan set shall include all civil, landscape and joint trench drawings under a single cover sheet. Improvement Plans must be approved by the City Engineer prior to any on-site or off-site construction. An Encroachment Permit is required for any work within City right of way. An Encroachment Permit will not be issued prior to the approval of the Improvement Plans.

22. All existing and proposed electrical and communications lines, both on the site and along its frontages, shall be placed underground at the Applicant's expense. All pull boxes, junction structures, service cabinets, vaults, valves and similar devices shall be installed behind the back edge of walkways within the City right-of-way or within a public utility easement, at locations approved by the City Engineer. If any utility appurtenances are permitted to be above ground, such as vaults and boxes, they shall be painted a color approved by the City. New improvements within existing and proposed utility easements shall be subject to the approval of the appropriate utility company.
23. A detailed design level Geotechnical Report shall be prepared and submitted for review with the initial submittal of the Improvement Plans. The report shall address, at a minimum, potential for liquefaction, R-values, expansive soils and seismic risk. The improvement plans shall incorporate all design and construction criteria recommended in the Geotechnical Report. Prior to City approval of the Improvement Plans, the geotechnical engineer shall sign off on the cover sheet confirming that the plans are in conformance with their recommendations.

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

24. Applicant shall submit for review and approval a detailed Stormwater Control Plan (SWCP) prepared in accordance with the current Bay Area Stormwater Management Agencies Association (BASMAA) Post Construction Manual. Site improvements shall incorporate Low Impact Design (LID) principles and permanent post-construction storm water pollution BMPs. The Stormwater Control Plan shall be submitted for review with the initial submittal of the Improvement Plans.
25. Prior to the approval of the Improvement Plans and prior to the issuance of a grading permit, the applicant shall obtain all necessary permits, approvals and/or clearances from any other regulatory agencies with jurisdiction over the project, including but not limited to the Marin County Flood Control District, Regional Water Quality Control Board, Novato Fire Protection District, Department of Fish and Game and U.S. Army Corp of Engineers. Proof of approval and/or clearances, including but not limited to, North Marin Water District, and the Novato Sanitary District shall be submitted to the City prior to approval of the

improvement plans. A complete set of improvement plans shall be submitted to all agencies, districts, and utilities affected by, or providing service to the development, for review and comment.

26. The Applicant shall obtain written confirmation and approval from Novato Fire Protection District (NFPD) for requirements for emergency vehicular access and appropriate posted signage. Applicant shall locate signs required by NFPD to the satisfaction of the City Engineer.
27. Prior to City approval of the Improvement Plans, Applicant shall obtain signatures from representatives of the Novato Fire Protection District and the Novato Sanitary District on the final Improvement Plans acknowledging their review.
28. The Applicant shall design and construct all new pedestrian walkways, ramps and accessible parking spaces to meet current Americans with Disabilities Act Accessibility Guidelines, California Title 24 requirements, and City maximum cross-slopes and grades.
29. All outside garbage facilities shall be designed to be fully covered with a roof meeting Marin County's storm water pollution prevention best management practices.
30. Stenciling shall be provided on curb inlets to prohibit dumping of pollutants. The stencil detail shall be included in the improvement plans.
31. Landscape plans shall be submitted with the Improvement Plans and shall meet the requirements of sight distance to the satisfaction of the City Engineer.
32. Prior to the approval of the Improvement Plans, the Applicant shall submit a copy their Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) for coverage under the State Water Resources Control Board's General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ).

Special Conditions of Approval:

33. The Applicant shall submit Improvement Plans for the entire development, including both onsite and offsite improvements, prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the Preliminary Plans of Novato Costco Fuel Center for Costco Wholesale Corporation (5 sheets) prepared by Kier & Wright date July 2020, and Figure 4 of the Traffic Impact Analysis Costco Gasoline Fuel Station prepared by Kittelson & Associates dated December 2020 (together referred to herein as Preliminary Plans).
34. Applicant shall construct all of the **Public Improvements** generally as shown on the Preliminary Plans and more specifically described below.

- a. Install new sidewalk, curb ramps and crosswalk markings at the relocated entry drive on Vintage Way. Remove the curb ramps and the old entry drive location on Vintage Way and install new sidewalk.
 - b. Install a left-turn pocket and reconfigure the bicycle lanes on Vintage Way at the relocated entry drive as shown on Figure 4 of the Traffic Impact Analysis Costco Gasoline Fuel Station prepared by Kittelson & Associates dated December 2020. Additional advance Share the Road signage and bicycle lane signage will be required from that shown on Figure 4.
 - c. In recognition of the project's contribution to the level of future turning movements at the southerly Rowland Boulevard/Vintage Way intersection, enter into a deferred improvement agreement with the City and deposit funds sufficient for the project's proportionate share of future construction of a southbound to westbound right-turn lane at that intersection.
35. Applicant shall construct all of the **Private Improvements** generally as shown on the Preliminary Plans and more specifically described below.
 - a. Construct the permanent on-site private post-construction stormwater treatment facilities in accordance with the approved final SWCP.
 - b. Construct all onsite curbs, gutters, sidewalks, roadway improvements, storm drainage facilities, water facilities, sewer facilities, lighting, signage, striping, and other utilities in accordance with the approved Improvement Plans.
36. Prior to issuance of any building permit, Applicant shall submit for review and approval by the City Engineer, a Post Construction Stormwater Operations and Maintenance Plan that provides a plan sheet showing all storm drain and water quality infrastructure that is to be maintained, along with detailed instructions and schedules for the ongoing maintenance and operation of all post-construction stormwater BMPs. Once approved and prior to issuance of any building permit, the property owner shall enter into a Stormwater Maintenance Agreement with the City that provides the terms, conditions, and security associated with the ongoing requirements of the Post Construction Stormwater Best Management Practices.

Construction Conditions of Approval:

37. Construction stormwater pollution prevention measures as indicated in the SWPPP shall be consistent with the details in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Storm Water Quality Handbook Construction Site BMPs Manual. A Qualified SWPPP Practitioner

shall be responsible for implementing the measures at the site and performing all required monitoring and inspection/maintenance/repair activities. The project applicant shall also prepare a Rain Event Action Plan (if required based on the determined risk level) as part of the SWPPP.

38. Construction activities shall be limited to the days and hours stipulated in Novato Municipal Code 19.22.070B. City established inspection hours are Monday through Thursdays, and alternating Fridays from 7 a.m. until 4 p.m. except on City recognized holidays. Applicant shall be responsible for the City's additional cost to provide inspection during times not established as regular City inspection hours.
39. A City of Novato Encroachment Permit shall be obtained prior to any grading, trenching, pavement, construction of improvements or any other work in the public right-of-way.
40. If any hazardous materials are encountered during the construction of this project, all work shall be immediately stopped and the Marin County Environmental Health Service Department, the Novato Fire Protection District, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
41. The Applicant shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the City Engineer. The Applicant's contractor shall provide dust control seven (7) days a week, twenty-four (24) hours a day and this provision shall be noted on the plans.
42. The following shall be added to the general notes on the civil plans, "All roads used within the City of Novato during construction shall be cleaned daily, or more often as required by the City Engineer, of all dirt and debris spilled or tracked onto the City streets, or private driveways."
43. Prior to final preparation of the subgrade and placement of base materials, all underground utilities shall be installed, and service connections stubbed out behind the sidewalk. Public utilities, Cable TV, sanitary sewers and water lines, shall be installed in a manner that will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.
44. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. Additionally, if field conditions warrant installation of any subdrains, the location, size and construction details must be provided to the City for review and approval prior to construction.

45. Utilities to be abandoned shall be removed or completely filled with suitable material and/or capped to the approval of the applicable utility agency and to the approval of the City Engineer.
46. After all of the new underground utilities within existing public streets have been installed, the entire affected areas shall be milled and repaved to present a neat, finished pavement area. Multiple trench patches are not acceptable.
47. Upon completion of the building and site improvements, the Applicant shall clean, repair, or reconstruct the curb, gutter, and sidewalk along the entire frontage of the developed property as may be required by the City Engineer to conform to the City standards prior to receiving an occupancy permit for the building.

Occupancy Conditions of Approval:

48. Prior to occupancy of any building, the Applicant shall submit a certification by the Geotechnical Engineer of Record confirming that all the work has been completed in substantial conformance with the recommendations in Soils Investigation/Geotechnical Report.
49. Prior to occupancy of any building, the Applicant shall provide a letter from the Civil Engineer of Record certifying that all of the public and private improvements were constructed and inspected in substantial conformance with the approved plans and City Standards.
50. Prior to occupancy of any building, the applicant shall provide a mylar and digital copy of the Improvement Plans that include all as-built or field changes.

The following conditions of approval shall be met to the satisfaction of the Novato Fire Protection District, as detailed in the NFPD plan review memo, dated July 31, 2020:

51. Roadways and driveways shall have a minimum clearance of not less than 20 feet horizontal by 14 feet vertical.
52. All driveways and parking areas shall accommodate Novato Fire District apparatus turning radius per Novato Fire District standards.
53. 'No parking fire lane' curbs and signs shall be installed in accordance with Novato Fire District Standard #204, as required by the Fire Marshal.
54. A business shall create and maintain a pre-plan per Novato Fire District ordinance.

55. Traffic calming devices, such as speed bumps are prohibited. Any request for traffic calming devices within the parking lot shall be submitted to Novato Fire District for consideration.
56. The address shall be posted clearly visible from the street with numerals illuminated and contrasting color to their background conforming to Novato Fire Protection Standard #205.
57. A Hazardous Materials Management Plan and Chemical Inventory Statement shall be submitted to the Fire Marshal for review. This review shall be for the purpose of determining code requirements pursuant to the California Fire Code.
58. NFPA 704 placards shall be installed conforming to Novato Fire District Standard #309. The numerical ranking on the placards shall be in accordance with the highest hazardous material as noted by the MSDS in each category as approved by the Fire Marshal.
59. The facility and improvements shall comply with the California Building Code and State Fire Marshal building standards and regulations.
60. Portable fire extinguishers shall be installed and maintained in accordance with California Fire Code Chapter 9.
61. The motor fuel-dispensing facility shall be designed to conform to the California Fire Code and State Fire Building Marshal Building Standards and Regulations.

The following conditions of approval shall be met to the satisfaction of the North Marin Water District (NMWD), as detailed in the NMWD letter, dated July 28, 2020:

62. Construction of new water distribution facilities is required for the project.
63. The Property Owner must apply to the District; enter into an agreement with the District and complete financial arrangements for the new facilities.
64. Occupancy approval shall not be granted until water service installation and sign-off is complete.
65. New landscaped areas shall be designed and constructed to receive recycled water per District standards at the customer/applicant's expense.
66. The Project must conform to District Regulation 15 – Mandatory Conservation Measures. Occupancy approval shall not be granted until compliance with water conservation measures, as applicable, can be verified.
67. Installation of an above-ground, reduced pressure principle (RPP) backflow prevention device at the meter is required in accordance with District Regulation 6 and California Department of Health Regulations Title 17. Upon installation, an inspection report (device

testing) must be completed and returned to the District prior to the commencement of business activities.

Indemnity and Time Limitations

68. The Applicant and the Property Owner, and any successor in interest, whether in whole or in part, to either of them, shall defend, indemnify, and hold harmless the City and its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys, or employees to attack, set aside, void, or annul the Planning Commission's recommendation to the City Council at issue herein. This indemnification shall include damages or fees awarded against the City and/or its agents, officers, attorneys, or employees, if any, costs of suit, attorney's fees, and any other costs and expenses incurred in connection with such action whether incurred by the developer, the City, and/or parties initiating or bringing such claim, action, or proceeding.
69. The Applicant the Property Owner, and any successor in interest, whether in whole or in part, to either of them, shall defend, indemnify, and hold harmless the City, its agents, officers, attorneys, and employees for all costs incurred in additional investigation of or study of, or for supplementing, preparing, redrafting, revising, or amending any document, if made necessary or advisable by said claim, action, or proceeding and the Applicant and/or the Property Owner desires to pursue securing such approvals, after initiation of such, which are conditioned on the approval of such documents in a form and under conditions approved by the City Attorney.
70. In the event that a claim, action, or proceeding described in paragraphs 68 or 69 above is brought, the City shall promptly notify the Applicant and the Property Owner of the existence of the claim, action, or proceeding, and the City will cooperate fully in the defense of such claim, action, or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action, or proceeding; the City shall retain the right to (i) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the Applicant and/or the Property Owner in the defense of said claim, action, or proceeding. If the City chooses to have counsel of its own to defend any claim, action, or proceeding where the developer has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the Applicant or the Property Owner as appropriate.
71. The Applicant and the Property Owner, and any successor in interest, whether in whole or in part, to either of them, indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
72. Unless a shorter limitation period applies, the time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure, Section 1094.6.

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

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the 22nd day of February 2021, by the following vote:

AYES: Commissioners Dawson, Derby, Gabriel, Havel, and Rao

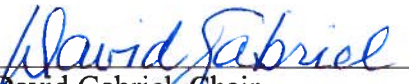
NOES: Commissioners Tiernan and Farac

ABSTAIN: None

ABSENT: None

* * * * *

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of the resolution which was adopted by the Planning Commission, City of Novato, County of Marin, State of California, on the 22nd day of February 2021.



David Gabriel, Chair

Exhibit A General Plan Consistency Findings

EXHIBIT A
COSTCO FUEL FACILITY USE PERMIT
NOVATO GENERAL PLAN
CONSISTENCY & ADVANCEMENT FINDINGS

NOVATO 2035 GENERAL PLAN

LAND USE CHAPTER

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

Facts in Support: The project site is designated General Commercial (CG) on General Plan Land Use Map GP-1. A gas station is an allowed use on parcels assigned the CG land use designation. The addition of the Project to Vintage Oaks will not exceed the maximum floor area ratio (FAR) of 0.4 applicable to CG designated sites.

Based on the facts above, the Project is consistent with and advances LU Policy 1.

LU Policy 2 Growth Management Objectives. The City shall seek to manage its growth so that:

- A. The natural environment will be protected and/or enhanced whenever feasible.
- B. The relatively high level of services and infrastructure enjoyed by City residents is maintained or enhanced.
- C. The City's small town character is retained.

Facts in Support: The City completed environmental review for the Project pursuant to the California Environmental Quality Act (CEQA) and its implementing regulations (CEQA Guidelines). The CEQA Initial Study/Mitigated Negative Declaration (IS/MND) did not identify any potential environmental impacts that could not be mitigated to a less than significant impact. In addition, the Project includes design and safety features intended to protect the environment, including, but not limited to:

- SWRCB Health and Safety Code, Section 25280, USTs installed after 1988 are required to have a leak detection system consisting of at least one of the following detection methods: secondary containment with interstitial monitoring, automatic tank gauging systems (including continuous automatic tank gauging systems), vapor monitoring (including tracer compound analysis), groundwater monitoring, statistical inventory reconciliation, or other method meeting established performance standards.

- Efficacy requirements established by USEPA require that leak detection methods be able to detect certain leak rates and that they also give the correct answer consistently. In general, methods must detect the specified leak rate with a probability of detection of at least 95 percent and a probability of false alarm of no more than 5 percent. USEPA found that, with effective leak detection, operators can respond quickly to signs of leaks and minimize the extent of environmental damage and the threat to human health and safety.
- USTs and associated fuel delivery infrastructure (i.e., fuel dispensers) would be required to comply with applicable federal, state, and local regulations, including those provisions established by Section 2540.7, Gasoline Dispensing and Service Stations, of the California OSHA Regulations; Chapter 38, Liquefied Petroleum Gases, of the California Fire Code; and the Resource Conservation and Recovery Act.
- The proposed project would also be required to incorporate high-efficiency Phase I and Phase II enhanced vapor recovery (EVR) systems to capture and control gasoline fumes. EVR refers to a new generation of equipment to control emissions at gasoline dispensing facilities in California. EVR systems collect gasoline vapors that would otherwise escape into the atmosphere during bulk fuel delivery (Phase I) or fuel storage and vehicle refueling (Phase II). Since 2009, the installation of Phase I and Phase II EVR systems has been required for gasoline dispensing facilities.
- The fuel dispensers, USTs, and associated fuel delivery infrastructure would be subject to routine inspection by federal, state, and local regulatory agencies with jurisdiction over service station facilities.
- The handling, transport, use, and disposal of hazardous materials must comply with applicable federal, state, and local agencies and regulations.

In addition, the Project, as presented in Costco's Fueling Facility Program (Appendix FP of the IS/MND), specifies environmental safeguards/design features including:

- Employees are trained to identify maintenance requirements and physically inspect the fuel islands regularly during operating hours. Their training includes the proper spill clean-up and emergency response procedures. Trained employees check for leaking hoses, malfunctioning nozzles, fuel spills, and physical damage to the dispensers and controller enclosure. During nonoperating hours, the power to the dispensers is turned off and each nozzle pad is locked. Should the system require attention beyond what the trained site person could handle, the local authorized and certified service contractor would be contacted and dispatched to repair the equipment.
- Emergency shutoff switches are installed next to the controller enclosure and in locations near the dispensers, as dictated by the fire code.
- The tank and piping monitoring system is programmed to activate visual/audible alarms in the event of an alarm condition. A visual/audible alarm is located on the outside of the controller enclosure and a visual/audible alarm is located in the Costco Warehouse entry/exit

area. Further, the monitoring system is designed so that if power is lost to the monitoring console the facility is shut down and will not operate.

- Costco Wholesale's tank and piping system is certified to meet the Federal UST leak detection standards of 95 percent probability of detection and five percent probability of false alarm. California State Water Resources Control Board also certifies the system under LG-113.
- Costco Wholesale utilizes durable joint sealers to seal concrete control joints. Prevention Technologies, Inc (PTi) sealer is a petroleum-resistant sealant developed by PTi. The sealer is used to prevent petroleum products from entering the underlying soil at the concrete joints. This product is used for its superior elasticity and user-friendly application. The elasticity allows the product to maintain a tight seal even with concrete expansion. The easy application ensures a proper seal whether it is applied by a contractor or maintenance personnel. Costco Wholesale is one of the few, if not only companies, to have a nationwide standard to seal control joints and other areas to prevent product spills from reaching the soil.
- The underground tank and piping control units are housed inside the controller enclosure. The enclosure will contain the power console, the dispenser interface unit, the submersible pump variable speed controllers, and the monitoring system console. An air conditioner mounted on the side of the enclosure will have a preset thermostat to maintain a safe operating temperature.
- The USTs and all containment sumps, including the dispenser sumps are all double-walled fiberglass. Fiberglass is used for its corrosion resistance and plasticity. The double-walled storage tank system includes a hydrostatic interstitial space sensor that monitors the primary and secondary tank walls. If a tank wall is compromised, the interstitial sensor will immediately shut down the product delivery system and activate a visual/audible alarm.
- The tanks are secured in place with anchoring straps (tie-downs) connected to concrete hold down deadmen. The entire tank excavation hole is backfilled with pea gravel and capped with an 8-inch-thick reinforced concrete slab (overburden). The tie-downs, together with the overburden, overcome any possible buoyancy factors and resist buckling under hydrostatic pressures.
- All product, vapor and vent piping is non-corrosive and provides three levels of protection. First, all product piping is monitored with pressure line leak detection. Second, all piping is double wall to provide secondary containment. Third, all fiberglass piping is additionally monitored under vacuum per California 2481 regulations such that if a breach is detected in the vacuum, the product delivery system will shut down and system will sound audible alarm.
- All piping connections to the tanks and dispensers are flexible. Flexible connectors are used to prevent rupture from any form of ground movement.

- All piping slopes to the sumps at the USTs. If a piping leak occurs, the gasoline will flow through the secondary pipe to the sump, where a sensor is triggered to immediately shut down the system and activate an audible/visual alarm.
- All tanks and dispensers are equipped with latest Phase I and Phase II Enhanced Vapor Recovery (EVR) vapor recovery air pollution control equipment technology per CARB regulations and associated Executive Orders. The Phase I EVR equipment controls the vapors in the return path from the tanks back to the tanker truck during offloading filling operations. The Stage I EVR systems are 98 percent effective in controlling fugitive emissions from escaping into the environment. The Phase II EVR equipment controls the vapors in the return path from the vehicles back to the tanks and are 95 percent effective in controlling fugitive emissions from escaping into the environment.
- The UST monitoring system incorporates automatic shutoffs. If gasoline is detected in the sump at the fuel dispenser, the dispenser shuts down automatically and an alarm is sounded. If a problem is detected with a tank, the tank is automatically shut down and an alarm is sounded. If the product piping system detects a failure of the 0.1 gallons per hour (GPH) test, the line is automatically shut down and the alarm is sounded. Pursuant to federal requirements, monitoring equipment must be able to detect a minimum leak of 3 GPH (equivalent to the accuracy of a mechanical leak detector). By providing monitoring to a higher standard (0.1 vs. 3), Costco maintains a higher degree of safety than required by current federal requirements.
- Each fuel dispenser includes several safety devices. Specifically, each dispenser sump is equipped with an automatic shutoff valve to protect against vehicle impact. In addition, each fuel hose includes a poppeted breakaway device that will stop the flow of fuel at both ends of the hose in the event of an accidental drive-off. Also, each dispenser is equipped with internal fire extinguishers. Lastly, all dispensers include leak detection sensors connected to the alarm console inside the controller enclosure.

The Project was referred to the Novato Public Works Department, Novato Sanitary District, North Marin Water District, and the Novato Fire Protection District. These government entities are responsible for ensuring the provision of adequate infrastructure and services for water, sewer, emergency medical/fire, and stormwater control. Each agency provided draft conditions of approval, as applicable, intended to ensure the Project provides adequate service infrastructure. These conditions of approval have been applied to the Project and will be implemented through the construction design and physical construction phases of the Project. These agencies did not identify any service constraints resulting from the Project on an individual or cumulative basis.

The Project is subject to paying development impact fees covering its fair share cost of citywide infrastructure and facilities improvements supporting new development. Further, the Project will generate federal, state, and local tax revenue supporting City services and transportation infrastructure maintenance and improvements.

The Project will not adversely impact the City's small-town character, which is largely defined by the character of development in downtown Novato and the varying residential neighborhoods

spread throughout the community. Vintage Oaks was designed as a regional shopping center and is oriented along the US 101 corridor. Given this purpose and location, Vintage Oaks supports larger-format commercial businesses, gas stations, auto services, restaurants with drive-through service, and other service activities. Accordingly, Vintage Oaks is an appropriate location for the Project. By accommodating uses such as the Project at Vintage Oaks, other commercial areas in Novato are reserved for smaller format commercial activities and development consistent with the community's desire to maintain the small-town character of Novato.

Based on the observations above, the Project is consistent with LU Policy 2.

LU Policy 4: Development to Pay Fair Share. Require new development to pay its fair share of infrastructure improvements and public service costs to maintain infrastructure capacity and service levels in the City, to the extent allowed by law and except as provided by other policies and programs in the Plan.

Facts in Support: Prior to issuance of a building permit, payment of development impact fees will be required. The payment of development impact fees will cover the Project's fair share contribution toward citywide infrastructure and facility needs. The Project will install a southbound left-turn lane on Vintage Way requiring vehicle and bicycle lane modifications. The addition of the left-turn lane will ensure that through traffic on Vintage Way is not impeded by turning vehicles. The restriping, signs, and pavement markings associated with the left-turn lane will be completed by the Applicant.

Based on the observations above, the Project is consistent with LU Policy 4.

COMMUNITY CHARACTER

CC Policy 6: Infill Development. In order to minimize the need for expansion of the Urban Growth Boundary, focus new residential and commercial growth at appropriate infill sites near transit and retail services.

Facts in Support: The Project would be built within an existing developed parking area at Vintage Oaks. Construction of the Project at Vintage Oaks does not require the expansion of the Urban Growth Boundary. Accordingly, the Project represents infill development.

Based on the observations above, the Project is consistent with CC Policy 6.

CC Policy 9: New Commercial Development. Encourage new commercial developments to provide the following to enhance the pedestrian experience:

- a. physical separation of vehicular and pedestrian movement wherever possible;
- b. street trees to create a safer and more pleasant environment for walkers,
- c. pedestrian-oriented lighting to improve security and the sense of safety,
- d. convenient, secure pedestrian access from adjacent public streets, parking lots and building entrances to commercial uses,
- e. pedestrian walkways and street furniture at street level adjacent to buildings, public

- transit and parking facilities,
- f. landscaped open areas, outdoor furniture and public art in areas to be provided as gathering places for employees and customers in commercial, office and industrial areas, and
- g. clustering of commercial buildings to create pedestrian zones and avoid wide expanses of parking between building entrances.

Facts in Support: CC Policy 9 is primarily intended to address the comprehensive design of new non-residential projects, such as development of a shopping center or office campus. However, relevant elements of CC Policy 9 can be applied to proposed modifications to existing commercial developments.

In this instance, the Project maintains the existing sidewalks on Vintage Way and enhances landscaping between the sidewalk and project site with new street trees and shrubs. The Project will also provide under canopy lighting and maintain parking lot lights. These features support the safety of pedestrians walking along Vintage Way and those using the parking lot at the project site.

The Project provides a dedicated parking location for fuel tankers servicing the gas station. The design of this parking location is intended to safely accommodate a tanker position that does not block vehicle or pedestrian movements in the adjoining parking area.

The Project itself is not a pedestrian-oriented use and is proposed within an existing parking area that is already shared by vehicles and pedestrians. Pedestrian movements will remain as found, with pedestrians sharing driving aisles with vehicles as customers walk to and from the parking area. The addition of the Project will not adversely impact the existing pedestrian experience at or near the project site. Pedestrian access to Vintage Oaks will be maintained through the existing pedestrian facilities.

Based on the observations above, the Project is consistent with CC Policy 9.

CC Policy 12: Compatibility of Development with Surroundings. Ensure that new development is sensitive to the surrounding architecture, topography, landscaping, and to the character, scale, and ambiance of the surrounding neighborhood, and consistent with adopted City policies and design guidelines. Recognize that neighborhoods include community facilities needed by Novato residents as well as homes, and integrate facilities into neighborhoods.

CC Policy 13: Architectural Character. The architecture of new development should be authentic to the style being expressed, with appropriate finish details (materials, colors, application techniques).

Facts in Support: The project site is within the Vintage Oaks shopping center and is subject to the land use and design guidelines of the Vintage Oaks Precise Development Plan. The proposed gas station is permitted upon approval of a use permit, and the site design and architecture has been reviewed for consistency with the Vintage Oaks Design Manual.

The existing Costco Warehouse store is a warehouse-style building featuring an angular design with a split-face block base and metal panels for siding. This design was previously found to be consistent with the Design Manual for Vintage Oaks at the time of its design review. In this instance, the Project includes materials and colors that are complementary to those of the Costco store. Specifically, the fuel canopy features metal clad columns and fascia that are consistent with the warehouse-style architecture of the Costco store. Further, the fuel canopy structure would be painted Mesa Gray and Sandalwood, reflecting the primary colors of the Costco store. The fuel canopy includes gooseneck sign lighting consistent with the exterior lighting at the Costco store.

The Project would modify existing parking lot landscaping at the Costco store. In this instance, the landscape guidelines of the Design Manual for Vintage Oaks apply to the Project. The Project's landscape plan conforms to the requirements of the Design Manual, including noting replacement trees for those being removed to accommodate the gas station, planter dimensions of a minimum of three-feet in width for shrubs and four-feet in width where trees are proposed, a projected tree shade coverage of over 30% at 15-years of growth, installing low and medium water use plant species, and use of an automatic water-efficient irrigation system.

The Design Review Commission reviewed the Project's design aspects and made a favorable recommendation. There are no residential uses in the vicinity that would be adversely impacted by the Project.

Based on the observations above, the Project is consistent with CC Policy 12 and CC Policy 13.

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

Facts in Support: The Project requires the removal of vehicle parking stalls within the Vintage Oaks shopping center. However, adequate vehicle parking, consistent with the Zoning Ordinance, will be maintained. In addition, the Project requires modification of the existing landscaping within and at the perimeter of the existing parking lot at Costco. The Project will provide new perimeter landscaping, including shrubs and street trees, as well as new trees within select areas of the parking lot adjoining the fuel facility. The new landscaping will minimize the visibility of the remaining areas of the Costco parking lot from Vintage Way to the extent feasible.

Based on the observations above, the Project is consistent with CC Policy 18.

ENVIRONMENTAL STEWARDSHIP

ES Policy 2: Watershed Management. Minimize the effects of pollution in stormwater runoff in Novato and its effective watersheds. Retain and restore where feasible the natural hydrological characteristics of watersheds in Novato, including daylighting of drainages that were previously buried.

ES Policy 10: Water Quality. Protect water resources from pollution and sedimentation, and preserve their environmental and recreation values.

Facts in Support: A stormwater management plan has been submitted to the City for review. The stormwater drainage system proposed with the Project has been designed for consistency with local, state, and federal guidelines. This system includes an oil/water separator to capture gasoline and/or oil leaked onto the fueling pad that could become entrained in stormwater runoff carried under the fuel canopy. The system will separate gasoline/oil from stormwater, retain the gasoline/oil, and allow the remaining stormwater to discharge into the public sewer system. The Project also includes a bioretention system to capture stormwater runoff from the uncovered vehicle queuing area serving the fuel facility. The bioretention system will naturally filter drainage from this area before the stormwater is discharged into the public drainage system.

The underground storage tanks (USTs) and all containment sumps, including the dispenser sumps, are double-walled fiberglass. Fiberglass is known for its corrosion resistance and plasticity. The storage tank system includes a sensor that monitors the primary and secondary tank walls. If a tank wall is compromised, the sensor will immediately shut down the product delivery system and activate a visual and audible alarm. All piping and connections to the tanks and dispensers are flexible. Flexible connectors are used to prevent ruptures from any form of ground movement. The monitoring system incorporates automatic shutoffs. If fuel is detected in the sump at the fuel dispenser or a problem is detected in the tank, the dispenser or tank automatically shuts down and an alarm is sounded. Each fuel dispenser is equipped an automatic shutoff valve to protect against vehicle impact and with a breakaway device that will stop the flow of fuel at both ends of the hose in the event of an accidental vehicle drive-off. All dispensers include leak detection sensors. Additionally, employees are trained to identify maintenance requirements and physically inspect the facilities. Training includes proper spill cleanup and emergency response procedures. Employees are trained to check for leaking hoses, malfunctioning nozzles, fuel spills, and physical damage. The design features and employee training adequately reduce potential impacts to water quality.

The analysis in the IS/MND, incorporated herein by reference, concluded that potential impacts to water quality and waterways would be less than significant. As described in the IS/MND Biological Resources and Hydrology and Water Quality sections (Sections 4 and 10, respectively), impacts to nearby wetlands and ponds features would be less than significant due to project design and permitting requirements associated with National Pollutant Discharge Elimination System (NPDES) Construction General Permit requirements and the preparation of a Stormwater Pollution Prevention Plan (SWPPP), which includes BMPs for erosion control.

The Applicant has adequately demonstrated the Project will be able to meet stormwater retention and conveyance requirements and will not adversely impact watersheds or the adjacent wetlands and other waterways.

Based on the observations above, incorporated herein by reference, the Planning Commission finds the Project to be consistent with ES Policy 2 and ES Policy 10.

ES Policy 11: Species Diversity and Habitat. Protect biological resources, including migratory birds, anadromous fish, and threatened and endangered species, that are

necessary to maintain a diversity of plant and animal species.

Facts in Support: The City prepared a IS/MND for the Project. The CEQA analysis did not identify any potentially significant impacts to species diversity or habitat that could not be reduced to a less than significant impact through feasible mitigation measures.

The IS/MND concluded the project site does not support habitat for special status species but acknowledged the Project's construction could potentially impact nesting birds. As a result, Mitigation Measure BIO-1 was assigned to require a pre-construction nesting bird survey and specifies actions to be taken if nesting birds are present, such as establishing an adequate buffer from construction as recommended by a qualified biologist. Mitigation Measure BIO-1 has been applied to the Project as a condition of approval. Compliance with this condition will be monitored pursuant to the Mitigation Monitoring and Reporting Plan prepared for the Project.

Based on the observations above, the Project is consistent with ES Policy 11.

ES Policy 15: Scenic Resources. Protect visual values on hillsides, ridgelines, and other scenic resources. Development should be located and designed to protect views of important scenic resources identified on Figure ES-5.

Facts in Support: The project site is not identified on Figure ES-5 as a hillside, ridgeline, or other scenic resource. However, the project site is located west of open space lands identified as "Scenic Conservation Areas" on Figure ES-5. These lands are located east of the existing Costco warehouse and are primarily visible from Rowland Boulevard. Views of the nearby open space lands from Vintage Way are obscured by existing development at Vintage Oaks, including the Costco warehouse. The Project will not obscure views of the noted open space lands since the existing Costco warehouse already prevents such views from Vintage Way.

Based on the observations above, the Project is consistent with ES Policy 15.

ES Policy 16: Coordination. Work with local, regional, state, and federal agencies on environmental protection efforts. Involve regulatory agencies in the environmental review process and in developing mitigation measures.

Facts in Support: The City provided notification to local, regional, state, and federal agencies of the draft public review IS/MND. Agencies notified include the California Air Resources Board (CARB), Caltrans, CA Department of Conservation, CA Department of Fish and Wildlife, CA Native American Heritage Commission, CA Regional Water Quality Control Board, CA Department of Toxic Substances Control, CA Department of Water Resources, CA Department of Industrial Relations, and US Environmental Protection Agency. To date, the City has not received any correspondence from those agencies. Notices were also posted by the Marin County Clerk, submitted to the State Clearinghouse, and mailed to Federated Indians of Graton Rancheria.

Based on the observations above, the Project is consistent with ES Policy 16.

ES Policy 17: Clean Air. Work to protect and improve air quality.

Facts in Support: ES Policy 17 is implemented by ES Program 17a, which directs the City to cooperate with Bay Area Air Quality Management District (BAAQMD) to implement its regional Clean Air Plan. Accordingly, the CEQA IS/MND prepared for the Project considered potential impacts to air quality from the construction and operation of the proposed fuel facility based on the policy guidance from BAAQMD and the Clean Air Plan. This analysis factored for construction vehicle exhaust emissions and transportation related exhaust emissions from Costco members visiting the fuel facility, as well as toxic air contaminants associated with fuel facilities.

The IS/MND found the Project to be consistent the Clean Air Plan and associated policies of BAAQMD. In particular, IS/MND found the Project's construction and operations would remain under all applicable thresholds for criteria air pollutants and did not exceed applicable screening criteria for toxic air contaminants as recommended by BAAQMD. Further, the Vehicle Miles Traveled (VMT) analysis completed as part of the CEQA review concluded that total VMT will decrease once the Project is built and operational as Costco members would, collectively, drive shorter distances to purchase gas at the project site. All other variables being constant, the reduction in VMT will reduce tailpipe emissions.

The design and operation of the gas station will be required to comply with California Air Resources Board and BAAQMD regarding air quality and emissions. The IS/MND concluded that impacts to air quality and greenhouses gas would have a less than significant impact to the environment.

Based on the observations above, the Project is consistent with ES Policy 17.

ES Policy 23: Trees in New Development. Require that the site planning, construction and maintenance of development preserve existing healthy trees and native vegetation on site to the maximum extent feasible. Replace trees and vegetation not able to be saved.

Facts in Support: While the overall number of trees onsite will be reduced due to the displacement of trees for the canopy structure and vehicle queuing area, the 41 trees to be removed would be replaced by 37 new trees. None of the trees to be removed are heritage trees as defined in the Novato Municipal Code. According to the arborist's report, the 41 trees proposed to be removed are in fair or poor health. It is anticipated that the new trees will be more viable than the existing trees with proper planting, staking, excavation of existing soil and replacement with new soil amendments and mix.

The City has reviewed the Project for consistency with the landscaping standards of the Vintage Oaks Design Manual and determined the Project is consistent with applicable standards. Based on the observations above, the Project is consistent with ES Policy 23.

NOISE

NS Policy 1: Compatibility of New Development. Protect people in new development from excessive noise by applying the Land Use Compatibility Standards in Figure LW-5 in locating and designing new development.

NS Policy 2: Noise Impacts of Development. Prevent land uses which increase surrounding noise levels above acceptable standards.

Facts in Support: The IS/MND includes a noise analysis. The noise analysis concluded the Project would not generate noise in excess of the compatibility standards detailed in General Plan Figure LW-5 based on the commercial standard applicable to the project site and the residential standard applicable to lands west of Vintage Oaks, and overall would have a less than significant impact on persons visiting the site and in proximity to the site.

Based on the observations above, the Project is consistent with NS Policies 1 and 2.

ECONOMIC VITALITY

EV Policy 2: Commercial Development. Encourage the development of commercial lands primarily for economic activities that contribute to local employment, income and convenience. Encourage high tax-generating uses such as auto dealerships and hotels where appropriate. Retain lands designated for office and light industrial uses for development with economic activities that contribute to local employment, income, and the fiscal sustainability of the City, unless such lands are determined to not be viable for these commercial uses.

Facts in Support: Vintage Oaks is designated for commercial uses, and the proposed Project is consistent with and can be permitted under the CG land use designation assigned to the site. The addition of a gas station to the Costco store will provide a convenient location for existing and future Costco members to purchase gasoline, where a trip to the Costco store can be combined with a stop at the fuel center instead of a separate trip to another gas station or a distant Costco fuel facility, thereby reducing the total vehicle miles travelled by Costco members served by the Costco store at Vintage Oaks. The existing Costco store is a high tax-generating use, and the addition of a gas station will likely increase sales receipts for Costco, resulting in an increase in tax revenues for the City.

Based on the observations above, the Project is consistent with EV Policy 2.

MOBILITY

MO Policy 2: Level of Service Standards. Establish traffic Level of Service (LOS) standards as follows for use in evaluating the impacts of proposed development projects so the project can be redesigned or effective mitigation measures can be implemented, making improvements to the roadway system, and determining appropriate traffic impact fees. Continue to consider LOS standards in evaluating the merits of proposed development or traffic infrastructure projects in addition to consideration of standards associated with Vehicle Miles Traveled (VMT) in the required environmental review process. Acceptable LOS standards for intersections in the City are:

- a. At intersections with signals or four-way stop signs: operation at LOS D,

b. At intersections with stop signs on side streets only: operation at LOS E.

Facts in Support: An LOS analysis was completed to determine if the Project would result in unacceptable LOS levels at affected intersections. The analysis concluded the Project would not result in unacceptable LOS.

Based on the observations above, the Project is consistent with MO Policy 2.

MO Policy 10: Vehicle Parking. Provide sufficient vehicular parking and discourage installation of excess parking to minimize land area devoted to paved parking.

Facts in Support: Currently, Vintage Oaks has excessive vehicle parking based on the Novato Zoning Ordinance parking ratio standard for large shopping centers. The reduction of vehicle parking stalls associated with the Project will not result in a deficient number of stalls within Vintage Oaks based on the applicable parking ratio of one parking stall for each 300 square feet of floor area as stipulated in Novato Municipal Code §19.30.040.

Based on the observations above, incorporated herein by reference, the Planning Commission finds the Project to be consistent with MO Policy 10.

MO Policy 18: Comprehensive Bicycle Network. Establish and maintain a bicycle network that is consistent with the adopted Bicycle/Pedestrian Plan.

Facts in Support: The Novato 2015 Bicycle and Pedestrian Plan acknowledges both Vintage Way and Rowland Blvd as having Class II bicycle facilities and notes a planned Class I path (shared use path) along Rowland Blvd on east side of the Vintage Oaks shopping center. The Class I path reflects a planned multi-use path proposed by Sonoma Marin Area Rail Transit (SMART).

With the addition of the Vintage Way southbound left-turn lane for the Project, an approximately 200-foot-long portion of the Class II bicycle lane would change to a Class III bicycle route. Signs and street markings would notify vehicles and bicyclists of the change from a dedicated bicycle lane to a shared lane (vehicles and cyclists). Retaining the Class II bicycle lane with the left-turn lane would require widening Vintage Way for the short distance. However, there is insufficient right-of-way to accommodate such a widening.

The 2015 Bicycle and Pedestrian Plan advocates for a comprehensive network of bicycle and generally guides decisions on where and what types of improvements are desired. Class III bicycle routes are a recognized form of bicycle facility in the Plan and are subject to engineering standards related to pavement markings and signs to alert drivers to the potential presence of bicyclists. The proposed Class III bicycle route would comply with all applicable engineering standards, including “sharrow” pavement markings, signs noting the presence of the bicycle route and the end and beginning of the Class II bicycle lanes that will remain along Vintage Way. Accordingly, these modifications are based on the guidance of the Bicycle/Pedestrian Plan and accepted engineering standards.

Based on the observations above, the Project is consistent with MO Policy 18.

MO Policy 20: Safe and Convenient Pedestrian Facilities. Promote, provide and maintain a safe and convenient pedestrian system, including consideration of lighting, sidewalk condition, road surface conditions, roadway crossings, access points, signage, shade landscaping, and street furniture.

Facts in Support: The existing pedestrian facilities along Vintage Way and Rowland Boulevard, and pedestrian facilities within Vintage Oaks would not be altered due to the Project. The one relocated vehicle entrance would be built with a new pedestrian crosswalk and improved accessibility features, such as directional curb ramps and truncated domes.

Based on the observations above, the Project is consistent with MO Policy 20.

SAFETY AND HAZARDS

SH Policy 1: Seismic and Geologic Hazards. Reduce the risk of loss of life, personal injury and property damage resulting from seismic and geologic hazards including ground shaking, land sliding, liquefaction and slope failure.

Facts in Support: The IS/MND includes an analysis of potential impacts from seismic and geologic hazards. The analysis did not identify any potentially significant impacts resulting from the seismic and geologic hazards listed in SH Policy 1. The fuel facility buildings would need to be designed to meet the requirements of the California Building Code (CBC), which has minimum standards for structure foundations, anchoring, and bracing to resist ground shaking and collapse. Landslides and slope failures are not anticipated due to the relatively flat topography at the site. The site is in an area of high potential for liquefaction; however, the site design will account for the potential liquefaction.

A site-specific geotechnical report is a required component of the building permit submittal and review process. The required geotechnical report would recommend standard construction techniques to ensure that liquefaction does not pose a risk to project components, including the underground storage tanks.

The Project's underground fuel storage tanks are proposed to be designed to withstand ground movement, including being secured in place with anchoring straps (tie-downs) connected to concrete hold downs (deadmen), backfilled with pea gravel, and capped with an 8-inch-thick reinforced concrete slab. Further, the tank systems will feature flexible pipe joints and flexible fiberglass double walled tank construction to allow movement. The tank system also includes leak detection equipment to immediately identify any fuel escaping from a tank(s), which is considered a low probability given the redundancies built into the system. The fuel dispenser system is designed with break-away connections that include cut-off valves immediately stopping the flow of fuel through the dispenser if it is knocked off its anchoring or a hose is pulled from a unit. These features are mandated by federal and state design and construction standards and are subject to associated permits and inspections during construction to determine compliance with such standards. These features reduce the risk of loss of life, personal injury and property damage resulting from seismic and geologic hazards.

Based on the observations above, the Project is consistent with SH Policy 1.

SH Policy 2: Flood Hazards. Reduce the risk of loss of life, personal injury and property damage resulting from flooding by properly maintaining storm drainage systems, natural flood control channels and waterways and regulating runoff from new construction and development projects. Encourage flood control measures that retain the natural features and conditions of watercourses to the maximum feasible extent.

Facts in Support: The project site is located in FEMA Flood Zone X. Flood Zone X are those areas with 0.2 percent chance of flooding in a given years (sometimes referred as the 500-year flood event) or areas of minimal flood hazard. The Project is designed to minimize risk of water inundation into the underground storage tanks and have redundancies and warning systems in place to minimize risk from flood waters and inundation. The IS/MND includes an analysis of flood hazards and determined there is a less than significant impact regarding flood hazards.

Based on the observations above, the Project is consistent with SH Policy 2.

SH Policy 5: Hazardous Materials. Minimize risks and health impacts from environmental and human-induced disasters.

Facts in Support: The potential risks and health impacts from of the Project were analyzed in the IS/MND prepared for the Project. The IS/MND acknowledged that operation of the Project would include the use, transport, and handling of gasoline, refilling of underground storage tanks (USTs), pumping gasoline to fuel dispensers, and use of the fuel dispensers by motorists. As a result, the Project could result in potentially adverse impacts to people and the environment as a result of hazardous materials being accidentally released into the environment (e.g. operators or motorists could spill gasoline while refueling, USTs or pipes dispensing fuel from USTs could leak, automobiles could crash into fuel dispensers, or motorists could refuel while having engine running causing a fire hazard).

The IS/MND considered the numerous federal, state, and local regulations applicable to gas stations, as well as the Project's design features, and operational procedures proposed by Costco. These regulations and operational procedures address tank/dispenser design and installation, leak detection, vapor recovery, and personnel training among numerous components listed in the IS/MND. The IS/MND concluded the Project has been designed to minimize potential risks associated with hazardous materials by virtue of complying with applicable regulations and implementation of the specific design and operational components proposed by Costco.

Prior to commencement of gas station operations, City, County, State and Federal permits and inspections will occur to ensure the Project's construction design, construction, and operations conforms to safety regulations and design parameters.

Based on the observations above, the Project is consistent with SH Policy 5.

PUBLIC FACILITIES AND SERVICES

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

Facts in Support: The Project was referred to the North Marin Water District (NMWD) for review and comment. The NMWD has capacity to serve the Project. New water sources are not necessary for the Project. New onsite water laterals would provide water service to the site for potable and irrigation water.

Based on the observations above, the Project is consistent with PF Policy 3.

PF Policy 4: Utilities. Continue to require the undergrounding of utilities along property frontages of new development, maximize the use of utility set-aside funds and other funding mechanisms for undergrounding electric utilities and work with utility companies to remove inactive utility lines and facilities.

Facts in Support: Utilities at the site are currently underground. New utility services to the Project would be placed underground.

Based on the observations above, the Project is consistent with PF Policy 4.