

PLANNING COMMISSION

RESOLUTION NO. 2021-001

RESOLUTION OF THE NOVATO PLANNING COMMISSION RECOMMENDING THE NOVATO CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE COSTCO FUEL CENTER USE PERMIT AND DESIGN REVIEW LOCATED AT 300 VINTAGE WAY (APN 153-340-36)

WHEREAS, the City of Novato (“City”) received applications submitted by Barghausen Consulting Engineers (the “Applicant”) for a use permit and design review for the proposed Costco Fuel Center project at the real property located at 300 Vintage Way, APN 153-340-36 (“Project”), which is owned by JCC Cal Properties, LLC (the “Property Owner”); and

WHEREAS, the City determined the Project is 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, the Initial Study determined the Project and its associated entitlement actions could result in potentially significant impacts to the environment in the CEQA topical areas of Biological Resources, Cultural Resources, Geology and Soils, Tribal Cultural Resources, and Mandatory Findings of Significance. However, feasible mitigation measures were identified that will reduce all potentially significant impacts to a less-than-significant level; 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, the Federated Indians of Graton Rancheria requested consultation with the City pursuant to California Public Resources Code Section 21080.3.1, regarding potential project impacts to tribal cultural resources; and

WHEREAS, the City consulted with the Federated Indians of Graton Rancheria, and concluded its consultation prior to the issuance of a notice of intent to adopt a mitigated negative declaration; and

WHEREAS, the Design Review Commission held a duly noticed public hearing on October 7, 2020, where the Design Review Commission recommended the Planning Commission and City Council approve the design aspects of the Project; and

WHEREAS, the Project design recommended by the Design Review Commission served as the subject of the impact analyses of the Initial Study; and

WHEREAS, a notice of intent to adopt a mitigated negative declaration describing the City's intent to adopt a Mitigated Negative Declaration for the Project and announcing a 30-day public review period beginning on January 19, 2021, and ending on February 18, 2021, was sent to all affected property owners within 600 feet of the boundaries of the Costco project site, all responsible and trustee agencies, the Marin County Clerk, the Federated Indians of Graton Rancheria, and all persons requesting notice pursuant to Novato Municipal Code Section 19.58.020, CEQA, and the CEQA Guidelines; and

WHEREAS, public notices describing the Planning Commission's public hearing on the proposed Initial Study/Mitigated Negative Declaration prepared for the Project were sent to all affected property owners within 600 feet of the boundaries of the project site, all public agencies potentially serving the Project or having some oversight of the Project's construction, the Federated Indians of Graton Rancheria, and all persons requesting notice pursuant to Section 19.58.020 of the Novato Municipal Code, on February 10, 2021, and published in the Marin Independent Journal, a newspaper of local circulation, on February 12, 2021; and

WHEREAS, the Planning Commission held a public hearing on February 22, 2021, and considered all oral and written comments on the Mitigated Negative Declaration, it's accompanying Initial Study, and the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find and recommend as follows:

Section 1. Record

The Record of Proceedings ("Record") upon which the Planning Commission bases its recommendation includes, but is not limited to: (1) the Initial Study, Mitigated Negative Declaration, and the appendices and technical reports cited in and/or relied upon in preparing the Initial Study/Mitigated Negative Declaration, (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the Initial Study/Mitigated Negative Declaration, the Project, and the Project's associated development entitlement requests (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 by the City in connection with the Initial Study/Mitigated Negative Declaration, the Project, and the Project's associated development entitlement requests (6) all documentary and oral evidence received at public workshops,

meetings, and hearings or submitted to the City during the comment period relating to the Initial Study/Mitigated Negative Declaration, the Project, and the Project's associated development entitlement requests (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 and its surrounding areas.

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

Section 2. Mitigated Negative Declaration/Initial Study Considered and Recommended

Based upon information in the Initial Study/Mitigated Negative Declaration for the Project, dated January 2021, the Record as described above, and all other matters deemed material and relevant prior to adopting this resolution, the Planning Commission hereby recommends the adoption of a Mitigated Negative Declaration for the Project and its associated development entitlements based on the following:

- a. The proposed Initial Study/Mitigated Negative Declaration (IS/MND) has been completed in compliance with the California Environmental Quality Act (California Public Resources Code § 21000 - 21178), the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3), and the City of Novato Environmental Review Guidelines; and
- b. The proposed Initial Study/Mitigated Negative Declaration (IS/MND) was presented to the Planning Commission, which, at a properly noticed hearing before the public, reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration prior to making a recommendation to the City Council regarding the Project and its associated development entitlements; and
- c. The Mitigated Negative Declaration reflects the City's independent judgment and analysis as Lead Agency.

Section 3. CEQA Findings

The Planning Commission hereby adopts and recommends to the City Council the adoption of the Initial Study/Mitigated Negative Declaration (IS/MND), dated January 2021, and based thereon and on the Record as a whole, the Planning Commission hereby finds and recommends that the City Council find that all significant environmental effects of the Project and its associated development entitlement actions have been reduced to a less-than-significant level in that all significant environmental effects have been eliminated or substantially lessened by the mitigation measures set forth in the IS/MND. Based upon the foregoing, and as detailed in *Exhibit A*, attached hereto and incorporated herein by reference, the Planning Commission finds, determines, and recommends that the City Council find and determine that the Project will not have a significant effect upon the environment.

Section 4. Mitigation, Monitoring, and Reporting Program

The Planning Commission hereby recommends the City Council adopt the mitigation measures set forth in the Mitigated Negative Declaration/Initial Study (IS/MND) and further set forth in its

accompanying Mitigation, Monitoring, and Reporting Program (MMRP), as detailed in *Exhibit B*, attached hereto and incorporated herein by reference, pursuant to California Public Resources Code Section 21081.6, which is a program designed to ensure compliance with the project changes and mitigation measures imposed to avoid or substantially lessen the significant effects identified in the IS/MND and said mitigation measures are described in the MMRP included therein and incorporated herein by reference.

Section 5. Indemnity and Time Limitations

- a. 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.
- b. 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 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.
- c. In the event that a claim, action, or proceeding described in subparagraphs a. or b. 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 defend any claim, action, or proceeding where the Applicant and/or the Property Owner 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.
- d. 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.

- e. Unless a shorter limitation period applies, the time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure, Section 1094.6.
- f. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to 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 California 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

Attachments

Exhibit A – Statement of CEQA Findings and Facts

Exhibit B – Costco Fuel Facility and Rowland Blvd Public Works Improvements CEQA Mitigation Monitoring and Reporting Program

**EXHIBIT A
COSTCO FUEL FACILITY
300 VINTAGE WAY; APN 153-340-36**

STATEMENT OF CEQA FINDINGS AND FACTS

CEQA requires that if a Mitigated Negative Declaration/Initial Study identifies one or more potentially significant environmental effects for a proposed project then the lead agency must make certain findings for each of those potentially significant effects. These findings must be accompanied by a brief explanation of the facts supporting each finding.

The Findings and Facts set forth below do not repeat the full discussion of impacts and mitigation measures contained in the document comprising the Mitigated Negative Declaration/Initial Study, and the Record for the Project. Instead, the Findings provide a brief summary description of impacts, along with a reference to the location in the Mitigated Negative Declaration/Initial Study that describes in detail the setting and potentially significant impacts. The Facts that follow in turn reference the specific mitigation measures for such impacts. All Mitigation Measures are set forth in full in the Mitigation Monitoring and Reporting Program included in the Mitigated Negative Declaration/Initial Study and are incorporated herein by reference.

(1) FINDINGS REGARDING POTENTIALLY SIGNIFICANT IMPACTS THAT WILL BE AVOIDED OR REDUCED TO LESS-THAN-SIGNIFICANT LEVELS BY THE IMPLEMENTATION OF MITIGATION MEASURES

- A. Biological Resources Impact:** If construction activities occur during the bird nesting season (typically February 1 through August 31), nesting birds could be disturbed by construction activities and noise. Implementation of Mitigation Measure BIO-1 would ensure that impacts to nesting birds are reduced to a less than significant level (Mitigated Negative Declaration/Initial Study Section 4, Biological Resources).

Finding: Based on the Record, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the Project which will avoid or substantially lessen the potentially significant environmental impact related to disturbance of nesting birds by implementation of the Mitigation Measure BIO-1 as identified in the Mitigated Negative Declaration/Initial Study.

Facts in Support of Finding: Mitigation Measure BIO-1 has been proposed in the Mitigated Negative Declaration/Initial Study to reduce and/or avoid the Project's potential to disturb nesting birds during construction of the Project. Mitigation Measure BIO-1 requires pre-construction surveys for nesting birds within or immediately adjacent to the project site no more than two weeks prior to commencement of construction or grading activities. Mitigation Measure BIO-1 provides specific steps to be followed in the event nesting birds are located, including the establishment of appropriate buffer areas within which construction work would not be permitted until young birds have fledged.

B. Cultural Resources Impacts: There is the potential for unanticipated discovery of archeological resources and/or cultural resources during construction of the Project. Implementation of Mitigation Measure CUL-1 and CUL-2 would reduce these potentially significant impacts to less-than-significant levels. (Mitigated Negative Declaration/Initial Study Section 5, Cultural Resources).

Finding: Based on the Record, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the Project which will avoid or substantially lessen the potentially significant environmental impact related to adversely impacting archaeological resources and/or human remains by implementation of Mitigation Measures CUL-1 and CUL-2 as identified in the Mitigated Negative Declaration/Initial Study.

Facts in Support of Finding: Mitigation Measures CUL-1 and CUL-2 have been proposed in the Mitigated Negative Declaration/Initial Study to ensure the protection of cultural resources and/or archaeological resources which could be impacted due to construction of the Project. Mitigation Measure CUL-1 requires a qualified archaeological monitor be present during ground disturbing activities and Mitigation Measure CUL-2 requires that in the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities, all earth-disturbing work within 60-feet of the find shall immediately stop and a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards shall be retained to evaluate the significance of the find. If necessary, a treatment plan may be required prior to the continuation of construction activities. If the find is of Native American origin, appropriate treatment shall be determined in consultation with local Native Americans.

C. Geology and Soils Impact: There is the potential for unknown paleontological resources, such as fossils, to be discovered during excavation activities. Implementation of Mitigation Measure GEO-1 would reduce this potentially significant impact to a less-than-significant level. (Mitigated Negative Declaration/Initial Study Section 7, Geology and Soils).

Finding: Based on the Record, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the Project which will avoid or substantially lessen the potentially significant environmental impact related to liquefaction, landslides, lateral spreading, and rock fall by implementation of Mitigation Measure GEO-1 as identified in the Mitigated Negative Declaration/Initial Study.

Facts in Support of Finding: Mitigation Measure GEO-1 is required to ensure the Project does not impact previously unknown paleontological resources during construction. If said resources are discovered, all work would cease until a certified paleontologist investigates the find, make recommendations regarding the find, and remove the find if warranted.

D. Tribal Cultural Resources Impacts: There is the potential for unknown tribal cultural resources to be discovered during excavation and construction activities. Implementation of Mitigation Measures TCR-1, TCR-2, and TCR-3 would reduce these potentially significant impacts to a less than significant level (Mitigated Negative Declaration/Initial Study Section 18, Tribal Cultural Resources).

Finding: Based on the Record, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the Project which will avoid or substantially lessen the potentially significant environmental impact related to tribal cultural resources, by implementation of Mitigation Measures TCR-1, TCR-2, and TCR-3 as identified in the Mitigated Negative Declaration/Initial Study.

Facts in Support of Finding: Mitigation Measures TCR-1, TCR-2, and TCR-3 have been proposed in the Mitigated Negative Declaration/Initial Study to ensure that the proposed project does not significantly impact tribal cultural resources. Mitigation Measure TCR-1 states that, when feasible, project construction shall avoid tribal cultural resources. Mitigation Measures TCR-2 requires that a tribal cultural resources treatment plan be developed and implemented prior to construction, and Mitigation Measure TCR-3 requires Native American monitoring of earth disturbing work. These three mitigation measures will adequately reduce potentially significant impacts to tribal cultural resources to a less than significant level.

Mitigation Monitoring and Reporting Program

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Costco Fuel Center and Rowland Boulevard Public Works Project proposed in the City of Novato. CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). This MMRP is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Initial Study-Mitigated Negative Declaration (IS-MND), specifications are made herein that identify the action required and the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in this MMRP.

In addition to ensuring implementation of mitigation measures, the MMRP provides feedback to agency staff and decision-makers during project implementation and identifies the need for enforcement action before irreversible environmental damage occurs. This MMRP will be used by City staff or the City's consultant to determine compliance with permit conditions.

The following table identifies each mitigation measure included in the IS-MND, the action required for the measure to be implemented, the time at which the monitoring is to occur, the monitoring frequency, and the agency or party responsible for ensuring that the monitoring is performed. In addition, the table includes columns for compliance verification. These columns will be filled out by the monitoring agency or party and would document monitoring compliance. Where an impact was identified to be less than significant, no mitigation measures were required.

City of Novato
Cosco Fuel Center and Rowland Boulevard Public Works Project

Mitigation Measure/ Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Parties	Compliance Verification Initial Date Comments
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Biological Resources

BIO-1: Nesting Bird Surveys and Avoidance

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 sites.

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

- Verify initial ground disturbance activities, including vegetation removal, does not occur during the general avian nesting season (January 31 – September 1).
- If construction commences during the nesting season, retain a qualified biologist to conduct a preconstruction nesting bird survey for active nests within 500 feet of the project site and establish avoidance area buffers if necessary.
- Verify no ground disturbing activities occur in buffer until qualified biologist has confirmed nesting is completed and young have fledged the nest.

Prior to issuance of a demolition, grading, or construction permit

No more than 14 days prior to vegetation clearance and site demolition work

Ongoing throughout construction as necessary

Once

Once

As needed

City of Novato
 Community Development Department – Planning Division, Developer, and On-site Construction Manager

Mitigation Measure/ Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Parties	Compliance Verification	
					Initial	Date Comments
<p>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.</p>	<ul style="list-style-type: none"> Retain a qualified archaeologist to monitor all ground disturbing activities and inspect exposed ground surfaces following pavement removal and prior to grading and/or excavation. Require, in the construction and grading permits, that all work be halted if cultural resources are encountered. Construction personnel monitor for suspected cultural resources. 	<p>Prior to construction and grading permit approval</p>	<p>Once</p>	<p>City of Novato Community Development Department – Planning Division, Developer, and On-site Construction Manager</p>		
<p>Cultural Resources</p> <p>CUL-1: Archaeological Monitoring</p> <p>A qualified archaeological monitor shall be retained by the City of Novato and Costco to observe all project-related ground disturbing activities on both the fuel facility site and Rowland Boulevard improvements site, respectively. 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).</p> <p>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.</p>						

City of Novato
Costco Fuel Center and Rowland Boulevard Public Works Project

Mitigation Measure/ Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Parties	Compliance Verification Initial Date Comments
<p>If suspected archaeological resources are encountered at any point during project construction on either project site, work within a minimum of 60 feet of the suspected resource must halt and the find evaluated for listing in the CRHR. If a resource is determined to be a tribal cultural resource then the provisions of Mitigation Measures TCR-1 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).</p>	<p>CUL-2: Unanticipated Discovery of Archaeological Resources</p> <ul style="list-style-type: none"> Require, in the construction and grading permits, that all work be halted if cultural resources are encountered and a qualified archeologist is 	<p>Prior to construction and grading permit approval</p>	<p>Once</p>	<p>City of Novato Community Development Department – Planning Division, Developer, and On-site</p>	

Mitigation Measure/ Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Parties	Compliance Verification	
					Initial	Date Comments
<p>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.</p>	<p>contacted to evaluate the find.</p> <ul style="list-style-type: none"> Construction personnel monitor for suspected cultural resources. 	Ongoing throughout grading and excavation work	Continuously	Construction Manager		
Geology and Soils						
GEO- 1: Discovery of Previously Unidentified Paleontological Resources						
<p>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.</p>	<ul style="list-style-type: none"> Require, in the construction and grading permits, that all work be halted if paleontological resources are encountered and a qualified paleontologist is contacted to evaluate the find. Construction personnel monitor for suspected paleontological resources. 	Prior to construction and grading permit approval	Once	City of Novato Community Development Department – Planning Division, Developer, and On- site Construction Manager		

City of Novato
Costco Fuel Center and Rowland Boulevard Public Works Project

Mitigation Measure/ Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Parties	Compliance Verification	
					Initial	Date Comments
Tribal Cultural Resources						
TCR-1: Avoidance of Tribal Cultural Resources						
When feasible, project construction shall avoid tribal cultural resources.	<ul style="list-style-type: none"> Require, in the construction and grading permits, that project construction avoid tribal cultural resources when feasible. 	Prior to construction and grading permit approval	Once	City of Novato Community Development Department – Planning Division, Developer, and On-site Construction Manager		
TCR-2: Tribal Cultural Resources Treatment Plan						
<p>Prior to construction of the Rowland Boulevard or Costco fuel facility portions of the project, the City of Novato, 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.</p>	<ul style="list-style-type: none"> Require, in the construction and grading permits, that a tribal cultural resources treatment plan shall be drafted prior to construction. Construction personnel comply with the tribal cultural resources treatment plan. 	Prior to construction and grading permit approval Ongoing throughout grading and excavation work	Once Continuously	City of Novato Community Development Department – Planning Division, Developer, and On-site Construction Manager		

Mitigation Monitoring and Reporting Program

Mitigation Measure/ Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Parties	Compliance Verification	
					Initial	Date
TCR-3: Native American Monitoring						
<p>All earth-disturbing work, including archaeological excavation, associated with the Rowland Boulevard or Costco fuel facility portions of the project 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.</p>	<ul style="list-style-type: none"> Require, in the construction and grading permits, that construction only occur when a Native American representative is present to monitor earth-disturbing activities. 	<p>Prior to construction and grading permit approval</p>	<p>Once, and continuously during earth-disturbing activities</p>	<p>City of Novato Community Development Department – Planning Division, Developer, and On-site Construction Manager</p>		

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