

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 2024-018

RESOLUTION OF THE NOVATO PLANNING COMMISSION
RECOMMENDING THE NOVATO CITY COUNCIL APPROVE
THE PRECISE DEVELOPMENT PLAN AND DESIGN REVIEW
FOR THE NATIVITY OF CHRIST GREEK ORTHODOX
CHURCH ON AN APPROXIMATELY 5-ACRE SITE LOCATED
AT 1110 HIGHLAND DRIVE, APNs 160-150-03 AND 160-920-
24

WHEREAS, the City of Novato (hereafter “City”) received applications for a master plan, precise development plan, and design review from the Nativity of Christ Greek Orthodox Church (“Applicant”) to allow a 1,600 square-foot narthex addition to an existing church building, the addition of a new 500 square-foot dome feature that will increase the church building’s height to 58-feet, the construction of a 1,412 square-foot pavilion, and the construction of a new 1,800 square-foot shade structure, as well as additional site improvements including landscaping and parking lot upgrades (collectively “Project”) at 1110 Highland Drive, APNs 160-150-03 and 160-920-24 (hereafter “Project Site”);

WHEREAS, the Project Site is zoned Planned District (PD), which requires the approval of a master plan, precise development plan, and design review to allow for the use and development of PD zoned parcels;

WHEREAS, the Planning Commission, by separate resolution adopted prior hereto, recommended the City Council approve the proposed Master Plan for the Project;

WHEREAS, Novato Municipal Code Section 19.42.060 establishes the review procedures and findings necessary to approve a precise development plan;

WHEREAS, Novato Municipal Code Section 19.42.030 establishes the findings necessary to grant a design review approval;

WHEREAS, the Precise Development Plan (“PDP”) for the Project is comprised of the plans prepared for the Project and the PDP text provided in Exhibit A attached hereto;

WHEREAS, the City determined the Project is subject to the requirements of the California Environmental Quality Act (CEQA);

WHEREAS, by separate resolution adopted prior hereto, the Planning Commission recommended the City Council find the Project requires no further environmental review pursuant to CEQA Guidelines Section 15183;

WHEREAS, on June 7, 2023, the Novato Design Review Commission conducted a publicly noticed workshop to review the site design, architecture, and landscaping proposed for the Project;

WHEREAS, on September 6, 2023, the Design Review Commission adopted a motion recommending the Planning Commission and City Council approve the Project's site design, architecture, building mass, height increase for the dome feature, and landscaping;

WHEREAS, public notices describing the Planning Commission's public hearing on 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, 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 December 5, 2024, and published in the Marin Independent Journal, a newspaper of general circulation, on December 5, 2024; and

WHEREAS, the Planning Commission held a duly noticed public hearing on December 16, 2024, to consider and receive public testimony on the Project.

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 includes, but is not limited to: (1) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to the Project, (2) the evidence, facts, findings and other determinations set forth in this resolution, (3) the Novato General Plan 2035 and its certified final environmental impact report ("FEIR") and the Novato Municipal Code, (4) all design plans, studies, data and correspondence submitted to the City in connection with the Project, (5) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City, and (6) 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 the 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

Precise Development Plan

The Planning Commission hereby makes the following findings as required by Section 19.42.060.F.3. of the Novato Municipal Code with respect to the Precise Development Plan:

- A. The proposed precise development plan is consistent with the general plan, any applicable specific plan, and master plan;

Facts in Support: The Project Site is assigned the Low Density Residential (R1) land use designation of Novato General Plan 2035. The R1 land use designation allows for certain non-residential land uses, including religious facilities and wireless telecommunications facilities. The Nativity of Christ Greek Orthodox Church operates a religious facility and hosts separately managed wireless telecommunications facilities. The R1 land use designation establishes a maximum allowable floor area ratio (FAR) of 40 percent for non-residential uses.

The Master Plan recommended for the Project allows religious facilities as a principally permitted use and conditionally permits wireless telecommunications facilities with a use permit. There is no specific plan applicable to the Project Site.

The Precise Development Plan (“PDP”) for the Project contemplates the addition of approximately 3,500 square feet of new building area to the existing church’s buildings for church use. Accordingly, the Project, as presented in the PDP, includes new construction that will increase the total FAR to 34.6 percent. This FAR is based on net lot area after gross area reductions were applied in accordance with the Hillside Ordinance.

The Project’s proposed land uses and FAR are consistent with those permitted under the R1 land use designation of the Novato General Plan and the Master Plan.

The PDP, consisting of the design plans prepared for the Project and PDP text provided in Exhibit A, has been reviewed against applicable policies and programs of the Novato General Plan 2035, as documented in Exhibit B, *General Plan Consistency Findings for the Nativity of Christ Greek Orthodox Church*, and the proposed Master Plan. In all instances, the PDP is consistent with Novato General Plan 2035 and the proposed Master Plan.

Based on the observations above, the PDP is consistent with Finding A.

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

Facts in Support: The PDP, consisting of the design plans for the Project and PDP text, describes the Project's site design, building massing/height, landscaping, and architecture. These components of the Project have been designed based on the development standards and guidelines specified in applicable sections of the Novato Municipal Code, as well as physical site constraints and surrounding land uses. The Project's design is complimentary to and compatible with the existing residential neighborhoods located to the north, west, east, and south.

The Project involves building additions to enhance the architectural features of the existing church buildings on the Project Site. The proposed dome feature will increase the overall height of the existing church above the maximum height limit of 35-feet prescribed by the Hillside Ordinance and the discretionary height increase of up to 42-feet that can be considered and granted through Design Review. However, a building or attached feature exceeding either height limit can be approved through the City's Planned District (PD) zoning process provided such an allowance is consistent with the General Plan and meets the findings for approval for a precise development plan and Design Review action.

The proposed dome is a traditional design element of Greek Orthodox churches and is therefore compatible with the overall architectural theme of the Project and the existing church buildings. Further, the additional height of the dome is inconsequential from an aesthetic perspective since the dome is a relatively small feature (500 square feet) given the overall size of the existing church and recognizing the significant distance (185-feet) between the church and the nearest residences on Highland Drive.

On September 6, 2023, the Design Review Commission ("DRC") conducted a public hearing to consider making a formal recommendation to the Planning Commission and City Council regarding the Project's site design, massing, landscaping, and architecture, as well as the proposed height increase to accommodate the dome feature. The DRC adopted a motion recommending the Planning Commission and City Council approve the site design, building massing, height increase for the dome, and landscaping proposed for the Project.

Based on these observations, the project plans, and the DRC's recommendation, the PDP presents a comprehensive development plan that is of superior quality to what might otherwise occur from the application of traditional development standards of the Novato Municipal Code, consistent with Finding B., above.

- C. The design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water, etc.), would ensure that the proposed development would not endanger, jeopardize, or otherwise be detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located;
- D. The proposed Precise Development Plan standards are reasonably suited to the specific characteristics of the site, and are compatible with the existing and future land uses in the surrounding neighborhood;

E. The subject site is:

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

Facts in Support of Findings C., D. and E.: The Project Site is an approximately 5-acre site located on the east side of Highland Drive. Access to the Project Site is via Highland Drive and remains unchanged as a result of the Project.

The Project was referred to utility and emergency service providers for review and comment. Emergency service and utility providers did not identify any site specific conditions that would result in adverse impacts or hinder the ability to serve or access the Project Site.

The Project is subject to complying with all applicable mitigation measures adopted pursuant to the Mitigation Monitoring and Reporting Program (MMRP) for General Plan 2035. The implementation of applicable mitigation measures reduces all potentially significant impacts to a less than significant level. This finding is consistent with those of the Final EIR.

Based on these observations, the project plans, and the DRC's recommendation, the PDP is consistent with Findings C., D., and E.

Design Review

The Planning Commission hereby makes the following findings as required by Section 19.42.030.F. of the Novato Municipal Code with respect to the Project's Design Review, based on the findings and recommendation of the Novato Design Review Commission:

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, including this title and any approved master plan and precise development plan.

Facts in Support:

General Plan

The proposed Project is consistent with all applicable General Plan policies as documented in Exhibit B, attached hereto and incorporated herein by reference. Exhibit B lists each applicable

policy of the General Plan and details facts supporting the Project's consistency therewith, including those relevant to Design Review.

Master Plan

The Project's design is consistent with the Master Plan, including compliance with the applicable 0.40 FAR specified in the Plan.

Precise Development Plan

As set forth above, the PDP reflects the Project's design. As such, the Project's design is consistent with the PDP.

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: The Project was presented to the DRC at one public workshop and one public hearing. As discussed above, on September 6, 2023, the DRC adopted a motion recommending the Planning Commission and City Council approve the design aspects of the Project. Please refer to Findings C., D., and E. relating to the PDP provided above.

Based on these observations, the plans for the Project, and the DRC's recommendation, the Project is considered to be consistent with Finding 2.

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 development and does not create potential traffic, pedestrian or bicycle hazards.

Facts in Support: Please refer to Findings C., D., and E. relating to the PDP provided above.

Supplemental Design Review (Hillside and Ridgeline Protection Ordinance)

The Planning Commission hereby makes the following findings as required by Section 19.26.060 of the Novato Municipal Code with respect to the Project's Design Review, based on the supplemental findings of the Hillside Ordinance and recommendation of the Novato Design Review Commission:

1. The design, scale, massing, height and siting of development is compatible with the character and scale of the surrounding, developed neighborhood.
2. The design and site layout of the hillside project is respectful of and protects the natural environment to the maximum extent feasible.

- 3. Site grading has been designed to be as minimal as possible to achieve sensitive hillside design, minimize tree removal, and provide safe site access and required parking.
- 4. The hillside project is designed and sited to screen development to the extent feasible, through clustering and/or avoiding of highly visible hillsides, ridgelines, and knolls.

Facts in Support: Please see the consistency discussion for General Plan CC Policy 3 and ES Policy 15 and 15a presented in Exhibit B, attached hereto and incorporated herein by reference, regarding the Project’s consistency with Supplemental Findings 1 through 4.

Section 4. Precise Development Plan & Design Review Recommendation

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission does hereby recommend the City Council approve the proposed Nativity of Christ Greek Orthodox Church Precise Development Plan and Design Review for the Project, as described in Exhibit A and depicted on the design plans prepared by CJK Studio, dated March 22, 2024, based on the findings set forth herein and subject to the conditions of approval noted below and included in Exhibit C.

Section 5. Conditions of Approval and Limitations

The Project shall comply with all conditions of approval specified in Exhibit C, attached hereto and incorporated herein by reference.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the 16th day of December 2024, by the following vote:

AYES: Commissioners Dawson, Derby, Engdahl, Havel, and Heath

NOES: NONE

ABSTAIN: NONE

ABSENT: Commissioners Crockett and Tiernan

* * * * *

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 16th day of December 2024.

Curtis Havel

Curtis Havel - Chair

Attachments

Exhibit A – Nativity of Christ Greek Orthodox Church Precise Development Plan Text

Exhibit B – General Plan Consistency Findings

Exhibit C – General Project Conditions of Approval

EXHIBIT A

NATIVITY AT CHRIST GREEK ORTHODOX CHURCH (1110 Highland Drive)

PRECISE DEVELOPMENT PLAN TEXT

I. Applicability:

The development standards specified in this Precise Development Plan shall apply to 1110 Highland Drive (APNs 160-150-03 and 160-920-24) (hereafter “Precise Development Plan Area”).

II. Development Standards¹:

1. Development of the Precise Development Plan Area shall be as shown on the design plans for the Project prepared by CJK Studio, dated March 22, 2024 (hereafter “Project Plans”).
2. The maximum floor area ratio (FAR) applicable to Precise Development Plan Area shall be as specified in the Master Plan.
3. Any future expansion of the religious facility within the maximum FAR shall be subject to the following requirements:
 - a. The maximum lot coverage and minimum setbacks shall be those of the R1-40 zoning district, as may be amended from time to time.
 - b. Required off-street parking shall be as required by the Novato Municipal Code for the land uses and accessory uses specified in the Master Plan.
 - c. All other review processes and standards of the Novato Municipal Code applicable to the Project Site and/or the specific expansion proposal(s), including, but no limited to, Division 19.26 (Hillside and Ridgeline Protection).
4. Any proposal for new or expanded wireless telecommunications facilities in the Precise Development Plan Area shall be subject to the applicable permitting process(es) and development standards of the Novato Municipal Code generally and specifically those of Novato Municipal Code Division 19.38 (Wireless Communications Facilities), as may be amended from time to time, or as otherwise directed by State and federal regulations applicable to such facilities.

III. Colors, Materials, and Landscaping:

Any deviations from the approved colors, materials, and landscaping for the Project, shall be considered in accordance with subsection V (Amendments to the Precise Development Plan), below.

IV. CEQA Mitigation Measures

New development within the Precise Development Plan Area shall comply with the mitigation measures of the Final EIR Certified for Novato General Plan 2035 as listed in City Council Resolution No. 2020-068, unless determined to be inapplicable to the specific development proposal.

V. Amendments to the Precise Development Plan

Amendments involving minor architectural, landscaping, or site design changes that are consistent with the approved Master Plan, may be considered by the Community Development Director. All other amendments to the Precise Development Plan shall be considered in accordance with the standards and procedures set forth by the Novato Municipal Code, as may be amended from time to time.

Notes:

¹ Unless defined herein, see the Novato Municipal Code for definitions, development standards, and/or performance standards associated with a particular land use and development standard.

EXHIBIT B

NATIVITY AT CHRIST GREEK ORTHODOX CHURCH (1110 Highland Drive)

**NOVATO GENERAL PLAN 2035
CONSISTENCY FINDINGS**

The Planning Commission hereby finds the Project to be consistent with Novato General Plan 2035, including, but not limited to, the following applicable General Plan policies and programs:

Novato General Plan 2035:

LAND USE CHAPTER

Land Use (LU) Policies -

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 has a General Plan land use designation of Low Density Residential (R1), which allows for religious use facilities and wireless telecommunications facilities. The R1 land use designation establishes a maximum allowable floor area ratio (FAR) of 40 percent for non-residential uses. In this instance, the Project involves the addition of a new narthex entryway and pavilion contributing to the existing FAR, resulting in a total FAR of 34.6 percent based on net lot area after reductions were taken pursuant to the Hillside Ordinance. The proposed rooftop dome addition does not contribute to the existing FAR because it will be open to the ground floor. The new shade structure likewise does not count towards FAR. As such, the total area of the proposed additions (narthex and pavilion) is within the maximum FAR established for the R1 land use designation. Therefore, based on the observations detailed above, the Project is consistent with LU Policy 1.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with Policies LU Policy 1.

Community Character (CC) Policies -

CC Policy 3: Hillsides. Protect Novato's hillsides and ridgelines from erosion, slope failure and visual impacts by limiting the extent and location of new development and ensuring that new development complies with the requirements of the Hillside and Ridgeline Protection ordinance in the Zoning Code.

Facts in Support: The existing church use was established at the Project Site in 1979 and pre-dates adoption of the Hillside Ordinance implementing CC Policy 3. The Project involves

additions to the existing church buildings which intentionally emphasize Greek Orthodox church architecture.

The Project Site has an area of 5.14 acres. The proposed narthex entryway and pavilion additions and associated site improvements are located north and northwest of the existing church building and will be visible from Highland Drive. This is the flatter portion of the Project Site and the proposed additions have been designed to be architecturally compatible with the existing church building and minimize changes to existing topography. The Project Site dramatically slopes downward south, west and east, with the church buildings located in the areas of higher topographic relief. Accordingly, to minimize soil movement and disturbance to the existing topography, the Project's site design locates new development on less sloped areas.

As observed in the discussion regarding Policy CC 12 below, the proposed narthex and dome elements are symbolic features of traditional Greek orthodox church architecture that have been designed in a way that is intentionally respectful to the surrounding pattern of residential development while also enhancing the architectural character of the existing building.

NMC Section 19.26.050.J.3 (Hillside Project Development Standards – Height Measurement) requires:

“The maximum allowable building height shall be measured in compliance with NMC Section 19.20.070 (Height Limits and Exceptions), with the exception that either the existing pre-developed grade, or the finished grade, whichever has the lower elevation, shall be utilized”.

Furthermore, NMC Section 19.20.070 establishes that “The maximum allowable height shall be measured as the vertical distance from finished grade at the base of the structure to an imaginary plane located the allowed number of feet above and parallel to the finished grade at any point.”

Accordingly, a building's height must be based off a measurement from the lowest point of the structure to the highest building element and along any point at its base. The Hillside Ordinance allows for a height limit of 35-feet for non-residential buildings, with the opportunity to potentially increase this height by up to 20 percent (42-feet) if Design Review findings can be made to support allowing additional building height. However, a project proposed through the master plan and precise development plan does not need to be designed to comply with traditional site design and development standards of the Zoning Ordinance, including the Hillside Ordinance, because the Planned District (PD) process allows a review authority to consider allowing deviations from the design provisions of the Zoning Ordinance.

In this instance, the proposed rooftop dome element measures to 53-feet at the southern elevation and approximately 58-feet at the western elevation (facing Highland Drive), which exceeds the Hillside Ordinance's base height limit of 35-feet and the discretionary height limit of up to 42-feet. Accordingly, the Applicant has requested the City consider allowing the proposed height of the Project through the PD zoning process. Please refer to the discussion for CC Policies 12 and 13 regarding the rationale to support allowing the dome to exceed the noted height limits.

The Project's site design minimizes disturbance to the existing topography. As such, the Project

design is sensitive to the sloped topography of the Project Site because the proposed improvements are located within the areas of the parcel with less topographic relief. The Project does not involve the removal of any existing trees. Access to the Project Site is taken from Highland Drive and remains unchanged with the Project. The Project is located in the flatter portion of the subject parcel and will be visible from Highland Drive. The proposed additions are architectural enhancements to the existing church buildings and are sufficiently setback (approximately 185-feet) from the closest residential properties. The Project also includes planting new trees to help diffuse views of the retaining walls necessary to support the narthex and its accompanying plaza.

As previously discussed, the Project Site slopes downward south, west, and east, with the church buildings located in the areas of higher topographic relief. Accordingly, the site design has purposefully avoided development in areas of the property where new construction would be highly visible.

Based on the facts set forth above, and the Record as a whole, the Project to be consistent with Policy CC 3.

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 (CC Policies 12 & 13): The Project Site is a 5.14-acre parcel that is bordered by established single-family residential neighborhoods. The homes in these residential neighborhoods are predominantly two-story structures.

The proposed building additions maintain and enhance the architectural features of the existing church buildings. For example, the proposed narthex (entryway) and dome addition will use the same siding, trim, roofing material, and colors from the existing church building. The proposal incorporates a rough stucco Mediterranean finish for the siding material, clay Spanish roof tiles, bronze metal framed windows, and mosaic artwork, as well as custom wood doors for the narthex addition. By using similar colors and materials, the proposed additions will be compatible with and complement the architecture of the existing church buildings. The proposed narthex and dome elements are symbolic features of traditional Greek Orthodox church architecture that have been designed in a way that is intentionally respectful to the surrounding pattern of residential development while also enhancing the existing church's architectural character.

The dome proposed by the Church raises the height of the existing church above the City's maximum discretionary height limit (42-feet) that can be allowed through a Design Review action. A building or attached feature exceeding this height limit can be approved through the City's

Planned District (PD) zoning process provided such an allowance is found to be consistent with the General Plan and applicable findings. As discussed at the DRC workshop for the Project, the proposed dome is a traditional design element of Greek Orthodox churches and is compatible with the overall architectural theme of the Project. Further, the additional height of the dome is inconsequential from aesthetic perspective since the dome is a relatively small feature (500 square feet) given the overall size of the existing church and recognizing the significant distance (185-foot) between the church and the nearest residences on Highland Drive. Overall, views of the church are not anticipated to change in any appreciable or negative manner with the additional building height to accommodate the dome.

The Project includes a row of black poplar (*Populus nigra*) along the proposed “walk of faith” and a grove of olive trees in the open area between the church and Highland Drive. These plantings are proposed in response to the Design Review Commission’s request to consider landscape elements to improve the visual transition between the church and the residences on Highland Drive, as well as to help diffuse views of the retaining walls for the narthex and its plaza. The proposed trees are complimentary to the architecture of the Project, serve to screen views of the noted retaining walls, and create an acceptable visual transition between the church and the nearby homes on Highland Drive.

The plans for the Project provide a conceptual lighting design, including up-lighting of newly proposed trees. The installation of up-lighting is not recommended given concern about creating glare due to the elevated position of the church and its proximity to residences on Highland Drive. A more restrained approach to site lighting is warranted. Given this circumstance, the Precise Development Plan includes a condition of approval allowing Dark Sky compliant bollard lighting located along the driveway connecting to Highland Drive, at the plaza entry to the narthex, and along the walkway (“walk of faith”) along the west side of the church building and the plaza; up-lighting is not allowed. Compliance with this condition would ensure the Project’s lighting design is compatible with the surrounding neighborhood, consistent with CC Policy 12.

This Project, as conditioned by the Precise Development Plan, is consistent with surrounding residential development and complimentary to the existing church’s architecture. Based on the observations above, the Project is consistent with the pattern of development, topography, character, scale, and ambiance of the surrounding neighborhoods consistent with CC Policy 12. Similarly, the Project features details that are authentic to traditional Greek Orthodox church design, including the specific colors, materials, and building elements proposed for the narthex, dome, pavilion, and shade structure.

Based on the facts set forth above, and the Record as a whole, the Project is consistent with Policies CC 12 and 13.

ENVIRONMENT CHAPTER

Environmental Stewardship (ES) Policies -

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.

ES Program 15a: Hillside and Ridgeline Protection. Ensure that new development complies with the requirements of the Scenic Resources Protection Ordinance and the Hillside and Ridgeline Protection Ordinance in the Zoning Code.

Facts in Support: The Project Site is not included as a ridgeline and scenic resource on Figure ES-6. The Project has been reviewed for consistency with the City's Hillside and Ridgeline Protection Ordinance. The development intensity contemplated by the Master Plan and Precise Development Plan were established based on the development intensity reduction factors of the Hillside Ordinance.

Based on the facts set forth above, and the Record as a whole, the Planning Commission finds the Project to be consistent with Policies ES 15 and 15a.

EXHIBIT C

NATIVITY AT CHRIST GREEK ORTHODOX CHURCH (1110 Highland Drive)

GENERAL PROJECT CONDITIONS OF APPROVAL

The Nativity at Christ Greek Orthodox Church Project is subject to complying with the following conditions of approval, which shall be implemented by the Applicant. The use of the term “Applicant” in this instance is inclusive of any and all successors in interest to the Project.

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

1. The approval granted herein shall not become effective until all appropriate fees billed by the City of Novato 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 permit(s), certificate(s) of occupancy or other entitlements.
2. The final landscaping details proposed for the Project shall be reviewed and approved by the Design Review Commission prior to issuance of a building permit for the Project.
3. The Precise Development Plan and Design Review approval shall expire two-years from the date of approval unless a final Design Review action is completed for the Project’s landscape plan, or an extension is granted pursuant to Novato Municipal Code Division 19.44, Permit Implementation, Time Limits and Extensions.
4. The Project shall comply with Novato Municipal Code Division 19.21, Art Program, by either paying an in-lieu fee or providing an artwork consistent with the requirements of this Division. Any public art component proposed to satisfy the requirements of Division 19.21 shall be presented to the Design Review Commission for review and approval prior to issuance of a building permit for the Project.
5. The Project shall be constructed in accordance with the design plans prepared by CJK Studio, dated March 22, 2024, and the conditions of approval stipulated herein. Minor modifications to the Project’s site design, landscaping, or architecture may be considered and acted upon by the Community Development Director pursuant to Novato Municipal Code Section 19.42.060.H.
6. The following final design details shall be submitted on the construction plan submitted with the building permit application for the Project, subject to review and approval by the Planning Division prior to issuance of a building permit:
 - a. Location and size of all mechanical and utility equipment including power and telephone equipment, meters, and transformers;

- b. Final colors and materials as reflected in the colors and materials list as shown on plans prepared by CJK Studio, dated July 13, 2023, and presented to DRC on September 6, 2023.
7. A construction detail lighting plan and photometric analysis shall be prepared for review and approval by the Design Review Commission prior to issuance of a building permit for the Project.
8. Landscape plans in construction detail showing the location, type, and size of plant materials, estimated height and spread at maturity; the area and type of top dressing; tree staking; soil mix; planting area separators; fencing; and all other landscaping improvements, shall be prepared for review and approval by the Design Review Commission prior to issuance of a building permit for the Project.
9. The Applicant, property owner, or any successor in interest to the Project, shall be subject to paying all applicable development impact fees as specified in City Council Resolution No. 2022-059, as subsequently amended from time to time.
10. Cultural Resources Mitigation. If cultural resources are encountered during ground-disturbing activities associated with construction of the project, work within 50 feet of the find shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) be contacted immediately to evaluate the find. If no additional work to evaluate the find is necessary, the archaeologist shall evaluate the find for listing in the NRHP and CRHR. If the find requires excavation, the archaeologist shall prepare a work plan and implement a Phase II excavation to evaluate the find. If the discovery proves to be eligible for listing in the NRHP and/or CRHR, the archaeologist shall make recommendations for further treatment such as data or heritage recovery or capping. If the find is of Native American origin, appropriate treatment shall be determined in consultation with local Native Americans.
11. Construction Noise and Vibration Mitigation. The following measures shall be implemented to minimize construction noise and vibration:
 - a. The project shall comply with all the requirements of NMC 19.22.070 – Noise and Construction Hours.
 - b. Mufflers. During excavation and grading construction phases, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards.
 - c. Stationary Equipment. All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receptors. All vibratory

stationary construction equipment shall be placed as far as possible from the nearest sensitive receptors.

- d. **Building Examination.** The pre-existing condition of any buildings within 25 feet of any construction activities shall be recorded in order to evaluate damage from project-related construction. Fixtures and finishes within a 25-foot radius of construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.
 - e. **Equipment Staging Areas.** Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise and vibration sources and noise-sensitive receptors.
12. **Air Quality Mitigation.** The following measures shall be implemented to minimize construction related exhaust and dust emissions:
- 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, with priority given to the use of recycled water for this activity when feasible.
 - 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 power 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 visible emissions evaluator.
 - h. A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take

corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

13. Biological Resources Mitigation. To avoid impacting the active nests of birds protected by the Migratory Bird Treaty Act and California Fish and Game Code, initial site disturbance activities, including vegetation removal and grading, should not be conducted during the general bird nesting season (February 1st to August 31st) if feasible.
 - a. If nesting season avoidance is not feasible, a qualified biologist should conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the Project Site not more than 5 days prior to the start of vegetation removal, construction, or demolition.
 - b. In the event that active nests are discovered, a suitable buffer (typically 50 feet for passerines and 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing or construction activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest.
 - c. Nesting bird surveys are not required for construction activities occurring between August 31st and January 31st.

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

14. Building permits shall be obtained, as required by the California Building Code and Novato Municipal Code Chapter IV.

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

15. Prior to construction the Applicant, property owner, or any successor in interest to the Project, shall submit a grading and drainage plan prepared by a California Registered Civil Engineer that shows the quantity of grading proposed for the Project.
16. Construction detail drawings shall show all existing and proposed utilities and easements.
17. A Stormwater Control Plan prepared in accordance with the current Bay Area Stormwater Management Agencies Association (BASMAA) Post Construction Manual shall be required for any project that creates or replaces 2,500 square feet or more of impervious surfaces.
18. All refuse enclosures shall be designed and constructed with a roof and must be bermed to prevent runoff from flowing into or away from the area.

The following conditions of approval shall be met to the satisfaction of the Novato Fire Protection District:

19. An automatic fire sprinkler system is required to be installed conforming to NFPA Std. 13. Plans and hydraulic calculations shall be submitted to the Fire Marshal for review prior to installation. Contact the North Marin Water District to apply for fire service connection. Additional sizing may be required due to available pressures and fire flow. Changes or alterations to the building that affect Fire Sprinkler coverage shall be evaluated by a qualified licensed contractor. If alterations are required to the Fire Sprinkler System, a separate submittal of plans, permits and fees shall be submitted directly to NFPD.
20. All automatic fire sprinkler and fire alarm systems, flow switches, and control valves shall be monitored by an approved UL Central Station company, zoned and enunciated as required by the Novato Fire District and Fire Protection Standard #400. Changes or alterations to the building that affect Fire Alarm coverage shall be evaluated by a qualified licensed contractor. If alterations are required to the Fire Alarm System, a separate submittal of plans, permits and fees shall be submitted directly to NFPD.
21. Fire Lanes shall be updated as necessary.
22. 'Knox' key access shall be installed at the premises conforming to Novato Fire Protection Standard #202.
23. This project is located in a wildland-urban interface area and must meet all applicable California Building Code requirements. See CBC Chapter 7A.
24. 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.
25. The facility and improvements shall comply with the California Building Code and State Fire Marshal building standards and regulations.
26. Maximum Occupant Capacity signs shall be installed as required by the Fire Marshal conforming to Fire District Standard #115.
27. Portable fire extinguishers shall be installed and maintained in accordance with California Fire Code Chapter 9.

The following conditions of approval shall be met to the satisfaction of the North Marin Water District:

28. The Project must conform to District Regulation 15 - Mandatory Water Conservation Measures. Occupancy approval shall not be granted until compliance with water conservation measures, as applicable, can be verified. For the full scope of the required water conservation

measures for both indoor fixtures/appliances and landscaping refer to Regulation 15 (section e. and f.) at www.nmwd.com

The following conditions of approval shall be met to the satisfaction of the Novato Sanitary District:

29. Prior to construction, the Applicant shall apply for a Novato Sanitary District permit and pay all applicable fees, including but not limited to, application fee, inspection fee, and fees for the additional fixture units.