



CITY OF PETALUMA

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Mayor

Councilmembers:
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John Shribbs,
District 2
Karen Nau,
District 3
Brian Barnacle,
at-large
Mike Healy,
at-large
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at-large

July 3, 2024

Mark Johnson
J Cyril Johnson Investment Corp.
125 Willow Road
Menlo Park CA 94025

[Sent via e-mail to:
mark@acclaimcompanies.com]

RE: Major Site Plan and Architectural Review (SPAR)
Deer Creek Apartments 2, File No. PLSR-2023-0013
Third Incomplete Notice

Dear Mr. Johnson:

On August 8, 2023, the City of Petaluma (the “**City**”) received payment for an application for site plan and architectural review (“**SPAR**”) (file number PLSR-2023-0013) concerning a new housing development project to be located on APN 007-391-005 known as Deer Creek 2.

Per California Government Code Section 65943(a), the City had until September 7, 2023 (30 days after the application date of August 8, 2023), to provide a written response to the application. Pursuant to California Government Code Section 65943(d), an applicant and a City may mutually agree to an extension of the time limit, and such an extension was agreed to as outlined in email correspondence on July 14, 2023, extending the response time to November 6, 2023.

The City reviewed the Application for completeness and compliance with applicable laws, and on November 6, 2023, the City provided Applicant with a timely initial incomplete notice for the Application.

On February 2, 2024, the City received new and revised Application materials, and on March 4, 2024, the City notified you in writing that the Application materials were deemed incomplete.

On June 3, 2024, the City received new and revised Application materials, and on July 3, 2024, found the Application still **materially incomplete** and that it cannot be processed or approved for the reasons listed on the following pages.

To facilitate your preparation of a complete application, the March 4, 2024, list of incomplete items is reproduced on the following pages and is annotated with **underlined text in BLUE** to note the items that continue to be needed (and when relevant, with new clarifications or additional guidance), new areas of incompleteness based on any new information provided in your June 3, 2024, resubmittal, or a notation for the items that your resubmittal has adequately addressed.

As stated in the letter dated July 3, 2024, from Eric Danly, the parcel is not eligible for a “Builders Remedy” pursuant to Govt. Code Section 65589.5. Accordingly, this application will need to include an application for a General Plan amendment and Zoning Code amendment.

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INCOMPLETENESS ITEMS

The following items are required for the City to continue processing the application. In your resubmittal, please provide an itemized, cross-referenced response letter addressing each comment to document the associated changes made within the application materials. **Note:** Based on the information provided in the application, staff is not able to fully confirm compliance with the Petaluma Implementing Zoning Ordinance (IZO) or Petaluma General Plan, and upon review of the information and clarifications provided in response to this letter, staff may have additional comments in response to any resubmittal. Also, any response to this letter must be submitted as a single and complete response to address all incomplete items.

I. Planning & Zoning

A: Completeness:

1. General

- (a) Per California Business and Professions Code Section Code Section 5536.1(a), plans that require preparation by a licensed California architect or engineer under the California Architects Practice Act shall bear the architect or engineer's stamp and signature on each sheet. Please revise all plans to comply. Plans revised in 2-2-24 submittal. No further action required.
- (b) Per California Government Code Section 65962.5(f), "Before a lead agency accepts as complete an application for any development project which will be used by any person, the applicant shall consult the lists sent to the appropriate city or county and shall submit a signed statement to the local agency indicating whether the project and any alternatives are located on a site that is included on any of the lists compiled pursuant to this section and shall specify any list. If the site is included on a list, and the list is not specified on the statement, the lead agency shall notify the applicant pursuant to Section 65943." This statement may be found in attachment 1 to this letter. Please complete this form and submit it to the City. Hazardous Waste and Substance Statement provided in 2-2-24 submittal. No further action required.
- (c) **Clarity - All Plans.** Site plans, landscape plans, and architectural drawings will be reviewed by those familiar with plan review (planners, architects, engineers, and City staff), planning commissioners and Council members, as well as members of the community. Given this range of reviewers, all drawings should be clear, complete, and easily understood by all audiences. With this in mind, please review each page of the plan set to be sure the features shown on each page are relevant to the page title, fully dimension all details relevant to the page, and omit details or information that is irrelevant or would cause the page to be difficult to read. In addition, the comments that follow address both this need for better clarity and the requirements in the IZO and the related Site Plan & Architectural Review Information Handout(s):
 - Please be sure that all symbols, lines, or marks are described in a legend for each plan set page; The plans included in the 2-2-24 submittal do not respond to this comment as not all symbols, lines, or marks are described in a legend on each plan set page. Please revise the plans to comply.
The plans included in the 6-3-24 submittal respond to this comment. No further action required.
 - On some plan sheet views, dimensions are shown from unlabeled site features. Please label and or clarify the purpose of these dimensions; The plans included in the 2-2-24 submittal respond to this comment. No further action required. and

- **Internal Consistency:** Please review all plans to be sure that features shown within the architectural drawings, civil plans and landscape plans are consistent. Revised plans provided in 2-2-24 submittal partially satisfy this requirement. However, note that the table provided on Sheet A-0 provides a tally of accessible parking that differs from what is shown on Sheet A-1a, that trees species shown on Sheet L-5.1 appear to not be listed in the plant list, and that the utility plan appears to show meters and other utility connections in locations that appear to conflict with the landscape plans. Regarding the landscape plans, be sure that the plans, plant images, and plant lists are consistent and do not depict plants not proposed for this project.
The plans included in the 6-3-24 submittal respond to this comment. No further action required.
 - **New Comment:** Please clarify the extent of any area labeled as ‘Not a Part’.
The plans included in the 6-3-24 submittal respond to this comment. No further action required.
- (d) **Tabular Data.** Please submit for staff review all tabular data provided in all application materials as an excel file. Tabular data provided in 2-2-24 submittal. No further action required.
2. **General Application Form:**
- (a) **Tree Removal Permit Required, per IZO Section 17.060.A.** Please revise the general application form to acknowledge that this permit is required and update your project description to identify the trees to be removed. For your information, the City’s review of the Tree Removal Permit will be guided by the following:
- “The design of every development project (that which requires a discretionary approval or other development permit) shall recognize the desirability of preserving protected trees to the greatest extent possible.” (IZO Section 17.050.A)*
- and
- “It is recognized that the preservation of all existing trees on a development site may sometimes conflict with reasonable land developmental considerations (e.g., adequate drainage, grading, circulation, safety, and provision of utilities.) However, the design of the proposed development shall address preservation of the most desirable and significant of the healthy trees and the developer is encouraged to utilize creative land planning techniques to achieve this goal.” (IZO Section 17.050.B)*
- To address these tree preservation goals and findings, please revise your project description to describe the reason for the removal of any protected tree and describe how the new tree plantings further the general purposes of the City’s Tree Preservation Ordinance, as described in IZO Section 17.010. Finally, per IZO Section 17.065, Tree Mitigation is required. Please revise your project description to describe how the project will comply with the City’s Tree Mitigation requirements. The 2-2-24 submittal provides documentation that a Tree Removal Permit is not required. No further action required.
- (b) **Vesting Tentative Tract Map.** The application materials refer to a Vesting Tentative Tract map. Confirm if such a map is needed, and if so, please revise the general application form to acknowledge that this permit is required, submit related application forms and materials,

and submit the application fee deposit of \$11,571.44. Vesting Tentative Map applied for on 2-12-24. No further action required.

3. **General Plan and Zoning Amendment Application Checklists:** The land use classification for the project site is “Community Commercial” and the zoning designation is “C2”. The project described on page 2 of this letter would include dwellings, but no other land uses. Per IZO Table 4.4, while dwellings within a mixed-use building are allowed (if located above the ground floor), a project with only dwellings is not a permitted use. To proceed, you may revise your project to provide appropriate ground floor commercial uses with dwellings above the ground floor, or, alternatively, apply for an amendment to the General Plan Land Use Map and to the Zoning map to apply a land use classification/zoning designation that would support your project. If you chose to apply for the amendments, additional application materials are required by the [General Plan Amendment Checklist](#) and the [Specific Plan/Zoning Amendment Checklist](#). Please review the application checklists for each amendment to provide all applicable information/materials and submit the application fee deposits (General Plan map amendment fee deposit is \$7,893.78 and the Zoning map amendment fee deposit is \$8,522.71). As stated in the letter dated July 3, 2024, from Eric Danly, the parcel is not eligible for a “Builders Remedy” pursuant to Govt. Code Section 65589.5. Accordingly, this application will need to include an application for a General Plan amendment and Zoning Code amendment.
4. **Site Plan & Architectural Review Checklist:**
 - (a) **Aerial Context Map Required.** Please prepare and submit an aerial context map that depicts the project site and all proposed development (on and off site). and all development within 300’ of the site. Aerial context map provided in 2-2-24 submittal. No further action required.
 - (b) **Plans not Fully Dimensioned.** Please revise all site plans to provide the building-to-building separation between all buildings and structures, the maximum and minimum setback for any building or structure within 100’ of an existing or proposed property line, the maximum and minimum setback from any paved surface within 25’ of an existing or proposed property line, and the minimum setback from the top of bank, floodway, 100-year flood plain, or from any portion of the site that qualifies as a riparian area, to any building, structure or paved area. When depicting the building-to-building separation or setback please be sure to depict these dimensions from any upper floor building projections (such as a projecting bay or other enclosed space), enclosed mechanical enclosures, and/or covered porches/upper floor decks or balconies. Revised plans provided in 2-2-24 submittal partially satisfy this requirement. However, the minimum setback from the top of bank, floodway, 100-year flood plain, or from any portion of the site that qualifies as a riparian area, to any building, structure or paved area was not provided. Please revise the plans to comply.
Review of this project is subject to the River Access and Enhancement Plan. This plan has mapped this site as containing areas of marshland and oak grove/riparian woodlands (see pages 64-67 of the plan that is available here: [link](#)). Please revise the plans to depict any portion of the site that contains areas of marshland and oak grove/riparian woodlands, and when present, provide the dimension from these features to new buildings or other alterations proposed for the site.
 - (c) **Buildings not Fully Dimensioned.** Please revise all site plans to provide the dimensions of all buildings and structures. The plans included in the 2-2-24 submittal respond to this comment. No further action required.

- (d) **Labels.** Please revise all floor plans to provide the use of all rooms, per the California Building Code. Revised plans provided in 2-2-24 submittal partially satisfy this requirement. However, a room within “Unit B1” is not labeled. Also, for Unit B1, please clarify if this room will be enclosed and the intent of the exterior door that is within this unlabeled room (which is shown in dashed lines). Please revise the plans to comply. The plans included in the 6-3-24 submittal do not appear to have been updated to clarify what is meant by depicting an exterior door that is shown in dashed lines. Please revise the plans to provide this clarification.
- (e) **Parking Spaces and Drive Aisles not Fully Dimensioned.** Please revise all site plans to provide the dimension of all parking spaces and drive aisles. Please also refer to Section E of this letter for additional requirements that apply. Revised plans provided in 2-2-24 submittal partially satisfy this requirement. However, not all parking stalls are dimensioned, and please note that per the City’s Site Plan & Architectural Review Information Handout Appendix A - Parking Standards, all “end stalls shall measure a minimum of ten (10) feet wide”. Please dimension all stalls and be sure that all end stalls are at least 10 feet wide. Please revise the plans to comply. The plans included in the 6-3-24 submittal respond to this comment. No further action required.
- (f) **Exterior Lighting Plan Required.** Please revise the site plans and building elevations as needed to show lighting locations and details of fixture types. Please prepare and submit a Photometric Plan. When doing so, please be sure the photometric plan reflects all proposed landscaping. Revised plans provided in 2-2-24 submittal partially satisfy this requirement. Please refer to Section I.6.F of this letter for more. The plans included in the 6-3-24 submittal respond to this comment. No further action required.
- (g) **Screening Plan Required.** Please revise the site plans and building elevations as needed to show all accessory fixtures, either above or below grade, such as utility meters or equipment, mechanical equipment, air conditioners, etc., and the proposed method of screening. Revised plans provided in 2-2-24 submittal partially satisfy this requirement. However, it is not clear that screening for above grade utility meters or equipment would be provided. Also, please provide detail drawing for all above grade utilities. Please revise the plans to comply. The plans included in the 6-3-24 submittal do not appear to be responsive. Please provide revised plans that depict screening for all above-grade utilities.
5. **Environmental Information Questionnaire:**
- (a) **Environmental Effects.** Please review Section C of this form to revise the responses to #1-4, 7 & 13. Also, for any response that is ‘yes’, and to support ‘no’ for #17, prepare and submit supporting documentation. To help document changes to the site (questions #1 & 6), please provide calculations and a site plan to show any cut/fill. To document changes to drainage (question #2), please provide square feet and % of site that will be pervious or impervious. Additional information was provided in 2-2-24 submittal. However, a site plan to show cut/fill was not provided. Note that all changes to existing topography/grade must be shown, to include all pathways and improvements contemplated within the 100-year floodplain. Please revise the plans to comply. The plans included in the 6-3-24 submittal do not appear to be responsive. While Sheet C3.2 shows locations intended for cut or fill, and the expected change in grade, the plan does not show the cut or fill needed for the river trail, nor does the plan show the cut or fill

that will be needed adjacent to Buildings 3 and 4 to provide access to the ground floor units. Also, for any other portion of the site depicted in white on Sheet C3.2, please confirm whether cut or fill will be needed. Please revise the plans to comply.

6. Site Plan & Architectural Review: Appendix A, Parking Standards:

- (a) **Compact Parking.** Up to thirty (30) percent of the minimum required parking spaces may be reduced in size to accommodate compact cars. Please confirm that the parking plan complies with this standard by labeling and providing the dimension for any compact parking space. Thank you for confirming that no compact parking spaces are proposed. No further action required.
- (b) **Dimensional Standards Apply.** Please refer to Table 1 – Minimum Parking Lot Dimensions and Figures 1-4 to confirm that the parking plan complies. Revised plans provided in 2-2-24 submittal partially satisfy this requirement. However, not all parking stalls are dimensioned, and please note that per the City’s Site Plan & Architectural Review Information Handout Appendix A - Parking Standards, all “end stalls shall measure a minimum of ten (10) feet wide”. Please be sure that all end stalls are at least 10 feet wide. Please revise the plans to comply.
The plans included in the 6-3-24 submittal respond to this comment. No further action required.
- (c) **Parking Spaces Prohibited in Required Front or Street Side Setback.** Please refer to IZO Table 4.9, and IZO Chapter 28 for the definitions for Setback and Yard to confirm compliance. Thank you for confirming that no parking spaces would be located within a required setback. No further action required.
- (d) **Paving.** All driveways and parking areas shall be paved with a City approved surface. Alternative paving materials may be used, subject to approval of the City and the use of pervious pavement is encouraged. Note that subject to appropriate site conditions, this site may be required to provide a minimum of 20% of pervious pavement. Thank you for confirming that this requirement may apply to this project. No further action required.
- (e) **Screening Required.** Please review the site and landscape plans to ensure that all parking areas are screened from view when adjacent to a street right-of-way. Revised plans provided in 2-2-24 submittal partially satisfy this requirement. However, not all parking stalls appear to be screened from view from the public right-of-way by the proposed landscaping. Please revise the plans to comply.
The plans included in the 6-3-24 submittal respond to this comment. No further action required.
- (f) **Exterior Lighting.** Any lights provided to illuminate drive aisles or parking spaces shall be arranged so as to reflect/shield light away from adjacent properties and streets (i.e. downward) and all freestanding lighting standards shall not be more than twenty (20) feet in height and should be consistent with the architectural design of on-site buildings in terms of style, color, and materials. Also, be sure that the location of proposed lighting does not conflict with the location of proposed landscaping (at installation, and at maturity). Revised plans provided in 2-2-24 submittal partially satisfy this requirement. While details were provided for the proposed free-standing lights, it is not clear if the height of such standards is called out, nor is it clear if the lights that were chosen will “reflect the light away from adjacent properties and streets (downward lighting)”. Please provide the height of all free-standing lights. In addition, it appears that tree placement may result in trees that would be placed close to proposed free-standing lights- please confirm that the lights would not

hinder healthy tree growth and/or that the trees would not preclude adequate site lighting. Finally, regarding the photometric plan, please confirm that this plan reflects all proposed landscaping (at maturity), the proposed carports (and any lighting within each carport), and other structures or buildings that may block the proposed lighting. Please revise the plans to comply.

The plans included in the 6-3-24 submittal respond to this comment. No further action required.

7. **Site Plan & Architectural Review: Appendix C, Landscape Design Standards:**

(a) **Fences and Retaining Walls.** Please confirm if fences or walls would be placed on site, and if so, please revise the site plans as needed to depict the location and provided detail drawings that depict the materials and height. Also, note that fences and walls are subject to compliance with IZO Chapter 13. Thank you for confirming that no fences or walls are proposed. No further action required.

(b) **Landscape/Hardscape Requirement.** Only landscaping is permitted within any setback, with the exception of driveways or sidewalks. Please confirm that the site plan complies with this standard. Thank you for confirming that the project would not include hardscape within a required setback. No further action required.

(c) **Trees.** The landscape plan must depict trees at a ratio of at least 1 on-site tree per 500 square feet of open space (open space areas do not include parking areas or drive aisles) and at least 1 tree per 4 uncovered parking spaces. Also, please review the landscape plan and tree list to ensure that the locations are appropriate for each tree upon maturity. Revised plans provided in 2-2-24 submittal partially satisfy this requirement. However, to help confirm the 1 tree/500 square feet ratio, please revise the table provided on Sheet L-4.1 to provide the quantity of trees per species. Also, trees planted adjacent to drive aisles may interfere with the movement of fire department equipment-please review tree location and species to be sure that trees will not conflict with required access. Please revise the plans to comply.

The plans included in the 6-3-24 submittal do not appear to be responsive. Instead of preparing additional revisions to the landscape plans, I recommend that you prepare a 'ladder truck access plan' to show the route a fire truck would take onsite to provide coverage to all buildings.

(d) **Drought Resistant, Low Maintenance Plantings.** Note that all landscaping planted on dedicated City property shall be drought resistant and low maintenance and that all landscaping planted onsite should be native or drought resistant. Thank you for confirming that the project will comply with this requirement. No further action required.

(e) **Ground Cover Spacing.** All ground cover shall be spaced to allow for complete infill within 1 year of the date of planting. Thank you for confirming that the project will comply with this requirement. No further action required.

(f) **Landscaping and Access to Utilities/Fire Hydrants/Mechanical Equipment.** Please review all site and landscape plans to ensure that landscaping would not preclude access to utilities, fire hydrants, or mechanical equipment. Thank you for confirming that the project will comply with this requirement. No further action required.

(g) Landscape Design Guidelines:

- Landscaping should be concentrated in highly visible locations where it will have the greatest visual impact. Specifically, areas around building entrances and site perimeters should be given extra consideration. Landscaping in parking lots should introduce bio-swale features into most areas not specifically required for driveways or parking spaces.
- Electrical transformer boxes and garbage enclosures should be screened with attractive fencing or walls constructed of materials consistent with those used on the primary structure(s).
- At least 5 feet of landscaping (not including vehicular overhangs) should be provided between paved parking surfaces and buildings, fences, and property lines wherever possible.
- Tree plantings should encourage summer shade on walls, windows, roofs, parking spaces, drive aisles, and sidewalks to help improve energy efficiency and reduce temperatures.

Thank you for confirming that the project will comply with these requirements. No further action required.

8. Implementing Zoning Ordinance:

(a) **Inclusionary Housing.** A project with 5 or more dwellings is subject to the Inclusionary Housing Requirements found in IZO Section 3.040 and the application materials do not provide sufficient detail to confirm compliance. Please prepare and submit a written statement that provides the following:

- (a) Total number of residential units in the project;
- (b) Number of onsite inclusionary units;
- (c) Proposed sale price of both market rate and inclusionary units and/or proposed rental price for both market rate and inclusionary units;
- (d) Location of onsite inclusionary units within the project; and
- (e) The size and the bedroom count for the proposed inclusionary units.

Note that IZO Section 3.040.C.2, states that “inclusionary units shall be distributed throughout the residential project site, to the fullest extent practicable”. Thank you for confirming that the project will comply with this requirement. However, while buildings 1-3 would have from 4 to 6 below market rate dwellings per building, building 4 would have none. Please confirm that the project would not provide any below market rate dwellings in building 4, and if so, provide a response as to why it would not be practicable to do so.

The plans included in the 6-3-24 submittal respond to this comment. No further action required.

(b) **Dedication Required.** Per IZO Section 4.050, the developer shall dedicate any necessary right-of-way to the City to the alignment established by plan lines established in Chapter 13.20 of the Petaluma Municipal Code. In 1995, the City adopted the precise plan line for the Rainier Cross Town Connector and Interchange (Ordinance #1991 N.C.S.). Please revise all plans to comply. Revised plans provided in 2-2-24 submittal do not satisfy this requirement. To the extent that you are seeking to waive the Rainier Plan Line pursuant to California Government Code Section 65915, the City does not believe it is a development standard as defined in Section 65915(o)(2), and per subsection 65915(j)(2), “the granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.” Please revise the plans to comply.

The plans included in the 6-3-24 submittal do not appear to be responsive. Please revise the plans to comply.

- (c) **Setbacks.** Per IZO Table 4.11, setbacks apply to all primary and accessory structures and the plans do not provide sufficient detail to confirm compliance. Please refer to IZO Table 4.11, and IZO Chapter 28 for the definitions for Setback and Yard to revise the plans as needed to demonstrate compliance. Thank you for confirming that the project will comply with this requirement. No further action required.
- (d) **Lot Coverage.** Per IZO Table 4.11, primary and accessory structures are subject to lot coverage and the plans do not provide sufficient detail to confirm compliance. Please refer to IZO Table 4.11, and IZO Chapter 28 for the definition for Lot Coverage to prepare a Lot Coverage exhibit, using the Site Plan as a base map, which must show fully dimensioned diagrams to depict existing and proposed lot coverage. Revised plans provided in 2-2-24 submittal partially satisfy this requirement. However, the lot coverage plan and related calculations do not appear to have included the enclosed solid waste structures (which are included in any lot coverage calculation). Please revise the plans to comply.
The plans included in the 6-3-24 submittal respond to this comment. No further action required.
- (e) **Height.** Per IZO Table 4.11, primary and accessory structures are subject a maximum height limit and the plans do not provide sufficient detail to confirm compliance. Please refer to IZO Table 4.9, and IZO Chapter 28 for the definition for Building Height and Grade, Finish to revise the plans as needed to demonstrate compliance. Thank you for confirming the proposed building height would not comply with the height limit set by IZO Table 4.11. Note that while the plans provide dimensioned, they are not dimensioned to show building height, per IZO Chapter 28, in that they do not dimension “the vertical distance between the average finish grade and the midpoint between the eaves and ridge...”.
The plans included in the 6-3-24 submittal respond to this comment. No further action required.
- (f) **Usable Open Space.** Per IZO Table 4.11, new dwellings must be provided with Usable Open Space and the plans do not provide sufficient detail to confirm compliance. Please refer to IZO Table 4.11, and IZO Chapter 28 for the definition for Usable Open Space to prepare a Usable Open Space exhibit, using the Site Plan as a base map, and relevant floor plans where usable open space would be provided via a deck or balcony, to fully dimension all areas intended to qualify as Usable Open Space. While the IZO does not require usable open space for dwellings in the C2 District, documenting the total usable open space that would be provided, and conveying this information to the public will be helpful for review of this project. To fully document the usable open space that would be provided, please update plans and related tables to also provide the usable open space that is provided via private courtyards, decks, or balconies. Also, be sure to exclude areas devoted to bike parking or mechanical equipment from any depiction and calculations for usable open space.
The plans included in the 6-3-24 submittal respond to this comment. No further action required.
- (g) **Parking, Automobile.** Per IZO Table 11.1, new dwellings must be provided with off street parking spaces. Please review IZO Table 11.1 to determine the minimum number of parking spaces that apply per unit type and revise your plans and project description as needed. Thank you for confirming that the project will comply with this requirement. No further action required.

(h) **Gross Floor Area.** The plans do not provide sufficient detail to confirm the total gross floor area that would be created. Please refer IZO Chapter 28 for the definition for Floor Area, Gross to revise the plans as needed. Plans revised in 2-2-24 submittal provide gross floor area as requested. No further action required.

B: Advisory Comments/Draft Conditions of Approval:

1. **Development Impact Fees.** Please note that the project is subject to development impact fees which are based on total building square footage and/or the number of residential units. Fees are collected for new development to account for impacts to City facilities, open space acquisition, park land acquisition, park land development, storm drainage, and traffic mitigation as well as a commercial housing development linkages fee which applies to commercial, retail, and industrial uses. Based on the information provided in the application, the estimate of the development impact fees that apply to the project, based on the fee schedule in place today, is \$2,608,013.00 (please refer to Attachment B for a breakdown of the fees). A final calculation will be made upon issuance of a building permit and/or at the time of issuance of a certificate of occupancy or final inspection. Additional information may be accessed via the internet at: <https://cityofpetaluma.org/documents/development-impact-and-capacity-fees-booklet/>.
2. **Bike parking.** To determine if the proposal for bike parking is consistent applicable standards or guidelines used by the City, please provide elevations/spec sheets for all interior bike parking rooms and for the exterior bike parking rack.
The plans included in the 6-3-24 submittal do not appear to include elevations/spec sheets. Please provide.
3. **Improvements located within mapped easements.** Please confirm that the language for each easement would allow the proposed improvements.
The application materials included in the 6-3-24 submittal do not appear to provide confirmation. Please provide.

II. Charles Lucas, Deputy Chief Building Official, Community Development

A: Completeness:

1. **Visitability.** The City of Petaluma has adopted a Universal Access and Visitability Ordinance effective April 20, 2022, applicable to new dwelling units (see [PMC Chapter 17.14 for details](#)). Visitability will require an accessible path from site arrival points to the main entry door, hallway, and bathroom for a building with 4 or fewer dwellings. Universal access will require 30% of the new dwellings, in developments of 5 or more, to have specified access features. Please review PMC Chapter 17.14 and then revise all plans as needed to demonstrate compliance. Plans revised in 2-2-24 submittal. Note that final compliance will be determined during the review of a building permit.

B: Advisory Comments/Draft Conditions of Approval:

1. **General Building.** Proposed project will require building permit application and construction document approval in compliance with current California Building Standards Code in CCR Title 24 as adopted by the City of Petaluma. The Building Division reviews applications and plans in accordance with these and the City municipal code. The applicant will need to demonstrate compliance with the construction documents.

Full plan submittal is required as applicable to project scope. Architectural, civil, structural, mechanical, electrical, and plumbing system drawings are to be prepared and signed by the state licensed professional responsible for their preparation. See City file preparations standards: [Electronic File Preparation Standards - Petaluma \(cityofpetaluma.org\)](#).

Provide construction documents in accordance with CBC 107. Building permit construction documents are to include occupancy classifications, design occupant load, general building area and height limitations, type of construction, and fire sprinkler provisions data for each building on the subject parcels. Each separate building and separate parcel must have a separate permit for construction.

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey.

2. **All Electric.** Effective June 16, 2021, new buildings and substantial additions or remodels are required to have all electric construction as defined in Petaluma Municipal Code Chapter 17.09 and permanent supply of electricity as the source of energy for all space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances, and has no natural gas or propane plumbing installed in the building.

Petaluma's goal is to achieve carbon neutrality by 2030. The City is encouraging citizens to reduce their carbon footprint in their existing homes or business.

3. **CalGreen.** For the 2022 Building Standards Code cycle the City of Petaluma has adopted CalGreen at the Tier 1 level, with the exception Energy Efficiency, which is adopted at the mandatory level only. Current code adoption at time of building permit application will govern requirements.

Applicable requirements for both Nonresidential and Residential standards are applicable. Designate compliance with Residential EV charging for new construction per CalGreen A4.106.8.2.1.

3. For example, Tier 1 EV charging requirements for new multifamily construction include the following:
 - a. EV Ready: 35 percent of the total number of parking spaces to be equipped with low power Level 2 EV charging receptacles.
 - b. EV Chargers: 10 percent of the total number of parking spaces to be equipped with Level 2 EVSE. At least 1 charger to be located in the common use parking area for use by all residents.
4. **Access.** Accessibility of Covered Multifamily Dwellings and Public Housing may have requirements under one or more regulations and agencies both State and Federal. Provide a clear statement of applicability of these regulations and CBC Chapter 11A and 11B for this project on construction documents submitted for permit. (See definitions of Covered Multifamily Dwelling and Public Housing in CBC Section 202.) Include details applicable to housing units, leasing offices, common use areas, pool or spa, mailboxes, trash and recycling facilities, parking facilities, etc.

Public housing facilities with residential dwelling units shall comply with CBC Section 11B-233. Transient lodging, guest rooms, housing at a place of education, and social service center establishments shall comply with CBC 11B-224.
5. **Building Permits.** Each separate building, structure, pool, and separate parcels must have a separate permit for construction.

Permit application is to be made to the City Building Division of the Planning Department. Permit applications will require plans, review, and approval. See: <https://cityofpetaluma.org/permit-process/>

6. **Grading.** Civil and grading plans in compliance with CBC Appendix J will be necessary for construction. Construction plans shall indicate how the site grading or drainage system will manage all surface drainage and water flows.

CBC Appendix J requires a grading permit, approved grading plan, geotechnical report, and inspections where the project includes excavations, fills, modifying slopes adjacent to property lines, drainage, and terracing. Erosion control measures are required to be specified.

Structures and retaining walls may be permitted separately. Where a structure permit and plans include grading requirements in accordance with Appendix J, no separate permit is necessary.

Building Pad Elevation Certification and Grading and Drainage Certificates of compliance will need to be provided as construction is in progress and before Certificate of Occupancy.

7. **Lot Split or LLA.** The existing parcels will need to be consolidated to ensure each structure is within the requirements of the CBC. The proposed lot line plan requires compliance with the California Building Code (CBC) Table 705.8. Proposed buildings cannot cross property lot lines and comply with CBC Chapters 6 and 7.
8. **Soils.** CBC 1803.1 requires soils investigations be prepared by a state licensed design professional. Where soil hazards are identified, each lot shall have an investigation indicating preparations, recommendations, and corrective actions to prevent structural defects for each dwelling.
9. **Deferred Submittals & Special Inspections.** Identify request for deferred submittals on the cover sheet of construction documents. Typical approved deferrals include fire protection drawings or manufactured product shop drawing specifications.

The applicant shall submit a statement of special inspections in accordance with 107.1 Chapter 1, Division II, as a condition for permit issuance. This statement shall be in accordance with Section 1704.3. Identify special inspections required for structural and code compliance. Please specify special inspector(s) on this form: <https://cityofpetaluma.org/documents/special-inspection-and-testing-procedure/>

10. **Flood Hazard.** CBC 1612.1 is applicable within flood hazard areas. All new construction of buildings, structures and portions of buildings and structures, including substantial improvement and restoration of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads. For buildings that are located in more than one flood hazard area, the provisions associated with the most restrictive flood hazard area shall apply.

Plumbing CPC 301.4

CPC 301.4 is applicable for buildings located in flood hazard areas. Plumbing systems shall be located above the flood elevation in accordance with the building code for utilities and attendant equipment or the elevation of the lowest floor, whichever is higher.

Mechanical CMC 305.3

CMC 305.3 is applicable for buildings located in flood hazard areas. Heating, ventilating, air-conditioning, refrigeration, miscellaneous heat-producing, and energy-utilizing equipment and appliances shall be elevated at or above the elevation in accordance with the building code for utilities and attendant equipment or the elevation of the lowest floor, whichever is higher.

New construction work in a flood hazard area must be permitted by a development permit and comply with the Petaluma Zoning Code Chapter 6 entitled FLOODWAY AND FLOOD PLAIN DISTRICTS as directed by the Floodplain Administrator.

III. Jessica Power, Fire Marshal, Fire - Prevention Bureau:

A: Completeness:

1. PMC D106.1 Projects Having More Than Fifty (50) Dwelling Units. Multiple-family residential projects having more than fifty (50) dwelling units shall be provided with two (2) separate and approved fire apparatus access roads.
 - a. Emergency Vehicle Access (EVA) is not acceptable for required access roads. A public or private roadway is required for both required access points.

The plans included in the 2-2-24 submittal do not depict the separate access that is required by PMC D106.1. Note that when two fire apparatus access roads are required by PMC D106.1, the placement of each separate access road is subject to CFC D104.3 Remoteness. Please revise the plans to demonstrate compliance with PMC D106.1 and CFC D104.3.

The plans included in the 6-3-24 submittal revised the site plan to replace the 10' wide river trail with a new 12' wide road (labeled as an EVA) that would connect to a drive aisle onsite, and offsite to the northwest of a residential building (bldg. #3) proposed for the adjacent Deer Creek 2 project site. As stated previously, a fire apparatus access road must meet minimum width requirements, may not be designated as an EVA, and must meet minimum separation requirements. In addition, fire apparatus access roads are also subject to the following:

- 503.2.3 SURFACE - Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
- 503.2.4 TURNING RADIUS - The required turning radius of a fire apparatus access road shall be determined by the fire code official.
- 503.2.6 BRIDGES AND ELEVATED SURFACES - Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges where required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for such use, approved barriers, approved signs or both shall be installed and maintained where required by the fire code official.
- 503.2.7 GRADE - The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus.
- 503.2.8 ANGLES OF APPROACH AND DEPARTURE - The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus.

A design that does not fully comply with Fire Code standards must be submitted as an Alternate Materials and Methods Request (AMMR) for determination by the Fire Marshal on equivalency with the quality, strength, effectiveness, fire resistance, durability, and safety of the code. At this time, no AMMR has been submitted, and the number and degree of modifications presented in the 6-3-24 submittal do not represent alternates that meet the six requirements of an AMMR as listed above. See 2022 California Fire Code, Section 104.10: Alternative materials, design, and methods of construction and equipment.

2. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders in the immediate vicinity of the building or portion thereof. CFC D105.2

3. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders. CFC D103.1
4. For commercial, industrial and multifamily residential dwellings, average hydrant spacing shall be no greater than three hundred feet (300'). PMC 17.20 C103.1
5. Approved fire apparatus access road shall be provided for every facility, building or portion of a building hereafter construction or move into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. CFC 503.1.1

B: Advisory Comments/Draft Conditions of Approval:

1. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet approved aerial fire apparatus access road shall be provided. For purpose of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater. CFC Appendix D105.1
2. The required turning radius of a fire apparatus access road shall be determined by the fire code official. PMC D103.3
3. Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection where construction of new roadways allows passage by vehicles in accordance with section 505.2. CFC 501.4
4. In buildings of combustible construction required to have automatic sprinkler system by Section 903, automatic sprinkler system shall be installed prior to construction exceeding 40 feet in height above the lowest level of fire department vehicle access. Such automatic sprinkler system shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring. PMC 17.20 3314.1
 - a. 3313.3 Detailed requirements. Standpipes shall be installed in accordance with the provisions of Section 905.

Exception: When approved by the fire code official standpipes shall be either temporary or permanent in nature, and with or without a water supply, provided that such standpipes comply with the requirements of Section 905 as to capacity, outlets and materials.

5. Prior to bringing combustible building products onsite; fire hydrants will need to be fully functional and roads will need to be in good condition and able to support the weight of a fire engine in all weather conditions. Approval from the Fire Marshal and City Engineer will be required in advance of bringing combustibles onsite.
6. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designate shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. CFC 503.3
7. All required fire lanes will require either “No Parking Fire Lane” signs with locations to be determined as this project progresses.

8. CFC D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.
9. PMC D103.4 Dead Ends. Dead-end fire apparatus access roads in excess of one hundred fifty feet (150') (45.720 m) shall be provided with width and turnaround provisions in accordance with the local agency requirements for public streets or as approved by local standards.
10. When access to or within a structure or area is determined by the Fire Code Official to be unduly difficulty because of secured openings (doors or gates) or due to the presence of hazardous materials or fire protection systems, a key box shall be required to be installed at an accessible location. The key box shall be an approved type and contain those keys necessary to gain access. PMC 17.20 506.1
 - a. Knox key box locations to be determined by the fire code official.
11. Exterior doors and openings required by this code, or the *California Building Code*, shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided where required by the fire code official. CFC 504.1
12. The Fire-flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under the horizontal projections of the roof of a building. CFC B104.3
 - a. Minimum fire flow for buildings shall be calculated as specified in the 2016 California Fire Code Appendix B, "Fire Flow Requirements for Buildings," as amended by Petaluma Municipal Code.
 - b. The type of fire line coming into this development will need to be reviewed with the City Engineer. We expect it will be a "looped" water line for this size development.
13. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. CFC 903.2.
 - a. Installation the fire sprinkler system requires approved plans and permit from the Fire Prevention Bureau prior to work commencing. The owner/contractor shall submit a permit application with three (3) sets of digital plans, cut sheets, and calculations. This system must comply with NFPA 13.
14. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies where any of the following conditions apply: ... 1. Any dwelling unit or sleeping unit is located three or more stories above the lowest level of exit discharge. CFC 907.2.9.1
 - a. Installation of the fire alarm system must be conducted with approved plans and permit obtained from the Fire Prevention Bureau prior to work commencing. The fire alarm submittal shall include a permit application with three (3) sets of plans, cut sheets, and calculations for review. This system must comply with NFPA 72.
15. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with Health and Safety Code 13114.7. For connections to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approve by the fire code official. CFC 903.3.5.
 - a. Installation the fire service underground requires *separate* approved plans and permit from the Fire Prevention Bureau prior to work commencing. The owner/contractor shall submit

- a permit application with three (3) sets of plans, cut sheets, and calculations. This system must comply with NFPA 13 & 24.
16. 905.3. 1 Building Height. Class I standpipes shall be installed in buildings three stories or over in height and/or if, in the opinion of the Fire Chief, a hazard or condition exists in which the installation of standpipes would improve firefighting operations. Standpipes will be provided with approved outlets provided on each floor level, including the roof when roof access is provided. PMC 17.20 905.3.1
 - a. Installation of the standpipe system requires a *separate* approved plans and permit from the Fire Prevention Bureau prior to work commencing. Standpipe system submittal shall include a permit application with three (3) sets of plans, cut sheets, and calculations for review. These systems shall comply with NFPA 14.
 17. Portable fire extinguishers shall be installed in all of the following locations: 1. In new and existing Group... A, B, I, R-1, R-2.1... occupancies. CFC 906.1
 - a. Portable extinguishers shall be installed and maintained in locations as required by California Code of Regulations, Title 19, Division 1
 18. New and existing buildings shall be provided with approved illuminated or other approved means of address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall not be spelled out. Character size and stroke shall be in accordance with Section 505. 1. 1 through 505. 1. 2. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response in accordance with this code and Section 505. 1. 3. Where access is by means of a private road and the building cannot be viewed from the public way or when determined by the fire code official, a monument, pole, or other approved sign or means shall be used to identify the structure. Address identification shall be maintained. PMC 17.20 505.1
 19. Each address identification character shall not be less than twelve inches (12") high with a minimum stroke width of one inch (1"). Suite and unit directional numbers shall be not less than six inches (6") in height with a minimum stroke width of three-quarter inch (3/4"). Individual unit numbers shall not be less than four inches (4") in height with a minimum stroke width of one-half inch (1/2"). PMC 17.20 505.1.2
 20. Where two (2) or more buildings cannot be viewed from the public way or when determined by the Fire Code Official, an approved illuminated complex directory, monument pole, or other approved sign or means shall be used to identify the structures at the main entrances to the property. PMC 17.20 505.1.3
 21. Approved in-building, two-way emergency responder communication coverage for emergency responders shall be provided in all new buildings. In-building, two-way emergency responder communication coverage within the building shall be based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. CFC 510.1

Exceptions:

1. Where approved by the building official and the fire code official, a wired communication system in accordance with Section 907.2.13.2 shall be permitted to be installed or maintained instead of an approved radio coverage system.
2. Where it is determined by the fire code official that the radio coverage system is not needed.

3. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.

IV. Kent Carothers, City Engineer, Public Works and Utilities:

A: Completeness:

1. The site plan should account for the plan line for the Rainier Cross Town Connector that includes the future build out of On/ Off ramps for Highway 101 and the alignment of Rainier Avenue. The design shall accommodate the vertical and horizontal alignment of Rainier to including offset spacing for the driveway access and off ramp required by Caltrans. The build out of Rainier to the project extents shall be a two-lane street that is designed to be widened to four lanes as required by Rainier Crosstown Connector. Irrevocable offer of dedication shall be provided to the City for the full build out of Rainier Avenue Extension within the project limits. Corrective Action: Resubmit Revised plans provided in 2-2-24 submittal do not satisfy this requirement. Please revise the plans to comply. Also, note that plans for the extension of Rainier Avenue, and all related public improvements, must also depict stormwater and bio-retention facilities.
The plans included in the 6-3-24 submittal do not appear to be responsive. Please provide revised plans to comply.
2. More detail shall be provided on the bridge across Lynch Creek which would include preliminary layout, identifying impacts to the creek and habitat, connection to the local street network, and connectivity to the Lynch creek trail. Demonstrate how the access point off Burlington will not promote cut thru traffic or negatively impact traffic in the residential neighborhood. Corrective Action: Resubmit Revised plans provided in 2-2-24 submittal do not satisfy this requirement. Please revise the plans to comply.
Consistent with notice provided to you on May 2, 2024, for the Deer Creek 1 project, for the City to consider the Lynch Creek bridge that you propose to construct on Parcel #136-100-028, you must provide a letter of authorization from the owner of this parcel acknowledging and authorizing this work. In addition, please revise all application materials to note that the scope of this project includes development on Parcel #136-100-025 and #136-100-028.
3. A water capacity and sewer capacity study shall be provided to ensure that the utilities can accommodate the future development. Sewer capacity study shall include capacity analysis for the Wilmington pump station which handles the effluent flows from the 24" sewer main. The 24" Sewer Main along the river shall be replaced due to the close proximity to the River. The water main shall be extended from McDowell Boulevard to the project limits. Water main in development would be public and the sewer and storm drain system would be private. Note plans do not show SCWA Sewer Force Main that runs parallel to the City's main. Corrective Action: Resubmit
4. Project shall improve accessibility to the Petaluma River thru road extension bikeways and trails including extending Burlington drive northbound across Lynch Creek Trail and providing continued public access to the Riverfront (General Plan section 3-P-32. The project is required to install and maintain the publicly owned trail in perpetuity (General Plan section 6-P-17). The pathway shall conform to Caltrans standards for a class I multiuse path and be 10' wide concrete trail with 2' decomposed granite shoulders with rest areas and overlooks as described in the River Access and Enhancement Plan. The trail shall match the trail system as shown in the Petaluma River Access Enhancement Plan. A pedestrian access easement shall be provided along the entire project limits. Corrective Action: Resubmit Revised plans provided in 2-2-24

submittal do not satisfy this requirement. Note that any grading required for these improvements must be depicted in the grading plans and included in any cut/fill calculations, and that these features must be planned for, as needed, in the stormwater and bio-retention plans. Please revise the plans to comply.

The plans included in the 6-3-24 submittal do not appear to be responsive. Please provide revised plans to comply.

5. More detail shall be provided on how vehicle access and trail access will be provided across Deer Creek and any potential environmental concerns related to filling or bridging the creek. Corrective Action: Resubmit Revised plans provided in 2-2-24 submittal do not satisfy this requirement. Please revise the plans to comply.

The plans included in the 6-3-24 submittal do not appear to be responsive. Please provide revised plans to comply.

6. The 100-year flood plain shall be updated to reflect the new flood plain model and in addition sea level rise shall be accommodated based on analysis completed by West Consultants. The proposed area is subject to zero net fill policy which requires clearance above base 100-year flood elevation for finished floors be a minimum of two feet. Hydraulic analysis of the Petaluma River shall be completed showing upstream and downstream impacts and related impacts to the weir. Terracing may be required to offset downstream impacts. Corrective Action: Resubmit Revised plans provided in 2-2-24 submittal do not satisfy this requirement. Please revise the plans to comply.

The plans included in the 6-3-24 submittal do not appear to be responsive. Please provide revised plans to comply.

7. Project shall be plumbed for recycled water (purple pipe) and main extended under the freeway. City will be serving area with recycled water in the near future. Corrective Action: Resubmit
8. Traffic Analysis and Vehicle Miles Traveled (VMT) Analysis shall be completed showing traffic impacts from the development including the future Rainier Cross Town Connector. The analysis should consider surrounding residential roads that would be used to access the property and what improvements are necessary to bring those roads up to city standards as the road classification changes from residential to collector road. Corrective Action: Resubmit

B: Advisory Comments/Draft Conditions of Approval:

1. **Accessibility.** All improvements shall be accessible.
2. **Active Transportation.** Project shall include the extension of Rainier Avenue to the project limits for a two-lane road configuration with curb gutter and sidewalk with class 1/ Class II bike facilities or class IV bike facilities and the ability to widen to a four-lane configuration in the final Rainier configuration. A 10' concrete MUP with 2' DG shoulders shall be constructed from Rainier Extension to the proposed bridge with appropriate connections to Lynch Creek Trail.
3. **Agreement.** Prior to issuance of a building permit, a public improvement plan application is required to be submitted and approved for all frontage work and all on-site work within public easements. A public improvement agreement package including necessary bonds and insurance is required. A subdivision improvement agreement package is required prior to approval of the final map and subdivision improvement plans. A building permit is required for on-site grading, utility, and drainage improvement work. All subdivision improvements shall be completed and accepted by the City, including on-site improvements, prior to issuance of any certificates of occupancy.

4. **NOI.** The applicant shall submit the required storm water pollution prevention plan (SWPPP) and obtain a Notice of Intent (NOI) from the Regional Water Quality Control Board prior to any construction. A copy of the SWPPP Report shall be provided to the Inspector.
5. **Private Streets.** Streets shall be privately and maintained by an HOA. Draft CC&R shall be provided as part of the public improvement plan application.
6. **Street Lights.** A lighting analysis shall be completed for location of new lighting standards on the extension of Rainier and including pedestrian scaled lighting along pedestrian pathways.
7. **Public Improvements.** Prior to issuance of the 85% of certificates of occupancy, City Standard Frontage improvements shall be installed and accepted.
8. **Frontage Improvements.** Frontage improvements shall include the build out of Rainier for a 2-lane configuration with the ability to expand to a four-lane roadway with offramps and shall be constructed at the correct horizontal and vertical alignment for the future Rainier. It shall also include the extension of the public water main and recycled water main, 10' wide concrete pedestrian path with 2' shoulders connecting to the Lynch Creek Trail.
9. **Recycled Water.** Project shall be plumbed for Recycled water (Purple Pipe). Recycle Main shall be extended east on Rainier up toward McDowell. City plans on providing recycled water to this area in the near future.
10. **General.** Section E-E (page 77) of the RA&EP, readopted with the General Plan 2025 in 2008, identifies the required Oak Woodland/Riparian Vegetation Area to be set aside and protected. Recommendations:
 - Require full biological site review to update the RA&EP Existing Conditions Report on the various zones and existing wildlife, including special-status and endangered species. Identify an updated Preservation and Restoration Zone with restricted access as called for in the RA&EP. See and refer to Section IV of the RA&EP for this reference.
 - Recognize the existing access easement (approximately 400' centered on the River) as identified in Policy 13i contained in Section 3.3 Upstream Segment of the RA&EP. Further recognize that this policy calls for extension of that easement should it be called for following an updated survey.
 - Enforce Policy 13.j requiring protected setbacks 50' from the drip line of existing mature oak trees. This includes any development including grading or construction activities.
 - Enforce Policy 13.k requiring the minimum 50' setback buffer from the top of bank for Deer Creek, the tributary stream and all seasonal wetlands identified during the environmental assessment of the site. Field investigation should look for remnants of seasonal wetlands disturbed by weed abatement activities such as extensive mowing or cultivation by roto-tilling.
11. **CLOMR.** A CLOMR- F Submittal package shall be submitted to FEMA.
12. **Elevation Certificate.** A pad elevation certification is required prior to issuance of a certificate of occupancy.
13. **Floodplain.** All construction in the flood plain shall meet the applicable requirements of Chapter 6 of the Implementing Zoning Ordinance (IZO), "Floodway and Flood Plain Districts": <https://cityofpetaluma.org/documents/implementing-zoning-ordinance/>.
14. **Floodplain.** Should recognize provision of no development of ground floor residential within .2% storm inundation areas, particularly along River. These areas do flood during a 1% storm with less than 1' in depth. This is potentially unsafe for ground floor residential use (refer to

General Plan policy stating no residential on ground floor in flood hazard areas after update of FEMA map, currently underway with preliminary map completed). Storm events occurring during high tide or King tide will increase depth within the .2% storm inundation areas. If precluding development in the .2% storm area is not pursued, at the very minimum the finished floor should be required to be at a minimum 2' ABOVE the highest BFE on the site for the .2% (500-year storm). This will provide some level of protection from future sea level rise and increased storm flow levels that are expected during the life of these structures (mid- to late-century).

15. **Floodplain.** Please refer to: <https://msc.fema.gov/portal/search?AddressQuery=petaluma> for references to 1% (100-year) and .2% (500-year) storm events. Preliminary maps illustrating conversion of the City's surface water model to HEC-RAS 2D model including new temporal storm data and current roughness coefficients has been prepared and should be referenced in consideration of this project for storm flow and depth numbers.
16. **Floodplain.** The City has higher regulatory standards which receive credit during the FEMA review and audit of our Class 6 status within the FEMA Flood Insurance Rate Map (FIRM), Community Rating Service (CRS) program. [These](#) higher standards include, but are not limited to, requiring NO NET FILL within the area upstream of the Army COE/City constriction weir immediately downstream of the project site. No Net Fill, per the definition in the General Plan 2025 is clearly stated to include "All fill up to the required minimum elevation for the first finished floor shall be offset by the removal of a like amount of material." This must be determined "to result in a reasonable equivalence of hydrology and hydraulics to the situation before the development." The same applies to the requirement of ZERO NET RUNOFF, as defined in the General Plan, which requires "minimal increase in the peak discharge and no increase in pollutant load immediately downstream of the site and no increase in peak discharge further downstream (include downstream tributaries) when compared to existing conditions". To ensure compliance with the above and other related requirements, please include an independent analysis of the following environmental impacts regarding surface water:
 - Identify and Access Existing and Proposed Conditions through analysis of whether the proposed Deer Creek Apts development will result in any change in the 100-year and 500-year water surface elevations, using the City's surface water model to provide a comparison of changes due to the project. Using the current HEC-RAS 2D model, the study will include current and projected storm flows and existing Manning's n values. The use of the FEMA terrain data may be utilized unless the 2014 County LiDAR provides better resolution for existing conditions at, upstream, and downstream of the site; the City should make this determination. Changes to the model to accommodate the project related data shall be paid by the developer.
 - Run and analyze HEC-RAS 2D for existing conditions for the 100-year and 500-year events. Assume the proposed conditions terrain will be provided by the proposed developer in a LandXML (or similar) format. Merging the proposed terrain into the existing terrain in the vicinity of the project will then allow the running and analyzing of HEC-RAS 2D for proposed conditions for the 1% (100-year event) and the .2% (500-year event) for upstream and downstream of the project site.
 - Prepare a brief summary memorandum (PDF submittal assumed) based on the results of this study. Results graphics shall be included in the summary memorandum for existing conditions, proposed conditions, and a comparison of the two for both storm events to be studied.
 - Identify mitigations to reduce the impacts.

- Consider regional sea level rise impacts over the life of the project, for example: mid-century and end-of-century.
17. **Sea Level Rise.** The project shall be designed to accommodate sea level rise.
 18. **Geotech Report.** A construction level geotechnical report is required with the subdivision improvement plan.
 19. **Landscape Design Plan.** PMC Section 15.17.050(C)(1)(J): Applicant signature and date with statement, “I agree to comply with the requirements of the Landscape Water Use Efficiency Standards and submit a complete Landscape Documentation Package.”
 20. **Landscape Design Plan.** PMC Section 15.17.050(C)(2)(b)(2): Water budget calculations shall adhere to the following requirements: • All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
 21. **Landscape Design Plan.** PMC Section 15.17.050(C)(4)(b)(3-4): Landscape Design Plan. A landscape design plan meeting the following design criteria shall be submitted as part of the landscape documentation package:
 - Surface area of water feature shall be included in the high water use hydrozone area of the water budget calculation.
 - Pool and spa covers are required.
 22. **Landscape Design Plan.** PMC Section 15.17.050(C)(4)(d)(17-18): the landscape design plan, at a minimum, shall:
 - Contain the following statement: “I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan.”
 - Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.)
 23. **Irrigation Design Plan.** PMC Section 15.17.050(C)(5)(a,b,c): A complete irrigation design plan that meets all the design criteria shall be submitted as a part of the landscape documentation package.
 24. **Landscape Design Plan.** PMC Section 15.17.050(C)(5)(c)(9-10): The irrigation design plan shall also contain:
 - The following statement: “I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan”; and
 - The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system.
 25. **Certificate of Completion.** Prior to final inspection, the applicant shall submit the following in accordance with PMC Section 15.17.050. Please refer to the following sections of the PMC for detailed requirements of each item: PMC Section 15.17.050 (C)(3): Soil Management Report. PMC Section 15.17.050 (D)(1-3): Certificate of Completion to include the following attachments:
 - Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved landscape water use efficiency standards.

- Irrigation Schedule – shall be regulated by automatic irrigation controllers, applied water should be the ETWU.
- Landscape and Irrigation Maintenance Schedule - including routine inspection, adjustment and repair of irrigation system, fertilizing, pruning, weeding, etc.
- Landscape Irrigation Audit conducted by a certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape. Audit reports shall meet the criteria listed in Section 15.17.050 (D)(2)(c).

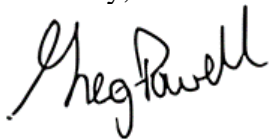
26. **Grease removal device requirements.** Facilities with commercial kitchens or food service establishments are required to install grease removal devices. Grease removal device requirements in PMC Section 15.48.130.

For the above-described reasons, the City finds the Application **materially incomplete** and that it cannot be processed or approved.

Additionally, as stated in the July 3, 2024, letter from Eric Danly, the City does not believe that this parcel is eligible for Builders Remedy. However, if the parcel was eligible for the Builders Remedy, the City still maintains the position from its letter dated March 22, 2023, that the Deer Creek 1 and Deer Creek 2 applications should not be treated as separate applications and to qualify for the provisions outlined in subdivision (d) of the Housing Accountability Act, either 20% of the combined total units in both Deer Creek 1 and Deer Creek 2 must be allocated for sale or rental to lower income households, or alternatively, all of the combined total units must be designated for sale or rental to middle-income individuals (Government Code Section 65589.5(h)(3)).

If you have any questions regarding the information contained in this letter, please contact me at gpowell@cityofpetaluma.org.

Sincerely,



Greg Powell, Principal Planner
M-Group Consulting Planner