

RESOLUTION 2022-05

CITY OF PETALUMA PLANNING COMMISSION

APPROVING SITE PLAN AND ARCHITECTURAL REVIEW AND RECOMMENDING CITY COUNCIL APPROVAL OF A RESIDENTIAL DENSITY BONUS AGREEMENT FOR THE 890 CO-OP LOCATED AT 890 PETALUMA BOULEVARD NORTH FILE # PLSR-2021-0011

WHEREAS, on June 3, 2021, Matthew Ridgway, on behalf of the property owner, the 890 Co-Op LLC, submitted an application for Site Plan and Architectural Review and a Residential Density Bonus for the 890 Coop Project, including demolition of the existing one-story, 1,148 square foot vacant food-service building to construct a two and three-story, 10,512 square foot mixed-use project with 3,230 square feet of commercial floor area on the ground floor, seven dwellings on floors two and three, and associated amenities and site improvements, on a 16,590 square foot parcel (all areas are approximate) at 890 Petaluma Boulevard North; and

WHEREAS, on July 1, 2021, pursuant to Public Resources Code Section 21080.3.1(d), notice was delivered to the Federated Indians of Graton Rancheria, and the Federated Indians of Graton Rancheria did not request consultation within the statutory timeframe provided by Public Resources Code Section 21080.3.1(d), and to date has not commented on this application; and

WHEREAS, per California Government Code Section 65943(a), the City had until July 3, 2021 (30 days after the application date of June 3), to provide a written response to the application, and that pursuant to California Government Code Section 65943(d), the applicant and the City mutually agreed to an extension of the time limit on June 23, 2021, extending the response time to July 19, 2021; and

WHEREAS, on July 19, 2021, the applicant was informed in writing that the application was found incomplete; and

WHEREAS, on October 18, 2021, the applicant submitted a revised application; and

WHEREAS, on December 2, 2021, the applicant was informed in writing that the application was found complete as of November 17, 2021; and

WHEREAS, on February 14, 2022, the applicant mailed 800 postcards to inform owners and occupants within 1,000 feet of the site of a neighborhood meeting to be held on March 9, 2022, in compliance with City Council Resolution No. 18-107 N.C.S.; and

WHEREAS, public notice was posted on site on February 25, 2022, which was at least 17 days prior to the Planning Commission meeting, consistent with the City Council Resolution No. 18-107 N.C.S.; and

WHEREAS, the project was presented to the Pedestrian and Bicycle Advisory Committee (PBAC) on March 2, 2022, whereby the applicant presented the project, the PBAC provided comments, and the PBAC received written and oral testimony; and

WHEREAS, public notice of the April 12, 2022, Planning Commission hearing was published in the Petaluma Argus-Courier on March 31, 2022, and mailed to residents and occupants within 1,000 feet of the site, on or before April 1, 2022; and

WHEREAS, this item was posted on the tentative Planning Commission agenda on February 8, 2022, and later on February 22 and March 22, 2022; and

WHEREAS, the project site is located in an area classified by the General Plan as Mixed Use (MU), and is within the Mixed Use 1A (MU1A) Zoning District; and

WHEREAS, the Implementing Zoning Ordinance (IZO), in the Mixed Use 1A Zoning District, allows general commercial uses by right, and residential uses by-right when above the ground floor; and

WHEREAS, per IZO Section 27.030.A.2, a project that reserves at least five percent (5%) of the total units for Very Low Income (VLI) households is entitled to a density bonus and concessions; and

WHEREAS, the proposed project includes at least 14% of the total units for VLI households, and consistent with California Government Code Section 65915(f)(2), the project is eligible for a density bonus of 46.25%, and per California Government Code Section 65915(d)(2)(A) and IZO Section 27.040.D, the project is eligible for two concessions; and

WHEREAS, while this project is eligible for a density increase to allow as many as 11 dwellings, per California Government Code Section 65915(f), the applicant has not requested an increase in density above what is allowed in the Mixed Use land use designation; and

WHEREAS, the applicant has proposed two concessions, a concession to increase the building height above the 30-foot height limit in the MU1A zoning district and a concession to reduce the on-site parking requirement and stall dimensions; and

WHEREAS, per California Government Code Section 65915(d)(1), the concessions requested by the applicant shall be granted unless, based upon substantial evidence, the City finds that the concession or incentive does not result in identifiable and actual cost reductions for rents for very low-income households, the concession or incentive would have a specific, adverse impact, as defined in California Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households, or the concession or incentive would be contrary to state or federal law. Law; and

WHEREAS, for the reasons stated in the April 12, 2022, staff report, there is no basis to make a finding to deny the concessions; and

WHEREAS, the project is subject to the provisions of IZO Section 24.010 (Site Plan and Architectural Review), including the standards in IZO Section 24.010.G, which govern the scope of Planning Commission review; and

WHEREAS, this item was posted on the Planning Commission agenda for April 12, 2022, in compliance of the California Brown Act; and

WHEREAS, the April 12, 2022, Planning Commission meeting was conducted utilizing teleconferencing and electronic means consistent with California Government Code Section 54953, and the public were able to view the meeting on television and/or online and not in the Council Chamber; and

WHEREAS, on April 12, 2022, the Planning Commission held a duly noticed public hearing to consider the request for Site Plan and Architectural Review and a Residential Density Bonus, at which time all interested parties had the opportunity to be heard; and

WHEREAS, on April 12, 2022, the Planning Commission considered the staff report, dated April 12, 2022, where staff recommended that the Planning Commission approve the Site Plan and Architectural Review, and all public testimony provided prior to and at the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission as follows:

- A. The foregoing recitals are true and correct and incorporated herein by reference.
- B. Based on the staff report, staff presentation, comments received and the public hearing, the Planning Commission makes the following findings based on substantial evidence in the record:

1. Environmental Review Findings:

California Public Resources Code Section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183(a) mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

CEQA Guidelines Section 15183(b) specifies that:

“in approving a project meeting the requirements of Section 15183, examination of environmental effects shall be limited to those that:

- 1. Are peculiar to the project or the parcel on which the project would be located,
- 2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent,
- 3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- 4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.”

CEQA Guidelines Section 15183(c) specifies that impacts which are not peculiar to the project site which have been addressed as a significant effect in the prior EIR or can be substantially mitigated by applying uniformly applied development standards and policies shall not require preparation of an additional EIR on the basis of that impact. As such, this project is required to implement all applicable mitigation measures set forth in the General Plan EIR to avoid, reduce, or offset environmental impacts. In addition, the project is subject to conditions of approval that will be applied to the project to demonstrate compliance with mitigation measures set forth in the program level EIR, and policies, programs, and goals of the General Plan.

The project is consistent with the streamlining provisions under CEQA Guidelines Section 15183(d)(1)(C) and 15183(d)(2) as follows:

- 1. The Petaluma General Plan 2025 was adopted in 2008 and the Petaluma General Plan EIR (SCH# 2004082065) was certified April 7, 2008. The Petaluma General Plan and General Plan EIR accommodates 6,000 additional dwellings for a total buildout of 27,949 dwellings. In addition, the General Plan contemplated an additional 6.1 million square feet of non-residential space above the 2008 baseline conditions, which could result in approximately 23 million square feet of non-residential floor area;
- 2. The project site is designated as Mixed Use by the General Plan and this land use classification allows for a robust combination of uses, including retail, residential, service commercial, and offices, with development oriented toward the pedestrian. The

maximum allowable floor area ratio (FAR) is 2.5 and the maximum residential density is 30 dwellings per acre; and

3. The Project is consistent with the Mixed-Use land use classification in that it provides commercial and residential uses, the FAR would be less than 2.5 (0.63 FAR is proposed), and the residential density would be less than 30 dwellings per acre (18.4 per acre is proposed). The Project is also consistent with General Plan Policies which promote a range of land uses, seek to use land efficiently through promoting infill development, encourage flexibility in building form and the nature of activities, and encourage a variety of housing opportunities.

The CEQA analysis prepared for this project demonstrates that the project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR because the level of development proposed is within the development assumptions analyzed in the program level EIR for the General Plan, and furthermore, the Project does not contain elements that are peculiar to the Project or project site.

As described in the CEQA analysis presented to the Planning Commission, the proposed project is within the scope of development projected under the General Plan and analyzed in the General Plan EIR. The proposed project will implement applicable mitigation measures identified in the General Plan EIR to address potential environmental impact and these have been incorporated as environmental conditions of project approval. In addition, the Project would be required to comply with applicable conditions of approval from planning, building, public works, fire, police, and other City departments as applicable. With implementation of identified conditions of approval, the Project would not result in a substantial increase in the severity or significant impacts that were previously identified in the program level EIR, nor would the Project introduce any new significant impacts that were not previously identified. Therefore, there would be no additional environmental impacts beyond those analyzed in the General Plan EIR.

2. General Plan Findings:

The Project is consistent with the General Plan 2025 Mixed Use land use designation in that the Mixed Use classification calls for a maximum allowable floor area ratio (FAR) is 2.5 and the maximum residential density is 30 dwelling units per acre, and this project would provide an FAR of .63 and a residential density of 18.4 du/ac.

The Project is, for the reasons provided in the April 12, 2022 Planning Commission staff report, consistent with the following General Plan policies: Policies 1-P-2, 1-P-11, 1-P-27, 2-P-1, 2-P-5, 2-P-53, 2-P-55, 2-P-122, 4-P-7, 5-P-22.B, and 5-P-31; Housing Element Policies 1.1, 1.2, and 10.1.

3. Implementing Zoning Ordinance (IZO) Findings:

- a) The Project is consistent with all development standards of the Mixed Use 1A (MU1A) designation, including but not limited to, those pertaining to setback, floor area ratio, usable open space and bicycle parking, and the uses are permitted by-right. While the project does not comply with the height or parking standards set forth in IZO Chapter 4 or 11, the height increase and the parking reductions are consistent with the concessions mandated when a project includes affordable dwellings (as the project does) and will be granted for the project in compliance with IZO Section 27.070, and California Government Code Section 65915(d)(1), for the reasons cited in Section 5 of these Findings.
- b) A project with five or more dwellings is subject to inclusionary housing requirements as outlined in IZO Section 3.040. Because this project has seven, it is subject to IZO Section 3.040, and to comply, the project would include one dwelling affordable to a very-low income (VLI) household and make a payment to the City for an in-lieu fee to cover the

remaining fractional unit of 0.05.

4. Site Plan and Architectural Review:

The project is consistent with IZO Section 24.010 in that all required findings found in IZO Section 24.010.G can be made as follows:

- a) Consistent with IZO Section 24.010.G.1.a, the proposed exterior materials include corrugated metal, weathering steel, and charred wood. Each material provides differentiation in color and texture, and the variations in materials, and use of façade modulation and glazing break up the apparent mass of the building as well as to distinguish the uses within the building (for example, the commercial storefronts have more exterior glazing than what is proposed for the dwellings). The project would include landscaping that is intended to accent the proposed structure and break up the overall massing, as well as introducing appropriate street trees to the southeast corner of the intersection of Petaluma Boulevard North and Payran Street through the use of primarily native, and complimentary non-native species.
- b) Consistent with IZO Section 24.010.G.1.b, the architectural style reflects contemporary architecture for mixed-use buildings in form and use of materials. While the proposed three-story building would be greater in height and massing than existing surrounding development, more recent construction is transforming this low-rise area with taller and more dense development along the length of the avenue.
- c) Consistent with IZO Section 24.010.G.1.c, the siting of the building close to each street frontage represents a return to the pattern of development that existed within commercial areas in Petaluma prior to the trend towards auto-oriented and suburban development. For example, the historic pattern of development is reflected in the buildings opposite of this site that front the right-of-way at 839 and 841 Petaluma Boulevard North, as opposed to the auto-oriented development that exists to the north and south (such as the Shell gas station and the Town & Country shopping center). The proposed setback and building height will continue the setback and form that exists across from this site, and align with the more recent trend for new development that is present to the north at 945 and 1200 Petaluma Boulevard North.

While the proposed building setbacks are less than present for much of the surrounding development, more recent construction is transforming the area from the auto-oriented development to have buildings closer to the street.

- d) IZO Section 24.010.G.1.d does not apply to this project because signage is not proposed.
- e) Consistent with IZO Section 24.010.G.1.e, within the area, there is no prevailing building form, style, color or building material and the area includes a mix of single and multi-story buildings with older architecture and more recent buildings that represents development over the last 100 years. Exterior materials present in the area include brick, stucco, metal, and wood.

While the bulk and height of the proposed building poses a departure from the existing condition for the buildings that abut the site, the proposed colors and materials will not conflict with what is present in the area, and the proposed flat roof relates to the building at 839 Petaluma Boulevard North.

- f) Consistent with IZO Section 24.010.G.2, the preliminary planting plan includes a variety tree species, shrubs, perennials, groundcover, and vines, to include Low water and drought-tolerant landscaping would be installed within the public right-of-way, along the perimeter of the building site, and within the space created by the two buildings. Proposed species include a mix of non-native and native species. The total area to be planted exceeds what is required to control stormwater. Finally, the project will install water efficient landscaping and irrigation in compliance with Petaluma Municipal Code Chapter 15.17.

The landscaping will soften and provide relief from the proposed hardscape and buildings and the location of the planters are appropriate to the site and building uses.

The five existing street trees proposed for removal is required because retention of the trees is not possible with the proposed development. The project would plant seven trees (three along Petaluma Boulevard North and four along Payran Street) in new landscape planters, with tree spacing, species and size to be determined by the City, and in compliance with the tree removal mitigation requirements specified in IZO Section 17.065.

- g) Consistent with IZO Section 24.010.G.3, the project's ingress, egress, internal circulation for bicycles and automobiles, off-street automobile and bicycle parking facilities, and pedestrian ways promote safety and convenience and conform to City standards. On-site pedestrian and bicycle circulation areas will be physically separated from the vehicular circulation areas to minimize any potential conflicts between pedestrians/bicyclists and vehicles. The proposed vehicular parking spaces will meet the minimum requirements of the IZO (subject to the parking concessions mandated when a project includes affordable dwellings - see Section 5 of these Findings), while the bicycle parking spaces will exceed the standards of the IZO. Furthermore, the Fire Department has indicated that it will have adequate emergency access to the site. For these reasons, the project provides a safe circulation environment which conforms to city standards.

5. Residential Density Bonus:

Per IZO Section 27.030.A.2, a project that reserves at least five percent (5%) of the total units for VLI households is entitled to a density bonus and concessions. Because this project would include at least 14% of the units for VLI households, per California Government Code Section 65915(f)(2)¹, the project is eligible for a bonus of 46.25%, and per California Government Code Section 65915(d)(2)(A) and IZO Section 27.040.D, two concessions. While this project would be eligible for a density increase to allow as many as 11 dwellings, the project would not involve a density increase². The project requires two concessions:

1. Per IZO Section 27.070.B.1.e, a concession to allow the proposed building height to exceed the MUIA limit of 30-feet; and
2. Per IZO Section 27.070.B.1.f, a concession to allow reduced on-site parking standards to a) reduce the on-site parking requirement to zero and b) reduce the parking width for nine parking spaces to be less than the nine-foot minimum.

Per California Government Code Section 65915(d)(1), the concessions requested by the applicant shall be granted unless, based upon substantial evidence, the City can find that the concession or incentive does not result in identifiable and actual cost reductions for rents for very-low income households, the concession or incentive would have a specific, adverse

¹ IZO Section 27.040.D also sets the minimum density bonus percentage, but the bonus percentages cited are per California Government Code Section 65915 to reflect amendments made to state law that are not yet reflected in Chapter 27.

² Per California Government Code Section 65915(f) an applicant can elect to request "a lesser percentage of density increase, including, but not limited to, no increase in density".

impact, as defined in California Government Code Section 65589.5(d)(2)³, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households, or the concession or incentive would be contrary to state or federal law.

For the reasons stated in the April 12, 2022, staff report, the concessions for height and parking will result in identifiable and actual cost reductions. In addition, there is no evidence in the record to show that the concessions would have a specific, adverse impact upon public health and safety or physical environment or any real property that is listed on the California Register of Historical Resources. Finally, granting these concessions will not be contrary to state or federal law.

- C. Based on its review of the entire record herein, including the April 12, 2022, Planning Commission staff report, all supporting, referenced, and incorporated documents and all comments received and foregoing findings, the Planning Commission hereby approves Site Plan and Architectural Review for the 890 Coop, located at 890 Petaluma Boulevard North, subject to the conditions of approval attached hereto as Exhibit 1.

ADOPTED this 12th day of April 2022, by the following vote:

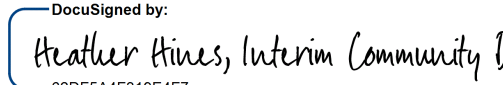
Commission Member	Aye	No	Absent	Abstain
Councilmember McDonnell	X			
Chair Potter				X
Vice Chair Bauer	X			
Hooper	X			
Rider	X			
Whisman	X			
Vacant				


DocuSigned by:

 BA70860EFFBE41D
 Heidi Bauer, Vice Chair

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:

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 Heather Hines, Interim CD Director

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 25B8C556ED25412...
 Dylan Brady, Assistant City Attorney

³ A specific, adverse impact means a "significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete."

**CONDITIONS OF APPROVAL
890 PBN CO-OP
890 PETALUMA BOULEVARD NORTH
FILE # PLSR-2021-0011**

STANDARD CONDITIONS

1. Plans submitted for any building permit submitted to the City pursuant to this approval shall be in substantial conformance with the architectural, civil, and landscaping plans approved by the Planning Commission on April 12, 2022, except as modified by these conditions of approval. A determination of substantial conformance shall be made by the Planning Manager in writing during the plan check review process. Nothing shall preclude the Planning Manager from referring a substantial conformance determination to the Planning Commission for review at a publicly noticed meeting.
2. The day following approval, the applicant shall provide to the Planning Manager a check made payable to the Sonoma County Clerk, in the amount required and published by the Sonoma County Clerk to file the CEQA Notice of Exemption ("NOE"). For details on this filing, please visit: <https://sonomacounty.ca.gov/CRA/Clerk-Recorder/CEQA-%E2%80%93-Fish-and-Wildlife-Filings/>. Per Fish and Game Code Section 711.4(d)(1), payment of the State Department of Fish and Wildlife environmental filing fee is not required).
3. All conditions of this permit shall be printed on the second sheet of each plan set submitted for any building permit submitted to the City pursuant to this approval, under the title 'SPAR Conditions of Approval'. Additional sheets may also be used if the second sheet is not of sufficient size to list all conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.
4. Prior to issuance of a Building Permit, the applicant shall provide an electronic copy of final/approved plans in PDF format that reflects the project submitted to the Planning Commission as well as any change needed to reflect these conditions of approval.
5. Construction activities shall comply with performance standards specified in IZO Chapter 21 (Performance Standards).
6. Prior to issuance of a Building Permit, and prior to final inspection of building permits, all costs owed on the processing of this application shall be paid in full.
7. This approval is granted for and contingent upon construction of the project as a whole, in a single phase, with the construction and/or installation of all features approved and required herein. Modifications to the project, including but not limited to a major change in construction phasing, may require an amendment to this condition by the Planning Commission through the Site Plan and Architectural Review provided by IZO Section 24.010.
8. This approval is, as provided for at IZO Section 24.010.I, effective for a twelve (12) month period unless the permit has been exercised or unless an extension of time is approved in compliance with IZO Section 24.010.K.
9. Prior to issuance of a Building Permit, all development impact fees for the commercial component of the project (including the public art in-lieu fee if public art has not yet been approved), shall be paid. Prior to final inspection or certificate of occupancy, all development impact fees associated with the residential component of the project, shall be paid.
10. At all times the site shall be kept cleared of garbage, debris, and outdoor storage.
11. All plantings shall be maintained in good growing condition. Such maintenance shall include,

where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. Required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to ensure continued regular watering of landscape areas, and health and vitality of landscape materials.

12. Herbicides/pesticides shall not be applied in areas used by pedestrians/bicyclists within the project without first providing appropriate signs warning of the use of chemicals. The project shall utilize Best Management Practices (BMPs) regarding pesticide/herbicide use and as well as Integrated Pest Management techniques for the protection of bicyclists and pedestrians.
13. No signage is approved by this permit. Separate sign permits in compliance with IZO Chapter 20 shall be obtained prior to the installation of any signage.
14. Prior to commencing construction activities, a sign facing each street frontage shall be posted on the site regarding the allowable hours of construction and contact information for complaints. Proof of sign installation shall be provided to the Planning Manager prior to issuance of a building permit.
15. The applicant shall defend, indemnify, and hold harmless the City and any of its boards, commissions, agents, officials, officers, and employees from any claim, action, or proceeding against the City, its boards, commissions, agents, officials, officers, or employees to attack, set aside, void, or annul any of the approvals of the project, when such claim or action is brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the applicant of any such claim, action, or proceeding. The City shall coordinate and cooperate with applicants in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding and if the City chooses to do so, the applicant shall reimburse the City for reasonable attorneys' fees incurred by the City.
16. Prior to issuance of a Building Permit, exterior lighting fixtures shall be fully detailed and subject to staff review and approval. All light fixtures shall be hooded and downward cast.
17. Plans submitted for building permit shall demonstrate that the project shall be built as an all-electric project without any new gas infrastructure.
18. All externally visible scuppers, gutters and downspouts shall either be galvanized sheet metal as per plan, or complimentary to the building architecture.
19. No opaque film, covering, or decal shall be installed in front of or behind the windows of ground-floor tenant space facing any public street which would hinder or completely block visibility between the tenant space and the public right-of-way.
20. All standpipes, check valves, and other utilities shall be placed underground or fully screened from view by decorative screening structures or landscaping, subject to the review and approval of the Planning Manager.
21. Prior to Public Improvement Plan approval, regarding street trees, the plan sets shall:
 - a. Provide structural soils within all tree wells, and under the sidewalks for a six-foot minimum distance beyond any tree well, for a 24-inch minimum depth, and for a length of at least 8 feet centered on each street tree.
 - b. Note irrigation, walk-on mulch, and root barriers where appropriate.
22. All tree stakes and ties shall be removed within one year following installation or as soon as trees are able to stand erect without support.

23. Prior to final inspection or certificate of occupancy, a notice shall be submitted for review and approval by the Planning Manager, demonstrating that the owner shall provide written notice in all lease, rental, or sale agreements concerning any portion of the Project to all occupants and users that the surrounding area may be subject to noise, dust, fumes, or other effects associated with commercial or industrial uses at higher levels than would be expected in residential areas.
24. **Construction Management Plan:** A construction management plan shall be submitted for review and approval by the City prior to issuance of any demolition, building or grading permit. A copy of the approved Construction Management Plan shall be reproduced as a part of the plan set and included within the jobsite and office plan sets for any building permit issued for the site. The construction management plan shall include:
- Provisions for materials and equipment storage and staging on-site, unless otherwise approved.
 - A traffic control plan to address on-site and off-site construction traffic.
 - A screened security fence shall be placed and maintained around the perimeter of the project and removed immediately following construction work.
 - Construction phasing and approximate timeline.
 - Continued access for adjoining businesses.

PROJECT-SPECIFIC CONDITIONS OF APPROVAL

25. **Tree Preservation within the Public Right-of-way:** In consultation with a certified arborist, the applicant will work with the City to retain as many of the five existing street trees as possible. Consideration will be given to tree health (to retain trees rated in moderate or better condition, such as tree #3 and tree #11), suitability for preservation, life expectancy, and feasibility of complying with local and state stormwater controls. Any tree to be removed within the public right-of-way shall be replaced in compliance with IZO Chapter 17 and the final number of new trees to be planted along Petaluma Boulevard North and Payran Street shall be determined based on the number of trees to be removed. New street trees shall be planted in new landscape planters, with tree spacing, species, and size to be determined by the City.
26. The recently planted coast live oak located along Payran Street & within the public right-of-way shall be relocated on or off site, if deemed feasible by a certified arborist.
27. **Bike Lane:** If street parking is providing along Payran Street, the Class II bike lane shall be marked with two continuous white stripes for the full length of the parking spaces, subject to review and approval by the City Engineer.
28. **Bike Lane:** The entry of the Class II Bike Lane along Payran Street shall include green markings per the Manual Uniform Traffic Control Devices (MUTCD) and National Association of City Transportation Officials (NACTO) Standards, subject to review and approval by the City Engineer.
29. **Bulb-out:** The applicant shall propose elements to enliven the bulb-out at the corner of Petaluma Boulevard North and Payran Street, subject to review and approval by the Planning Manager and City Engineer. Such elements can include public art, landscape planters or other landscaping, benches, and/or decorative paving.
30. Prior to the issuance of a building permit or other permit, the applicant shall provide a current Title Report.

31. Consistent with representations made by the applicant, all non-ADA parking spaces shall be rented, sold, or offered separately from any residential or commercial leases, the existing canopy above the parking area shall be retained, and existing foodservice equipment shall be re-used on site, or offered for re-use off site.
32. The project includes seven dwellings and is subject to the inclusionary housing requirements outlined in IZO Section 3.040. To comply, the project shall include one dwelling affordable to a very-low income (VLI) household and make a payment to the City for an in-lieu fee to cover the remaining fractional unit of 0.05. The affordable VLI dwelling shall remain available for VLI households for at least 55 years, in compliance with IZO Section 3.040.B.3.b.
33. The project includes two concessions, granted to this project per California Government Code Section 65915(d)(2)(B) and IZO Section 27.040.D. To be eligible for two concessions, the applicant shall reserve one dwelling affordable to a very-low income (VLI) household for at least 55 years, to comply with California Government Code Section 65915(c)(1), at an affordable rent per IZO Section 27.020.A.

Pursuant to IZO Section 27.090.C, prior to issuance of a building permit, the applicant shall record the Density Bonus Housing Agreement that is required by IZO Section 27.090.A, and this agreement shall be prepared in compliance with IZO Section 27.090.D.

Building Division

34. Proposed project will require building permit application and construction plan 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 this code. The applicant will need to demonstrate compliance with the construction documents. Submit plans in conformance to current City ordinance and building code adoption at time of permit submittal.
35. Building Permit application is to be made to the City Building Division of the Planning Department. Permit applications will require plans, review, and approvals. See: <https://cityofpetaluma.org/permit-process/>.
36. Building permit construction documents are to include occupancy classifications, general building area and height limitations, type of construction, and fire sprinkler provisions data for each building on the subject parcel.
37. Effective June 16, 2021, new buildings are required to have all electric construction as defined in Petaluma Municipal Code Chapter 17.36 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.
38. For the 2019 Building Standards Code cycle effective June 16, 2021, the City of Petaluma has adopted CalGreen at the Tier 1 level for wholly new buildings, with the exception Energy Efficiency, which is adopted at the mandatory level only.
39. Construction documents are to include a means of egress plan. Show in sufficient detail the location, construction, size, and character of all portions of the means of egress in compliance with the provisions of this code. Designate the number of occupants to be accommodated on every floor, and in all rooms and spaces as required in CBC Section 107.2.3.
40. 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.

Fire Prevention Department

41. All submitted sheets must be wet-stamped and wet-signed by the California licensed /registered professional responsible for the design (i.e. electronic signature will be permitted if acceptable by jurisdiction). Please provide a stamp & signature on each page of the submittal. 2019 CFC § 105.4.1 & CA B&P Code § 6737.1, 7026.12, 7057 & 7058.
42. Prior to issuance of a building permit, the applicant shall confirm the type of Fire Protection System that will be installed (e.g.: NFPA 13, 13R, 13D) and whether there will be an FDC. If a FDC will be installed, fire hydrants shall also be installed every 300 lineal feet. Fire department sprinkler connection shall not be in excess of fifty (50) feet from a fire hydrant.
43. Note: In addition to any civil drawings, contractors installing underground fire lines shall submit two sets of the plans to the Petaluma Fire Marshal's office prior to installation. Design must be in accordance with the following City of Petaluma Standards:
 - STD850.05 main size 854 thrust blocks
 - 857.01 fire hydrant 860 temporary fire flow
 - 879.01 PIV and FDC 880 detector check/s
 - Points of connection to main and sprinkler riser detail
 - Hydro-test 200 psi – for 2 hours
 - Detail method of flushing lines
44. Per Petaluma Municipal Code and Title 17 of the California Administrative Code, a fire service underground to a building of three (3) or more floors shall have a double detector check / backflow preventer installed per City of Petaluma Water Installation Standards.

Department of Public Works and Utilities

45. 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. All public improvement work shall be completed prior to final inspection or issuance of a certificate of occupancy.
46. The project shall comply with E.10 Construction Erosion and Sediment Control requirements: with the building permit application, applicant shall provide Notice of Intent documentation as well as the Storm Water Pollution Prevention Plan (SWPPP) and erosion and sediment control plan.
47. The project is responsible for paying water, sewer, and storm drain impact/capacity fees prior to issuance of a building permit.
48. All the public improvements shall be designed in accordance with the latest City of Petaluma Public Works and Utilities Department Standards & Specifications, latest edition of the Manual of Uniform Traffic Control Devices (MUTCD) and Caltrans standards.
49. Depending on the intended use of the retail areas and the communal kitchen, a grease removal device may be required pursuant to Petaluma Municipal Code 15.48.130.
50. A construction level geotechnical report is required with the subdivision improvement plan.
51. Comply with E12 post construction storm water treatment requirements. Submit a construction level report and plans with the building permit applications for the future homes demonstrating compliance with the E12 requirements. The applicant is required to enter into the City's standard operation and maintenance agreement for treating storm water prior to acceptance of subdivision improvements. The executed Stormwater Facilities Maintenance Agreement shall be

recorded prior to issuance of first certificate of occupancy.

52. Pavement of half of Payran is acknowledged. Public Works has acknowledged that need to resurface Petaluma Boulevard North can be determined during construction.
53. The project owner shall enter into the City's standard agreement for storm water facilities maintenance of post construction best management practices. Please submit two notarized original agreements for recording. The agreement must be approved and recorded prior to issuance of a certificate of occupancy.
54. Trash enclosures shall be constructed to be compliant with sections 15.80.060 and 15.36.010 of the Petaluma Municipal Code.

ENVIRONMENTAL CONDITIONS OF APPROVAL

The following conditions of approval ensure implementation of applicable mitigation measures and policies set forth in the General Plan and its EIR and include standard conditions of approval imposed on development projects and uniformly applied development standards.

Air Quality

55. The latest BAAQMD recommended Best Management Practices (BMPs) to control for fugitive dust and exhaust during all construction activities shall be incorporated into all construction plans to require implementation of the following:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material 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 mechanic and determined to be running in proper working condition prior to operation.
 - h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Cultural/Tribal Cultural Resources

56. If during the course of ground disturbing activities, including, but not limited to excavation, grading and construction, a potentially significant prehistoric or historic resource is encountered, the Federated Indians of Graton Rancheria shall be notified and all work within a 100-foot radius of the find shall be suspended for a time deemed sufficient for a qualified and city-approved cultural resource specialist to adequately evaluate and determine significance of the discovered resource and provide treatment recommendations. Should a significant archeological resource be identified, a qualified archaeologist shall prepare a resource mitigation plan and monitoring program to be carried out during all construction activities. Prehistoric archaeological site indicators include obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a

combination of any of the previously listed items with the possible addition of bone and shell remains, and fire affected stones. Historic period site indicators generally include fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps).

57. In the event human remains are uncovered during earthmoving activities, all construction excavation activities shall be suspended in the immediate vicinity of where the human remains are located, and the following shall apply:
- a. The Sonoma County Coroner shall be contacted to determine that no investigation of the cause of death is required.
 - b. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.
 - c. The applicant shall retain a City-approved qualified archaeologist to provide adequate inspection, recommendations and retrieval, if appropriate.
 - d. It shall be the responsibility of the Native American Heritage Commission, rather than the applicant or the City, to identify the person or persons it believes to be the most likely descended from the deceased Native American, and to contact such descendant in accordance with state law.
 - e. The applicant shall be responsible for discussing and conferring with Native American descendants all reasonable options regarding the descendants' preferences for treatment, as provided in Public Resources Code Section 5097.98(b), and for carrying out all obligations of the applicant as provided at Public Resources Code Section 5097.98.
58. In the event that paleontological resources, including individual fossils or assemblages of fossils, are encountered during construction activities all ground disturbing activities shall halt in the immediate vicinity of where the resources are located, and a qualified paleontologist shall be procured to evaluate the discovery and make treatment recommendations.

Geology and Soils

59. As determined by the City Engineer and/or Chief Building Official, all recommendations outlined in the September 2020 Geotechnical Investigation prepared by Miller Pacific Engineering Group, including but not limited to, site preparation and grading/excavation, seismic design, and foundations system design are herein incorporated by reference and shall be adhered to ensure that appropriate construction measures are implemented. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical reports have been incorporated into the design of the Project. Nothing in this condition shall preclude the City Engineer and/or Chief Building Official from requiring additional information to determine compliance with applicable standards. The geotechnical engineer shall inspect the construction work and shall certify to the City, prior to issuance of a certificate of occupancy, that the improvements have been constructed in accordance with the geotechnical specifications.

Hazards and Hazardous Materials

60. A Soil and Groundwater Management Plan (SGMP) shall be prepared to outline soil and groundwater management protocols that would be implemented during redevelopment of the Site to ensure that construction workers, the public, future Site occupants, and the environment would not be exposed to hazardous materials that may be present in the subsurface of the Site. The SGMP shall describe health and safety requirements for construction workers that may handle contaminated soils and shall include procedures to be followed if contaminated (e.g., stained, oily, or odorous) soil or groundwater is encountered during construction. These procedures shall include notification requirements; inspection and sampling of contaminated soil or groundwater by a qualified environmental professional; guidelines for dust/vapor/odor control and air monitoring during excavation if contamination is encountered; guidelines for groundwater dewatering, treatment, and disposal to ensure compliance with applicable regulations/permit requirements; and guidelines for the segregation of contaminated soil, stockpile management, characterization of soil for off-Site disposal or on-Site reuse, and importing of clean fill material. The

SGMP shall be submitted to the City of Petaluma (City) for review and approval prior to the City issuing demolition or grading permits for the Site.

Hydrology and Water Quality

61. Prior to issuance of a grading permit, the applicant shall file a Notice of Intent with the RWQCB and demonstrate compliance with the Statewide General Permit for Construction Activities.
62. Prior to issuance of a building permit, the applicant shall prepare a design-level Stormwater Mitigation Plan that provides calculation and documentation that the storm drain system has adequate capacity to serve the Project. The storm drain system shall be reviewed and approved by the City Engineer and Sonoma Water.
63. In accordance with the National Pollution Discharge Elimination System (NPDES) regulations, the applicant shall prepare and implement a project-specific Stormwater Pollution Prevention Plan, including an erosion control plan, for grading and construction activities. The SWPPP shall address erosion and sediment control during all phases of construction, storage and use of fuels, and use and clean-up of fuels and hazardous materials. The SWPPP shall designate locations where fueling, cleaning and maintenance of equipment can occur and shall ensure that protections are in place to preclude materials from entering into storm drains or the Petaluma River. The contractor shall maintain materials onsite during construction for containments and clean-up of any spills. The applicant shall provide approval documentation from the RWQCB to the City verifying compliance with NPDES.
64. The applicant shall prepare and implement an erosion control plan for all grading activities. The plan shall be reviewed and approved by the City of Petaluma prior to issuance of grading permits. The erosion control plan shall include limiting areas of disturbance, designating restricted-entry zones, diverting runoff away from disturbed areas, inlet/outlet protection at nearby drains, and provisions for revegetation and mulching. The erosion control plan shall prescribe treatment to trap sediment, such as inlet protection, straw bale barriers, straw mulching, and straw wattles.

Noise

65. Construction activities shall comply with the following and all shall be noted on construction documents:
 - a. Construction Hours/Scheduling: The following are required to implement the allowed hours of construction by the Petaluma Implementing Zoning Ordinance:
 - i. Construction activities for all phases of construction, including servicing of construction equipment shall only be permitted during the hours of 7:00 a.m. and 10:00 p.m. Monday through Friday and between 9:00 a.m. to 10:00 p.m. on Saturdays, and State, Federal, and local holidays. Construction activities shall not occur on Sundays.
 - ii. Delivery of materials or equipment to the site and truck traffic coming to and from the site is restricted to the same construction hours specified above.
 - b. Construction Equipment Mufflers and Maintenance: All construction equipment powered by internal combustion engines shall be properly muffled and maintained.
 - c. Idling Prohibitions: All equipment and vehicles shall be turned off when not in use. Unnecessary idling of internal combustion engines is prohibited.
 - d. Quiet Equipment Selection: Select quiet construction equipment, particularly air compressors, whenever possible. Motorized equipment shall be outfitted with proper mufflers in good working order.
 - e. Equipment Location and Shielding: All stationary noise-generating construction equipment, such as air compressors, shall be located as far as practical from the adjacent homes. Acoustically shield such equipment when it must be located near adjacent residences.
 - f. Staging and Equipment Storage: The equipment storage location shall be sited as far as possible from nearby sensitive receptors. Generators: No generators shall be utilized during nighttime hours (i.e., sunrise to sunset) to power equipment (e.g., security surveillance) when

normal construction activities have ceased for the day. All such equipment should be powered through temporary electrical service lines.

- g. Noise Disturbance Coordinator: Developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. This individual would most likely be the contractor or a contractor's representative. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would require reasonable implementation measures to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors, within a 500-foot radius of the site, regarding the construction schedule.

Public Services and Recreation

66. The Project is subject to payment of park land acquisition fees and the City's Facilities Development Impact Fee per the amounts adopted by resolution, and updated annually, and per the payment schedule adopted by resolution.

Public Utilities

67. The City of Petaluma Public Works and Utilities, Environmental Services Division's standard conditions of approval regarding water conservation, irrigation, and water use efficiency shall be implemented.
68. A Construction Waste Management Plan shall be prepared and implemented during all stages of construction to address the disposal, recycling, and reuse of major waste materials from demolition and construction activities. The Construction Waste Management Plan will be reviewed upon submittal of a building permit and shall meet the minimum requirements of the CALGreen code for residential and commercial development.
69. In accordance with CALGreen Section 4.410.2 onsite recycling shall be provided in readily accessible areas for the depositing, storage and collection of non-hazardous materials including at a minimum paper, cardboard, glass, plastics, organic waste, and metals.
70. The applicant shall coordinate with Recology to appropriately size trash enclosures and ensure that maximum waste stream diversion occurs by providing onsite pre-sorting for recyclables and green waste for compostable and organic material.