

RESOLUTION 2019-08
CITY OF PETALUMA PLANNING COMMISSION

**APPROVING A CONDITIONAL USE PERMIT FOR A MULTI-FAMILY RESIDENTIAL USE IN THE MUIB
ZONING DISTRICT FOR THE DEER CREEK VILLAGE RESIDENTIAL PROJECT INCLUDING
CONSTRUCTION OF 129 MULTI-FAMILY UNITS IN FIVE RESIDENTIAL BUILDINGS
AT THE SOUTHWEST CORNER OF RAINIER AVENUE AND NORTH MCDOWELL BOULEVARD
APN: 007-380-034
FILE NO. PLSR-18-0005**

WHEREAS, David E. Geiser of Merlone Geier Management, LLC, submitted on behalf of property owner MGP VIII Properties, LLC, an application for a Conditional Use Permit and Site Plan and Architectural Review for the construction of a 129-unit multi-family development consisting of five residential buildings with the Mixed Use 1B (MUIB) zoning district, located on a 4.71-acre site at the southwest corner of Rainier Ave and North McDowell Boulevard (APN 007-380-034) (the "Project"); and

WHEREAS, the project site was part of the previously approved Deer Creek Village Shopping Center approved by the Planning Commission on April 2, 2012; and

WHEREAS, the project site is designated Mixed Use in the General Plan 2025 which calls for a robust mix of uses including commercial, office, and residential; and

WHEREAS, General Plan Policy 2-P-89 calls for residential uses on the property at the corner of North McDowell and Rainier; and

WHEREAS, the applicant held neighborhood meeting on April 3, 2019 and April 30, 2019 at the community center consistent with the city's Public Outreach Policy as outlined in City Council Resolution No. 2018-107; and

WHEREAS, public notice of the initial Planning Commission hearing was published in the *Petaluma Argus-Courier* and mailed to residents and occupants within 1,000 feet of the Project site in compliance with state and local law; and

WHEREAS, a public hearing sign was posted on site at least 17 days prior to the Planning Commission meeting, consistent with the City Council Resolution No. 18-107; and

WHEREAS, the Planning Commission held a duly May 14, 2019, at which time all interested parties had the opportunity to be heard; and

WHEREAS, at said hearing, the Planning Commission considered the staff report, dated May 14, 2019, and all public testimony provided prior to and at the public hearing; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. Based on its review of the entire record herein, the Planning Commission makes the following findings:

California Environmental Quality Act

- a. The project has been reviewed in accordance with the California Environmental Quality Act and found to be categorically exempt under CEQA Guidelines Section 15332 as an infill development

project. The project is consistent with the Mixed Use land use designation and regulations of the Mixed Use 1B (MU1B) Zoning District of the Implementing Zoning Ordinance. The project is also located within city limits on a site less than five acres substantially surrounded by urban uses and on a site without value for habitat for endangered, rare, or threatened species. The project would not result in any significant effects related to traffic, noise, air quality, or water quality and is located on a site served by all required utilities and public services.

General Plan

b. The Project is consistent with the General Plan 2025 Mixed (MU) land use designation in that the MU designation accommodates a combination of uses, including retail, residential, service commercial, and/or offices.

c. The Project is, for the reasons discussed in the May 14, 2019 Planning Commission staff report, consistent with the following General Plan policies:

Policy 1-P-2 Use land efficiently by promoting infill development, at equal or higher density and intensity than surrounding uses.

Policy 1-P-7 Encourage flexibility in building form and in the nature of activities to allow for innovation and the ability to change over time.

Policy 1-P-14 Require provision of street trees, landscaping, parking, and access features to help integrate land uses and achieve an effective transition between uses of disparate intensities.

Policy 2-P-1 As depicted on the Land Use Map allow for urban development at defined densities and intensities to prevent the need to extend outward beyond the Urban Growth Boundary.

Policy 2-P-89 Allow for a range of uses, including commercial, office and residential, in the mixed-use area on the southwest corner of North McDowell and Rainier Avenue

Policy 5-P-22 Preserve and enhance pedestrian connectivity in existing neighborhoods and require a well connected pedestrian network linking new and existing developments to adjacent land uses.

Policy 5-P-23 Require the provision of pedestrian site access for all new development.

Policy 5-P-30 Require all new development abutting any public trail to provide access to the trail.

d. The Project is, for the reasons discussed in the May 14, 2019 Planning Commission staff report, consistent with the following General Plan policies:

Policy 1.1 Promote residential development within the Urban Growth Boundary.

Policy 1.2 Encourage the development of housing on underutilized land that is appropriately zoned.

Policy 2.1 Encourage a mix of housing design types.

Implementing Zoning Ordinance

- e. The project is consistent with Implementing Zoning Ordinance (IZO) §24.030 – Conditional Use Permit, in that all required findings found in §24.030(G) can be made as follows:
- i. The siting of the building or use, and in particular: (a) the adequacy of the site to accommodate the proposed use or building and all related activities; (b) the location and possible screening of all outdoor activities; (c) the relation of the proposed building or use to any adjoining building with particular attention to protection of outlook, light, air, and peace and quiet; (d) the location and character of any display of goods and services and the size, nature, and lighting of any signs; and (e) the intensity of activity.

The project proposes 129 dwelling units where the General Plan allows up to 141 dwelling units. Additionally, the project proposes an FAR of .65, where the General Plan allows a maximum FAR of 2.5. Therefore, the site is adequate to accommodate the proposed residential use. The residential amenity area, including the fire pit and spa, are screened from the adjacent commercial activities. While noxious emissions such as glare and noise are not anticipated from the residential uses, the area between the existing Deer Creek Village commercial activities and the residential project are buffered by Deer Creek and screened by landscaping, including trees that reach heights of up to 80 feet tall. As noted on the plans the applicant is proposing two monument signs on the residential parcel that will be considered under a separate permit. The Deer Creek Village Master Sign Program includes one monument sign at the entrance of Rainier Avenue, but does not reference a second sign on North McDowell Boulevard near the pedestrian path connection, which is included in the current proposal. The addition of this latter sign will require modifications to the Deer Creek Village Master Sign Program and is conditioned accordingly.

- ii. Traffic circulation and parking, and in particular: (a) the type of street serving the proposed use in relation to the amount of traffic expected to be generated; (b) the adequacy, convenience, and safety of provisions for vehicular access and parking, including the location of driveway entrance and exits and (c) the amount, timing, and nature of any associated truck traffic.

The project includes minimal changes to the overall circulation layout and uses the existing bridges to connect the northern and southern portions of the larger Deer Creek site. Further, the change in use from commercial, as previously approved, to residential was analyzed to ensure that there would not be inherent conflicts and that the residential use would result in fewer trips. The arrangement of below grade, surface parking and carports provides adequate parking on-site to meet all of the applicable standards. Additionally, the project will have an agreement with the shopping center to offset any peak parking demands. The Deer Creek Village shopping center also includes a number of residential serving uses such as a grocery store, hardware store, and gym, and its anticipated that new residents will be able to access these services without the need for their automobiles.

- iii. The compatibility of the proposed building or use with its environment, and in particular: (a) the number of customers or users and the suitability of the resulting activity level to the surrounding uses and especially to any neighboring uses of unusual public importance such as schools, libraries, playgrounds, churches, and hospitals; (b) hours of operation; (c) adequacy of provisions for the control of any off-site effects such as noise, dust, odors, light, or glare, etc.; (d) adequacy of provisions for protection of the public against any special hazards arising from the intended use; and (e) the proportion of total space utilized.

The subject project is residential in nature, the number of customers and hours of operation are not applicable. Similarly, the effects of noise, dust, odors, light and glare are anticipated to be negligible in comparison to the surrounding non-residential uses; however, the project is still conditioned to adhere to the performance standards of IZO

Chapter 21. The residential use is also compatible with the operations of the neighboring Deer Creek Village shopping center, which does not include any uses with hours outside of 7AM to 10PM. Further, existing loading facilities are oriented towards Highway 101 and away from the residential site.

- iv. The expected duration of the proposed building, whether temporary or permanent, and the setting of time limits when appropriate.

The proposed building features construction methods and materials that are durable and permanent. The development is expected to provide permanent residential dwelling opportunities for many generations of residents.

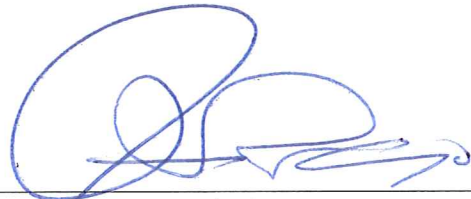
- v. The degree to which the location of the particular use in the particular location can be considered a matter of public convenience and necessity.

As previously stated, the General Plan specifically calls for the development of residential uses at the southwest corner of the Rainier Avenue and North McDowell Boulevard intersection. The housing is also located on a transit corridor and within walking distance to essential businesses. The proposed development at this location is both convenient and necessary.

- A. Based on its review of the entire record herein, including the May 14, 2019 Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves a Conditional Use Permit for the Project, subject to the conditions of approval attached hereto as **Exhibit 1**.

ADOPTED this 14th day of May, 2019, by the following vote:

Commission Member	Aye	No	Absent	Abstain
Councilmember McDonnell	X			
Chair Marzo	X			
Vice Chair Alonso	X			
Bauer	X			
Gomez	X			
Streeter			X	
Wolpert	X			

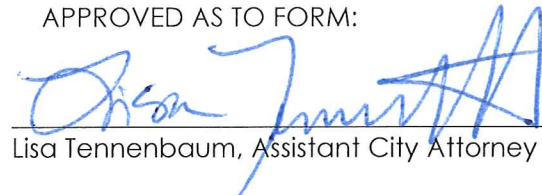


Richard Marzo, Chair

ATTEST:


Heather Hines, Commission Secretary

APPROVED AS TO FORM:


Lisa Tennenbaum, Assistant City Attorney

CUP CONDITIONS OF APPROVAL**Deer Creek Residential Project****Located at the Southwest Corner of Rainier Avenue and North McDowell Boulevard****APN: 007-380-034****File No. PLSR-18-0005**Planning Division

1. This Conditional Use Permit allows the establishment of a multi-family residential use in the MU1B zoning district consistent with Table 4-4 of the Implementing Zoning Ordinance 007-380-034.
2. Plans submitted to the City of Petaluma for purposes of construction shall be in substantial conformance with plans on file with the Planning Division and dated April 10, 2019, except as modified by these conditions of approval.
3. The colors and materials, including the lighting fixtures, shall be in substantial conformance with those noted on the plan set and the color board in the project file and date stamped April 10, 2019.
4. Prior to Building Permit issuance, the applicant shall provide the City with an electronic copy of final/approved plans in PDF format on either a CD or USB drive.
5. Bicycle racks shall comply with size dimensions and location requirements of the Bicycle and Pedestrian Master Plan. Applicant shall ensure adequate access to each bicycle rack from all sides and avoid placing racks too close to any wall or structure.
6. Prior to the issuance of any construction permits, these conditions of approval shall be included with the plan set. A copy of the approved plans shall be maintained on-site when construction activities are occurring.
7. Both construction and post-construction operations shall comply with all performance standards of Implementing Zoning Ordinance Chapter 21.
8. All lighting shall be glare-free, hooded, and downcast in order to prevent glare into bicyclists' and pedestrians' eyes and/or light pollution onto adjacent properties.
9. The applicant shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action, or proceeding against the City, its boards, commissions, agents, 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 applicants/developers of any such claim, action, or proceeding. The City shall coordinate 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 appellant shall reimburse City for attorneys' fees by the City.