

RESOLUTION 2023-02

CITY OF PETALUMA PLANNING COMMISSION

**TO APPROVE SITE PLAN AND ARCHITECTURAL REVIEW
FOR THE LABCON NORTH AMERICA EXPANSION PROJECT
LOCATED AT 3200 LAKEVILLE HIGHWAY & 1677 FISHER DRIVE
FILE NO. PLSR-2022-0025**

WHEREAS, on July 27, 2022, Greg LeDoux of Greg LeDoux & Associates, Inc., on behalf of the property owner, Labcon North America, submitted an application for Site Plan and Architectural Review for the construction of a ±176,000 square foot manufacturing building including associated site improvements, located at 3200 Lakeville Highway & 1677 Fisher Drive; and

WHEREAS, on July 28, 2022, Greg LeDoux of Greg LeDoux & Associates, Inc., on behalf of the property owner, Labcon North America, submitted a request for a Zoning Map Amendment and for an amendment to the Lakeville Business Park PCD to change the zoning designation for a 6.51-acre portion of the site from PCD to BP and related amendments to the Lakeville Business Park Planned Community District to remove all references to the portion of the site within the Lakeville Business Park Planned Community District; and

WHEREAS, pursuant to Implementing Zoning Ordinance (IZO) Chapters 19 and 25, review of the Amendment is subject to review and adoption by the City Council, after a recommendation from the Planning Commission, and this amendment is the subject of a separate Planning Commission resolution; and

WHEREAS, pursuant to IZO Chapter 24, review of Site Plan and Architectural Review is subject to review and approval by the Planning Commission; and

WHEREAS, in the BP zone and the Lakeville Business Park PCD, the proposed uses - Light Manufacturing/Processing and Wholesaling and Distribution - are allowed by right, and nevertheless, the applicant requested the amendments to apply the BP zone across the entire project site; and

WHEREAS, on August 26, 2022, 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 requested consultation on September 7, 2022, within the statutory timeframe provided by Public Resources Code Section 21080.3.1(d); and

WHEREAS, per California Government Code Section 65943(a), the City had until August 26, 2022 (30 days after the application date of July 27), 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 August 26, 2022, to extend the response time to October 28, 2022; and

WHEREAS, on October 17, 2022, the City and the Federated Indians of Graton Rancheria met in consultation, and consultation concluded with an agreement to impose Tribal monitoring as a project condition of approval; and

WHEREAS, on October 28, 2022, the City deemed the application for Site Plan and Architectural Review to be complete; and

WHEREAS, the entire project site is in an area classified by the General Plan as Business Park (BP), including a 9.82-acre portion within the Business Park (BP) zone and the 6.51-acre portion within the

Planned Community District (PCD) zone; and

WHEREAS, on or before January 14, 2023, the applicant installed three signs on-site to inform the public of this meeting with the Planning Commission and pursuant to Section 24.100.B of the IZO, each sign was at least 32 square feet in area and placed in a position most visible to the public along the Lakeville Highway, Cader Lane and Fisher Drive frontages; and

WHEREAS, on or before January 14, 2023, public notice of the January 24, 2023, Planning Commission hearing was published in the Petaluma Argus-Courier and mailed to residents and occupants within 1,000 feet of the site; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider Site Plan and Architectural Review on January 24, 2023; and

WHEREAS, the Planning Commission considered the staff report dated January 24, 2023, including the California Environmental Quality Act (CEQA) determination included therein; and

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

- I. The foregoing recitals are true and correct and incorporated herein by reference.
- II. 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:

A. California Environmental Quality Act (CEQA) 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, and 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 proposed Labcon North America Expansion Project is consistent with the General Plan land

use designation and zoning for the site, as documented within the January 24, 2023, report to the Planning Commission, and is subject to the streamlining provisions under CEQA Guidelines Section 15183(d)(1)(C) 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 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 in Petaluma at buildout of the General Plan, whereas approximately 2 million square feet of new non-residential floor area has been or is being constructed in Petaluma since 2008 and the Project proposes a new ±176,000 square foot non-residential building.
2. The Petaluma General Plan 2025 classification for the site is Business Park, and the Light Manufacturing/Processing and Wholesaling and Distribution uses proposed for the site are consistent with the General Plan land use classification for the site. In addition, the total floor area ratio proposed for the site is less than the limit set by the General Plan (.41 proposed, with a maximum of 1.5).
3. The Project is consistent with General Plan Policies which promote a range of land uses and employment opportunities, seek to use land efficiently through promoting infill development, and encourage efficient use of resources.

The Environmental Checklist for Streamlined Review (see attachment F of the Staff Report) 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 Environmental Checklist for Streamlined Review prepared for this project, 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 and additional environmental review is not required for this project.

B. General Plan Findings:

The project is consistent with the maximum development intensity for the General Plan 2025 Business Park land use classification in that the maximum allowable floor area ratio (FAR) is 1.5 and this project would represent an FAR of 0.41.

The project, for the reasons provided in the January 24, 2023, Planning Commission staff report, and as demonstrated in the Environmental Checklist for Streamlined Review prepared for this project, is consistent with the following General Plan Policies: 1-P-2, 1-P-27, 1-P-49, 2-G-5, 2-P-28, 4-P-1, 4-P-2, 4-P-3, 4-P-6, 4-P-19, 5-P-4, 5-P-15, 5-P-20, 5-P-22, 5-P-25, 5-P-27, 5-P-30, 5-P-31, 8-P-5, and 8-P-20.

C. Compliance with IZO Tables 4.4 & 4.12, and Chapter 11:

The proposed uses are allowed by-right as permitted uses within the BP zone project, and the site would be developed consistent with all applicable development standards of the BP zone, including but not limited to, those pertaining to setback, floor area ratio, and height, and the project provides the automobile and bicycle parking, and loading berths required by Chapter 11 of the IZO.

D. Site Plan and Architectural Review Findings:

The project is consistent with IZO Section 24.050.E in that the required findings can be made as follows:

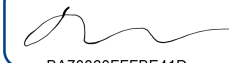
1. The project would include the same quality materials that are exhibited in the existing building and will reflect the materials and colors that are commonly found within business park settings and present on adjacent development, such as concrete and metal siding, metal parapets, and glass windows. The use of these materials and colors ensures harmony and proportion with the overall design of the site, as similar colors and materials are used on the existing buildings. The project includes these materials, as well as various architectural design features (e.g. varying roof parapets, changes in wall planes), applied equally across the building elevations visible from both site frontages.
 - a. The architectural style of the proposed building is appropriate and compatible with the overall character of the adjacent business park neighborhood in that similar building features (e.g. horizontal massing, varying wall planes, roof form) and siding materials (e.g. concrete, metal) will be used to ensure the project is in keeping with the surrounding neighborhood while also providing a cohesive design aimed at improving the overall aesthetics of a prominent site visible from three public streets.
 - b. The siting of the building is appropriate for the site and consistent with the siting of other structures in the business park neighborhood. The proposed building is placed outside of the required setback areas for the BP zone as well as the required setback from Adobe Creek. Consistent with surrounding sites within the business park, parking areas and landscaping are proposed between the buildings and the public frontages.
 - c. Although a specific sign design is not proposed at this time, a wall sign indicating the Labcon logo is shown on Sheet A13 of the project plans. The size, location, design, color, number, lighting, and materials of such a sign, as well as any future building-mounted sign, is not subject to review or approval by the Planning Commission and would be reviewed through a subsequent Sign Permit and in conformance with Chapter 20 of the IZO (Signs and Sign Structures).
 - d. The bulk, height, and color of the proposed structures are in harmony with existing structures in the immediate neighborhood in that: 1) the roof form is compatible with other structures found within the business park neighborhood, 2) the building would incorporate various roof heights ranging from approximately 27 feet to 40 feet and averaging approximately 33 feet while not exceeding the maximum allowed average building height of 40 feet, and 3) the buildings are painted in tones similar to the existing building. In addition, the proposed building is consistent with the bulk, height, and colors found on abutting and confronting properties.
2. The proposed landscaping is in keeping with the character and design of the site and will significantly improve the overall aesthetics of the site. Landscaping is concentrated along public frontages, at site and building entrances, and along Adobe Creek. While the project would remove 51 unprotected trees and five protected trees, replacement trees and

landscaping are proposed in landscape planters within parking areas and street frontages and in the riparian corridor adjacent to the Adobe Creek Corridor pursuant to Section 17.065 of the IZO. The project would plant 60 non-native and 65 native trees. Native trees proposed consist of 16 California buckeyes, 3 California sycamores, 8 valley oaks, and 39 coast live oaks. Drought-tolerant landscaping will also be installed within the site, including various trees, vines, shrubs, and ground cover in keeping with the character of the building. Lastly, the applicant is required to comply with the Model Water Efficient Landscape Ordinance at Building Permit through the submission and approval of a Landscape Document Package. Accordingly, the project landscaping is in keeping with the character and design of the site, and the City's Tree Preservation standards in Chapter 17 of the IZO are met.

3. The site's ingress, egress, internal circulation for bicycles and automobiles, off-street automobile and bicycle parking facilities, and pedestrian ways, promote the safety and convenience and conform to City standards in that: 1) two new driveways will be introduced along Fisher Drive, 2) two existing driveway will be maintained along Cader Lane, 3) internal circulation will maintain access around the entire building, 4) covered and uncovered bicycle parking facilities are proposed in excess of the minimum required, 5) bicycle facilities will be provided along site frontages, 6) adequate automobile parking is provided to accommodate current demand, and any intensification of use that would require more parking may be accommodated by the conversion of the landscape parking reserve to paved parking, and 7) pedestrian facilities will be installed along site frontages and within the interior of the site to provide safe access to and along the site. Pedestrian and Bicycle Advisory Committee review was not required as the proposed improvements are an extension of existing facilities. Also, as documented within Environmental Checklist for Streamlined Review, site improvements and ingress and egress to public streets were designed to ensure the safety and convenience for pedestrians, automobiles, and bicycles.
 4. As documented within the January 24, 2023, staff report, the design is of good character and reflects the skill and qualifications of licensed Architects, Landscape Architects, and Civil Engineers as shown in the project plans.
 5. The application and the project for which it seeks approval are exempt from the California Environmental Quality Act (CEQA), or the environmental impacts of the project including impacts to or of biological resources, greenhouse gas emissions, vehicle miles travelled, land use, population and housing, agriculture and forestry resources, cultural resources, hazards and hazardous materials, mineral resources, public services, utilities and service systems, air quality, geology and soils, hydrology and water quality, noise, and recreation are avoided, or are mitigated by conditions imposed by the reviewing authority so as to be less than significant, or are approved based on overriding considerations in accordance with all applicable CEQA requirements.
 6. As evidenced by January 24, 2023, staff report, the proposed building conforms with the applicable requirement of the IZO and applicable policies of the General Plan. The project would expand the manufacturing and warehousing uses that exist on the site, and these uses are consistent with the General Plan land use classification for the site. Therefore, the proposed building will not constitute a nuisance or be detrimental to the public welfare of the community.
- III. Based on its review of the entire record herein, including the January 24, 2023, 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 Labcon North America Expansion Project, located at 3200 Lakeville Highway & 1677 Fisher Drive, subject to the conditions of approval attached hereto as Exhibit 1.

ADOPTED this 24th day of January 2023, by the following vote:

Commission Member	Aye	No	Absent	Abstain
Councilmember Cader Thompson	X			
Chair Bauer	X			
Vice Chair Hooper	X			
McErlane	X			
Potter			X	
Racusen	X			
Whisman	X			

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Heidi Bauer, Chair

ATTEST:

APPROVED AS TO FORM:

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Andrew Trippel, Planning Manager

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Andrew Trippel, Planning Manager

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Dylan Brady, Assistant City Attorney

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Dylan Brady, Assistant City Attorney

CONDITIONS OF APPROVAL
Labcon North America Expansion Project
3200 Lakeville Highway & 1677 Fisher Drive
File # PLSR-2022-0025

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 January 24, 2023**, 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 review costs related to the processing of this application shall be paid in full prior to issuance of a building permit. On-going costs associated with the review and monitoring of construction shall be paid prior to final inspection or issuance of a Certificate of Occupancy.
4. This approval is, as provided for at IZO Section 24.050.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 24.050.K.
5. 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 24.050.
6. 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.
7. All externally visible scuppers, gutters and downspouts shall either be galvanized sheet metal as per plan, or complimentary to the building architecture.
8. 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.
9. 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 plants (to provide an equivalent appearance and be of the same water usage, and if to replace a native or mitigation planting, of the same species) 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.

10. 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. Herbicides/pesticides will not be used within 100' of the top of bank of Adobe Creek.
11. 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.
12. 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.
13. 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 changes needed to reflect these conditions of approval.
14. 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, if applicable.
15. 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.
16. Plans submitted for building permit shall demonstrate that the project shall be built as an all-electric project without any new gas infrastructure.
17. 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.
18. 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. Form, size, and content shall be subject to the review and approval of the Planning Manager; proof of installation shall be provided to the Planning Manager prior to issuance of a building permit.
19. Construction activities shall comply with performance standards specified in IZO Chapter 21 (Performance Standards).
20. Prior to the issuance of a building permit or other permit, the applicant shall provide a current Title Report.

21. Construction Hours - Exceptions. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the City and request an exception for a finite period of time. If the City approves the request, then two weeks prior to the expanded schedule, the developer shall notify all owners and occupants within 500 feet of the project site of the expanded construction hours (start date, duration, and activities). A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.
22. Commercial truck trailers shall only be parked at designated loading berths and shall not obstruct or occupy any drive aisle, automobile parking space, or other.
23. At all times the site shall be kept cleared of garbage, debris, and outdoor storage.
24. 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.

BUILDING DIVISION

25. 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. Current code adoption at time of building permit application will govern construction requirements.
26. Energy Commissioning is required for nonresidential buildings of this size. See CEnC 120.8. Provide requirements in the design and construction documents.
27. Effective June 16, 2021, new buildings are required to have all electric construction as defined in Petaluma Municipal Code 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.
28. 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.
29. Full plan submittal is required as applicable to project scope. Architectural, civil, structural, mechanical, electrical, and plumbing systems are to be prepared by state licensed design professionals.
30. 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 parcel.
31. Identify deferred submittals on the cover sheet of construction documents. Typical deferrals include fire protection drawings, solar system, energy compliance documentation, and CalGreen documentation. Identify special inspections required for structural, geotech, and CalGreen code compliance.
32. Building cannot cross property lot lines and comply with CBC Chapters 6 and 7. Any lot merger shall be recorded before issuance of a building permit.

DEPARTMENT OF PUBLIC WORKS AND UTILITIES

33. The half street removal and replacement of Cader Lane along property frontage shall be included

in the geotechnical recommendation and shall be coordinated with City Engineer. Any damage to Fisher Drive due to construction shall be repaired to the satisfaction of the City Engineer.

34. Existing utilities (water/ sewer) to the property that are no longer utilized shall be abandoned and capped at the main per City Standards.
35. All improvements shall be accessible.
36. Project shall provide wayfinding along project frontage.
37. 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 public improvement agreement package is required prior to approval of improvement plans.
38. A building permit is required for on-site grading, utility and drainage improvement work. All public improvements shall be completed and accepted by the City, including on-site improvements, prior to issuance of any certificates of occupancy.
39. Refer to the City's website for current drought information, cityofpetaluma.org/drought. The applicant shall be responsible to follow all requirements during construction. This includes planting restrictions for new development:
 - a. Planting is permitted between November 1 and April 30.
 - b. Exception for stormwater treatment features.
 - c. Exception for mitigation plantings required by regulatory agencies.
 - d. Moratorium on installation on high-water use turf.
40. The project is responsible for paying water, sewer, and storm drain impact/capacity fees prior to issuance of a building permit.
41. Frontage improvements shall include wet utilities (water, sewer, storm drain), street lighting along project frontage, new sidewalk, and driveway aprons.
42. Applicant is to submit an Industrial Waste Survey. Project is subject to wastewater capacity fees.
43. A construction level geotechnical report is required with the public improvement plan.
44. Applicant shall submit to the City a complete landscape and irrigation documentation package consisting of all the required elements found in the Landscape Water Use Efficiency Standards located in the Petaluma Municipal Code (PMC) Section 15.17.050.
45. Rainwater harvesting / Grey water will require the installation of purple pipe for reclaimed irrigation and if connected to domestic water it shall have a reduced pressure backflow.
46. 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.
47. A pad certification is required prior to issuance of a certificate of occupancy.
48. A pre-construction meeting with City staff and the applicant's construction team is required prior to the start of any construction.
49. Prior to issuance of any certificates of occupancy, City Standard Frontage improvements shall be installed and accepted.

50. A scanned copy of the Public Improvement Plan and Mylar copy shall be submitted to the City at the time of execution of the Public Improvement Plan Agreement. As-built drawings shall be submitted prior to acceptance of the improvements. The applicant shall submit 1:1 scale, electronic plans in .PDF format.
51. All work shall be constructed as per the City of Petaluma construction standards and specifications. (<https://cityofpetaluma.org/city-standards/>).
52. As-built drawings shall be submitted prior to acceptance of the improvements. The applicant shall submit 1:1 scale, electronic plans in .PDF format.
53. Submit final, SCWA approved construction level hydrology calculations with the public improvement plans and applications per Sonoma County Water Agency standards. Sonoma County Water Agency review and approval is required prior to the start of construction.
54. Comply with E12 post construction storm water treatment requirements. Submit a construction level report and plans with the building permit applications 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 issuance of a building permit, and an executed Stormwater Facilities Maintenance Agreement shall be recorded prior to issuance of certificate of occupancy.
55. New Street lights shall be installed along project frontage.

PROJECT-SPECIFIC CONDITIONS OF APPROVAL

56. Prior to issuance of an occupancy permit or final inspection, the amendments to change the zoning designation for 6.51-acres from Planned Unit Community District (PCD) to Business Park (BP) and an amendment to the Lakeville PCD to remove all references to the parcels that comprise the 6.51-acres of the site at 3200 Lakeville Highway & 1677 Fisher Drive, shall be adopted by the City Council, and be in full effect.
57. Compliance with Sections 11.060 and 11.070.J of the Implementing Zoning Ordinance (IZO). Per Section 11.060 of the IZO, the site must provide at least 562 parking spaces, to support 280,009 square feet of manufacturing/processing, warehousing, and other ancillary office and support uses, at a ratio 1 parking space for every 500 square feet of floor area (Note: the 7,800 square foot accessory building that will shelter mechanical equipment for Labcon North America was excluded from the floor area used to determine compliance with Section 11.060 of the IZO). This project is also subject to the off-street parking landscape reserve provisions of Section 11.070.J of the IZO, and the Planning Director has authorized Labcon North America to only provide 289 paved/permeable parking spaces and 273 spaces held in a landscape reserve.

The ratio of parking spaces that are paved/permeable or held in in a landscape reserve is subject to change based on any change to on-site employment, use (to use with a different parking ratio as depicted in Section 11.060), tenant, means of production, a tenant improvement that would reduce the floor area used for manufacturing/processing or warehousing activities, or any other change that would increase or decrease parking demand. To support any change, a parking demand analysis, subject to the review and approval by the Planning Director, shall be provided by the Applicant, to demonstrate that the site will continue to provide the parking required by Section 11.060 & 11.070.J of the IZO.

ENVIRONMENTAL CONDITIONS OF APPROVAL

The following conditions of approval have been identified through the CEQA analysis and 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

58. 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.

Biological Resources

59. If construction is to be conducted during the bird nesting season (February 1 to August 31), a qualified biologist shall conduct a pre-construction breeding bird survey in areas of suitable habitat within 7 days prior to the onset of construction activity. Nesting bird surveys shall cover the Project footprint and adjacent riparian areas within Adobe Creek. If bird nests are found, appropriate buffer zones shall be established around all active nests to protect nesting adults and their young from direct or indirect impacts related to Project construction disturbance. Size of buffer zones shall be determined per recommendations of the qualified biologist based on site conditions and species involved. Buffer zones shall be maintained until it can be documented that either the nest has failed, or the young have fledged.
60. Prior to any tree removal or alteration, the applicant shall obtain approval from the City of Petaluma to implement a plan for tree preservation and replacement in accordance with the City's Tree Preservation Ordinance. Replacement of the five protected trees onsite, shall be replaced at a one-to-one trunk diameter basis. Replacement trees shall be at the minimum a 24-inch box size. Replacement trees shall be planted within the Project boundaries to the extent feasible, except as approved by the City based on the September 29, 2022, Adobe Creek Riparian Enhancement recommendations prepared by Huffman-Broadway Group Inc., and the applicant shall pay in lieu fees to cover the cost of labor and materials for offsite replacement.
61. To protect existing trees that will be preserved, the project applicant shall implement the following measures as set forth in Zoning Ordinance 17.050, Preservation of Existing Trees in Development Proposals:
- a. Plastic or chain link tree protection fencing shall be installed at the driplines of trees to be preserved;
 - b. A pre-construction meeting shall occur with the tree service to perform pruning in consultation with the arborist to agree on the extent of pruning as warranted;

- c. Pruning shall be to the minimum extent necessary for hazard reduction and access, vertical clearance and crown restoration and shall be conducted in accordance with ISA pruning guidelines and SNASI 300 standards;
- d. The Project arborist shall be notified 48 hours in advance to be present when grading or trenching will occur within the driplines of trees to be preserved;
- e. No parking, storage of materials, disposal of waste, operation of equipment, or other construction activity shall occur within the dripline of trees to be preserved; and
- f. Four inches of arbor mulch shall be applied to the soil surface within the dripline of trees to be preserved. No arbor mulch shall be introduced within the riparian corridor.

Cultural/Tribal Cultural Resources

- 62. Prior to commencement of ground-disturbing activities, a professional archaeologist shall conduct a preconstruction training for construction personnel. The training shall familiarize individuals with the potential to encounter prehistoric artifacts or historic-era archaeological deposits and the types of archaeological material that could be encountered within the Project area.
- 63. 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 pursuant to Section 106 of the National Historic Preservation Act (36CFR60.4).
- 64. 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).
- 65. Pursuant to CEQA Guidelines Section 15064.5(d), 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.

Geology and Soils

- 66. As determined by the City Engineer and/or Chief Building Official, all recommendations provided

in the April 7, 2022 Geotechnical Study Report shall be implemented, including those related to seismic design, grading activity including site preparation, stripping, excavations, fill quality, select fill, lime stabilization, fill placement, permanent cut and fill slopes, and wet weather grading, foundation support including spread footing, bearing pressures, and lateral pressures, retaining walls and loading docks including foundation support and wall drainage and backfill, slab on grade, utility trenches, pavements including parking lot drainage and wet weather paving, Geotechnical drainage including slab underdrains, and maintenance. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical report have been incorporated into the design of the Project. Nothing in this measure 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.

67. 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.

Hazards and Hazardous Materials

68. Compliance with Sonoma's Countywide Integrated Waste Management Plan (CoIWMP) as well as all of the Consolidated Unified Protection Agency (CUPA) program elements shall be demonstrated to the satisfaction of the Fire Department prior to the issuance of the first building permit.
69. Apply for a permit with the City to properly destroy the two monitoring wells on the project site.

Hydrology and Water Quality

70. 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.
71. 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.
72. 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.

73. 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

74. Construction Hours/Scheduling: The following are required in order to implement the allowed hours of construction as outlined in the Petaluma Implementing Zoning Ordinance:
- a. 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.
 - b. 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.
 - c. Construction Equipment Mufflers and Maintenance: All construction equipment powered by internal combustion engines shall be properly muffled and maintained.
 - d. Idling Prohibitions: All equipment and vehicles shall be turned off when not in use. Unnecessary idling of internal combustion engines is prohibited.
 - e. Quiet Equipment Selection: Select quiet construction equipment, particularly air compressors, whenever possible. Motorized equipment shall be outfitted with proper mufflers in good working order.
 - f. 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.
 - g. 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.
 - h. 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 at least two weeks prior to commencement of construction.

Public Services and Recreation

75. Prior to issuance of occupancy of the buildings and prior to issuance of building permits for non-residential development, the applicant shall be subject to the City's most recent Park Land Acquisition and City Facilities Development Impact Fees per the amounts adopted by resolution, and updated annually, and per the payment schedule adopted by resolution.

Transportation

76. The Project applicant shall finalize a Transportation Demand Management Plan (TDM) to the satisfaction of City staff prior to Project issuance of occupancy in order to meet City standards, including goals outlined in the Senate Bill 743 Vehicle Miles Traveled Implementation Guidelines approved by the City in July 2021.

Public Utilities

77. 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.
 78. 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.
 79. 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.
 80. 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.
 81. This approval does not permit any construction work within Adobe Creek. No work shall occur within the creek without obtaining proper permits and approvals, including the City of Petaluma and any other applicable agencies.
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