



# CITY OF PETALUMA

POST OFFICE BOX 61  
PETALUMA, CA 94953-0061

Kevin McDonnell  
*Mayor*

Brian Barnacle  
Janice Cader-Thompson, *Dist. 1*  
Mike Healy  
Karen Nau, *Dist. 3*  
Dennis Pocekay  
John Shribbs, *Dist. 2*  
*Councilmembers*

February 28, 2023

Heather Kratt  
H&H Estate  
PO Box 750354  
Petaluma, CA 94954

**RE: The Floodway – Request for Conditional Use Permit**

APN: 007-422-028  
File No. PLUP-2022-0027

Dear Ms. Kratt:

The purpose of this letter is to inform you that the Planning Manager has determined that the Minor Conditional Use Permit (CUP) application (City Application No. PLUP-2022-0027) for the proposed project at 4875 Petaluma Blvd North (previously addressed as 4951 Stony Point Road) (APN: 007-422-028), submitted December 1, 2022, cannot be approved. Additionally, and as previously stated in Planning Staff’s advisory letter dated November 15, 2022 (Attachment D), the proposed community marketplace use on the parcel located at 4875 Petaluma Blvd. North and within the boundaries of the Floodway is not a land use that the City’s Implementing Zoning Ordinance (IZO) allows as a Permitted use.

The applicable regulations used to make this determination are principally found in Chapter 6 (Floodway & Flood Plain Districts) and Chapter 24 (Administrative Procedures) of the City’s IZO. For purposes of review of this project, we use the definition of development in Chapter 6, which generally defines Development as “any man-made change to improved or unimproved real estate,” and the definition in Chapter 28, which generally defines Development Project as “any project which would establish any new or changed use of any real property.”

**Permitted Uses, Floodway District**

As outlined in [IZO Section 6.050\(B\)](#), permitted uses are limited to the following:

1. Open space agricultural uses not requiring a fence or closed building such as cropland, orchards, and livestock feeding and grazing.
2. Circuses, carnivals, and other similar transient amusement enterprises provided a zoning permit has been obtained from the Community Development Department.
3. Modification of Native or Riparian Vegetation. Where modification or removal of native or riparian vegetation is required, such modification or removal may be permitted after obtaining a development permit consisting of written approval from the Director, provided that such proposed modifications in the Flood Plain have been found to be consistent with the General Plan.
4. Any other open type of use as determined by the Zoning Administrator (Director of Planning) to be of the same general character as the above permitted uses.

**Community Development  
Department**  
11 English Street  
Petaluma, CA 94952

Phone (707) 778-4301  
Fax (707) 778-4498

**Building Division**  
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5. Periodic dredging of silt material from the navigable portions of the Petaluma River for maintenance purposes, when said silt material is removed from the floodway area.

Permitted uses are first required to obtain a Development Permit pursuant to [IZO Section 6.070\(B\)](#)<sup>1</sup>. Circuses, carnivals, and other similar transient amusement enterprises, as well as any other open type use determined by the Zoning Administrator/Planning Manager<sup>2,3</sup> to be of that same general character, must also obtain a Zoning Permit for short-term activities as outlined in [IZO Section 7.070](#). Zoning Permits are issued by the Director for a period not to exceed 60 consecutive days in any one calendar year.

### **Conditional Uses, Floodway District**

Conditional Uses within the Floodway, as outlined in [IZO Section 6.050\(C\)](#), are limited to those that follow:

1. Open air public and private recreational facilities such as parks, golf courses, and athletic fields.
2. Private and public docking, mooring, and boat launching facilities, providing such facilities shall be designed and constructed so as not to restrict the carrying capacity of the designated floodway.
3. Above-ground public utility and private service facilities such as water and sanitation pipe lines, telecommunication facilities in accordance with Chapter 14.44 of the Petaluma Municipal Code, roads, bridges, and similar facilities, providing such facilities shall be designed and constructed so as not to restrict the carrying capacity of the floodway.
4. Improvements in stream channel alignment, cross section, and capacity including modification of river bank and flood protection levels, other than periodic dredging of material from the navigable portions of the Petaluma River for maintenance purposes, when said material is removed from the floodway area.

The Planning Manager is unable to find that the proposed use is one of the listed Permitted uses numbered 1, 2, 3, or 5 above. Considering Permitted use number 4, the Planning Manager is likewise unable to find the project as proposed to be an open type use of the same general character as permitted use 1, 3, or 5 and was unable to find it the same as those described at permitted use 2, which are transient uses and which require a Zoning Permit limiting duration to 60 days in a calendar year, in that the proposed use is year-round and cannot be considered a transient use. Furthermore, the Planning Manager is unable to find that the proposed community marketplace use is similar to any of the uses listed above that may be allowed subject to Conditional Use Permit approval. In conclusion, as the proposed project is not a land use that the City's Implementing Zoning Ordinance allows in a Floodway as a Permitted use or upon obtaining Conditional Use Permit approval, the proposed project, including the Conditional Use Permit application, is denied.

The proposed project was excluded from California Environmental Quality Act (CEQA) review in accordance with Section 21080(b)(5) of CEQA Guidelines, which states that CEQA analysis is not needed for projects for which a public agency is recommending denial. (If, under some alternative scenario, the project were to be considered for approval in the future, additional CEQA review would be required.)

This decision by the Planning Manager may be appealed to the Planning Commission for their consideration as to whether a community marketplace within the Floodway is permissible within the constraints of the IZO. Should the Planning Commission find that the proposed use is one listed at [IZO Section 6.050\(C\)](#) as possible via the Conditional Use Permit process, they could remand the proposed entitlement back to staff for full review and processing, with specific direction that the subsequent CUP

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<sup>1</sup> It has been the Department's practice to designate the Floodplain Administrator role, pursuant to IZO 6.070.C, to the Public Works & Utility Department City Engineer or Assistant Director. This role is currently designated to Gina Benedetti-Petnic, Assistant Director of PW&U.

<sup>2</sup> The administrative administrator of the Zoning Ordinance is the Community Development Director, pursuant to IZO 1.030.

<sup>3</sup> The Community Development Director has designated the role of Zoning Administrator to the Planning Manager, under the authority of IZO Sections 24.020 and 1.030.

decision occur either at the Planning Commission or staff level. A Planning Commission decision may be appealed to the City Council.

Any appeal request must be made in writing within fourteen (14) calendar days of the date of this denial letter and shall be filed with the City Clerk. If no appeal is filed within that time, the staff decision shall be final. An appeal shall be addressed to the Planning Commission in writing and shall state specifically the grounds for the appeal and the relief sought by the appellant. The appeal fee as specified by Resolution 2010-206 N.C.S., as adopted by the City Council shall accompany the appeal.

If you have any questions regarding this letter, please contact me at [atrippel@cityofpetaluma.org](mailto:atrippel@cityofpetaluma.org) or at (707) 778-4367.

Sincerely,



Andrew Trippel  
Planning Manager

Copy: Larissa Alchin, Associate Planner  
Tiffany Robbe, Deputy Planning Manager  
Brian Oh, Community Development Director

Attachment A– Flood Plan Administrator Letter dated February 15, 2023

Attachment B - Points of Clarification

Attachment C - Further Information

Attachment D - Planning Staff's letter dated November 15, 2022



# CITY OF PETALUMA

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Mayor

February 15, 2023

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Councilmembers

Andrew Trippel  
Planning Manager  
City of Petaluma Planning Department  
PO Box 61  
Petaluma, CA 94953-0061

**RE: The Floodway, proposed Conditional Use Permit**

APN: 007-422-028  
File No. PLUP-2022-0027

Dear Andrew:

**Public Works & Utilities**

City Engineer  
11 English Street  
Petaluma, CA 94952  
Phone (707) 778-4303

Environmental Services  
Ellis Creek Water  
Recycling Facility  
3890 Cypress Drive  
Petaluma, CA 94954  
Phone (707) 776-3777  
Fax (707) 656-4067

Facilities, Parks &  
Streets Maintenance  
840 Hopper St.  
Petaluma, CA 94952  
Phone (707) 778-4303  
Fax (707) 206-6065

Transit Division  
555 N. McDowell Blvd.  
Petaluma, CA 94954  
Phone (707) 778-4421

Utilities & Field Operations  
202 N. McDowell Blvd.  
Petaluma, CA 94954  
Phone (707) 778-4546  
Fax (707) 206-6034

E-Mail:  
publicworks@  
cityofpetaluma.org

Public Works Department has carefully reviewed the Minor Conditional Use Permit (CUP) application submitted by Ms. Heather Kratt on behalf of H&H Real Estate LLC for the proposed project at 4875 Petaluma Blvd. North referenced in the subject line. In consideration of the applicable Floodway & Flood Plain Districts regulations found in Chapter 6 of the Implementing Zoning Ordinance (IZO), and the submitted materials from the applicant, I would not be able to support this project located within the Floodway Zone, nor would I be able to issue a Development Permit from the Floodplain Administrator as is required by IZO 6.070 (B) .

From the preliminary information provided to date from the applicant, and consistent with the Planning Director's finding (see Planning Denial Letter) that this proposed use is not consistent with permitted or conditional uses, I cannot approve this proposed encroachment in the Floodway pursuant to IZO Section 6.050 (A), [IZO Section 6.050](#). See below.

**6.050 Floodway District (FW).**



All areas within the boundaries of the "Areas of Special Flood Hazard" and identified as "Floodway" areas are zoned Floodway.

A. *Encroachments in Floodway.* Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, no encroachments within Floodway lands are permitted; including fill, new construction, intensification of existing use, change to more intensive use, substantial improvements, and other development, except as specified herein as permitted or conditional land uses, and provided that a certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

*Exception does not apply.*

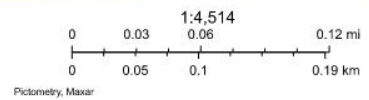
The exhibit below, excerpted from the FEMA Firm Maps, shows the subject property fully within the Floodway Zone.

Project Site Map in Floodway Zone



February 15, 2023

- |                   |                    |                       |         |           |
|-------------------|--------------------|-----------------------|---------|-----------|
| Flood Zones       | 500 Yr Floodplain  | Base Flood Elevations | Streets | Parks     |
| Floodway          | LOMRs              | County Line           | Freeway | Buildings |
| 100 Yr Floodplain | FIS Cross Sections | Parcels               | Schools | River     |



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Sincerely,

Gina Benedetti-Petnic, CE,  
Assistant Director of Public Works and Utilities  
Floodplain Administrator

Copy: Tiffany Robbe, Deputy Planning Manager  
Larissa Alchin, Associate Planner  
Brian Oh, Community Development Director  
Christopher Bolt, Director of Public Works and Utilities  
Pamela Tuft, Special Projects Consultant

## Points of Clarification

Designation of the Floodway and Floodplain are made by the Federal Emergency Management Agency (FEMA), who identifies flood hazards and risks based on a scientific and engineering process and incorporates this data into their flood maps, known as Flood Insurance Rate Maps (FIRMs). These flood maps support the Federal Insurance and Mitigation Administration Flood Insurance Program and serve as the basis for community floodplain management by guiding the development of local and regional mitigation actions to reduce flood risk and build more resilient communities. FEMA last updated its Petaluma flood maps in 2016. Implementing Zoning Ordinance Section 6.020 provides that any Federal updates to the Floodway Map are adopted by reference and become part of the zoning ordinance.

The subject parcel is zoned Floodway; it does not also have a C1 (Commercial 1) zoning designation. The property is entirely within the regulatory Floodway. Floodway is the established zoning district, not an overlay district as is the case of the Floodplain. Regarding the image inserted in the Rebuttal Letter, the C1 notation at the intersection corner is an artifact of an older mapping layer. Before the 2016 FEMA mapping revision, the Floodway zoning designation covered the majority of the subject parcel but did not cover the intersection corner. When the maps were updated to reflect the official Federal updates to the Floodway Map pursuant to IZO 6.020, the former C1 artifact was not noticed and, therefore, not removed by hand. We are working to have this artifact removed from the digital zoning map.



Source: Zoning Map - City of Petaluma, 2023

Ms. Robbe seems concerned with the use of the word “transient” in the zoning law. It’s clear that the intent of the word “transient” in the zoning code means the business can be moved in the event of a flood, as opposed to building a permanent structure on the lot. In this context, the word transient means impermanent. Every vendor on our lot will be mobile, so all can be quickly and easily moved in the event of an imminent flood or any other natural disaster. Also, I see no reason why we would be restricted from using our lot year-round when there are neighboring lots that also have the floodway designation yet operate year-round.

The Floodway and Flood Plain Districts chapter of the IZO uses the word transient once, and that is at IZO Section 6.050(B)2 where it states that circuses, carnivals, and other similar transient amusement enterprises may be permissible uses on lands designated as Floodway, provided that a Zoning Permit (and

a Development Permit per Section 6.070(B) including certification demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge) is first obtained. As outlined in IZO Section 7.070, a Zoning Permit is required to allow Short-Term Activities including outdoor sales such as pumpkins, other produce, goods, or merchandise as well as circuses, for a period of not to exceed 60 days in a calendar year. In this context of the City of Petaluma IZO and the Floodway, the word “transient” specifically regards a use of not more than 60 days in a calendar year.

## Further Information

As staff has completed the first round of review, we wanted to share an initial list of information and studies noted would be needed to accommodate further evaluation and processing of a CUP request should the land use be found to be Permitted or allowed subject to Conditional Use Permit approval. The following is provided for the benefit of the applicant and is intended to raise your awareness regarding potential issues and information gaps.

Please know that Planning review did not consider an outstanding policy question regarding what site improvements (such as driveway and parking space surfacing and weight rating, access points, bathroom provision, and ADA provision) are required for on-going use of a site, where fixed structures are not intended, but where man-made changes to real estate and a new use of the real property are proposed.

## Planning Division

1. **Plan Set.** The project tentative site plan (layout) must be drawn to scale by a profession and show accurate lot size and configuration. Please include the following information in your resubmitted site plan (see also Public Works comments below). Provide site plan(s) with the following features:
  - a. Property lines, dimensions, and all easements. Please note there is a 90' wide easement to the Sonoma County Water Agency partially located on the property.
  - b. Delineate center line and top of bank of Petaluma River. Show 50' setback measurement from top of bank and 200' setback measurement from centerline of river. As required by Petaluma General Plan Policy 4-G-1, Program D, a 50' setback from the top of bank, is required with no development in that setback except for greenway enhancement improvements. Staff is unclear what the 10' restricted access (riverbank protection) area shown on submitted plans is in reference to. General Plan policies including 8-P-28 and 30 designate the Petaluma River Corridor (PRC) as a 200' setback from the centerline of the Petaluma River, as a set aside for a flood terrace system and direct no additional development in this area.
  - c. Proposed automobile, bicycle and ADA parking spaces, drive aisles, loading areas, curbing, and car-stops. Include dimensions and locations. Please refer to the SPAR Information Handout Appendix A for more information. The parking area seems to show parking and drive aisles in the same location, please separately delineate each area.
  - d. Proposed landscape areas and pedestrian paths.
  - e. Proposed retail area, including square footage of area and proposed food cart/truck.
  - f. Proposed seating area with number of tables and chairs, including any shade structures.
  - g. Proposed, trash enclosures and screening; including locations, finishes and dimensions.
2. **Project Description.** Provide complete and detailed project description including operational scope, such as number and specification of vendors and hours of operations to clarify intensity of use proposal, number of parking spaces requires, etc.
3. **Certification of No Increase in Flood Levels.** IZO Section 6.050 requires that certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
4. **Development Permit Required.** Required by IZO Section 6.060.B and outlined at IZO 6.070.B, E, F, and G and including Certification of Zero Net Fill.



5. **CEQA.** As with other aspects of the project's review, additional studies and information are anticipated to be needed as the scope of the proposal is fully understood.
6. **Flood Plan Evacuation.** The CUP Rebuttal Letter dated November 27, 2022, asserts that a flooding event would have little impact on the proposed project and that advance notice of flooding would allow time to quickly vacate the property.
  - a. Please provide an emergency plan describing how all proposed temporary facilities including but not limited to sanitary facilities, mobile vendors, parking bollards, seating areas, tents, umbrellas, and all other items located on the property will be removed prior to a flooding event.
7. **Compliance with General Plan 2025.** All of the property has a Land Use Designation of Floodway. See applicable General Plan policies, including:
  - a. 1-Goal-5, the Petaluma River policies
  - b. Policy 4-P-1, Program D, of the Natural Environment element of the GP 2025 calls for a 50' setback from the top of bank, with no development in that setback except for greenway enhancement improvements. Program K under that same Policy, prohibits placement of impervious surfaces in the Floodway.
  - c. 8-Goal-8, the Surface Water Management policies, including:
    - i. Policy 8-P-28, designating the area upstream of the Corps weir and below the confluence of Willow Brook Creek with the Petaluma River, within the floodplain and adjacent to the Petaluma River as the Petaluma River Corridor (PRC) and directing that the PRC shall be a set aside for the design and construction of a flood terrace system to allow the River to accommodate a 100-year storm event.
    - ii. Policy 8-P-30, directs that, upstream of the Corps weir, within a 200' setback from centerline of the Petaluma River, no additional development shall be permitted on lands within that 400' wide corridor, given natural and physical constraints and includes a series of modeling and technical requirements and improvements.
    - iii. Policy 8-P-32 directs continued implementation of mandatory zero-net fill upstream, and when appropriate zero-net runoff.
8. **Compliance with River Access and Enhancement Plan.** All of the property is within the City's River Access and Enhancement Plan which includes policies relative to development, landscaping, design, etc.

### **Public Works**

Jeff Stutsman, City Engineer, at [JStutsman@cityofpetaluma.org](mailto:JStutsman@cityofpetaluma.org) or 707-776-3673.

Per Chapter 6 of the "Floodway and Flood Plain District" of the Petaluma Zoning Code, the floodway is an extremely hazardous area due to the velocity of flood waters, and no new encroachments within the floodway lands are permitted, which includes fill, new construction, intensification of existing use and change to more intensive use. The only permitted land use is open space agriculture, circus, carnivals, and other similar transient amusement enterprises. These are considered short-term, low-intensity uses. No permanent structures are allowed in the floodway.

9. Provide more detail site plan and project description on what is being proposed?
  - a. How do vehicles enter and exit the property?
  - b. How is parking delineated?

- c. No additional fill material is allowed on the site or any impervious surfaces allowed; how do you provide a firm surface for proposed use and prevent tracking of soil off the site?
- d. Are the facilities proposed set up and taken down daily or left up year around and what type of facilities are being proposed?
- e. Do you plan on operating year-round and what plans would be in place for a large storm event? Items such as canopy, garbage facilities, and restroom can become buoyant and float down the river causing larger issues.

### **Building Division**

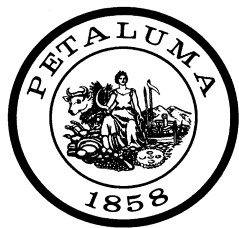
Charles Lucas, Deputy Chief Building Official - CLucas@cityofpetaluma.org or by phone at 707-778-4595

10. Site improvements for public use facilities or places of public accommodation require building and/or grading permits. Permit applications shall demonstrate compliance with current California Building Standards Code in CCR Title 24 as adopted by the City of Petaluma.
11. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey.
12. CBC 1612.1 is applicable within flood hazard areas. All new construction of buildings, structures and portions of buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads. For buildings that are located in more than one flood hazard area, the provisions associated with the most restrictive flood hazard area shall apply. The applicant shall demonstrate compliance for all improvements proposed on construction documents submitted for permit.
13. 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.
14. 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 these and the City municipal code. The applicant will need to demonstrate compliance with the construction documents.
  - a. 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. See City file preparations standards: Electronic File Preparation Standards - Petaluma (cityofpetaluma.org).
  - b. 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, structure or improvement on the subject parcel. Each separate building should have a separate permit for construction.

### **Fire Prevention Division**

Jessica Walton, Contract Plans Examiner- JWalton@cityofpetaluma.org

15. Any individual tent over 700 sq. ft and tents put together over 400 sq. ft. requires a permit from the Fire Department.



# CITY OF PETALUMA

POST OFFICE BOX 61  
PETALUMA, CA 94953-0061

Teresa Barrett  
Mayor

Brian Barnacle  
D'Lynda Fischer  
Mike Healy  
Dave King  
Kevin McDonnell  
Dennis Pocekay  
Councilmembers

November 15, 2022

Heather Kratt  
H&H Estate  
PO Box 750354  
Petaluma, CA 94954

**RE: The Floodway, proposed Conditional Use Permit**  
APN: 007-422-028  
File No. PLUP-2022-0027

Dear Ms. Kratt:

Planning staff have received your Minor Conditional Use Permit application (City Application No. PLUP-2022-0027) and required cost recovery deposit for a proposed project at 4951 Stony Point Road (APN: 007-422-028, referred to in your application as 4875 Petaluma Blvd North) in Petaluma. The Project Statement and Tentative Site Layout describe using the site as a “community marketplace” to host mobile food vendors, artisans, artists, food growers and producers, local beer and wine producers, musicians, and such – all of a mobile or transient nature – on a daily basis. They also indicate that any structures utilized would be temporary and removable in a flood situation. Before billing the project’s cost recovery fund to cover the staff time to route the project for Citywide review and continued Planning review your proposed Conditional Use Permit for the “community marketplace”, staff wanted to communicate our concern about the CUP request for a community marketplace at this location for the reasons described below.

When reviewing a project for compliance with the Implementing Zoning Ordinance (IZO), staff considers both the proposed land use and the physical development needed to support the proposed use. Based upon staff’s initial review of your application, we would categorize the proposed land use as *General Retail* in that it involves the selling of many lines of merchandise. *General Retail* uses are typically open to the public and operate 5-7 days per week for 8-10 hours per day, similar to your proposal. Most *General Retail* uses occupy commercial structures on sites developed with parking, driveways, pedestrian access facilities and access to utilities provided. You clearly indicate that your project does not propose permanent construction or site development.

As your Project Statement notes, the parcel is located entirely within a *Floodway* District (FW) and is zoned *Floodway*. Implementing Zoning Ordinance (IZO) [Section 6.050\(A\)](#) states that since the regulatory *Floodway* is “an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, no encroachments within Floodway lands are permitted; including fill, new construction, intensification of existing use, change to more intensive use, substantial improvements, and other development.”

## Community Development Department

11 English Street  
Petaluma, CA 94952

Phone (707) 778-4301  
Fax (707) 778-4498

## Building Division

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cdd@cityofpetaluma.org

## To Schedule Inspections

Phone (707) 778-4479

## Planning Division

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Fax (707) 778-4498  
E-Mail:  
petalumaplanning@  
cityofpetaluma.org



EQUAL HOUSING  
OPPORTUNITY

*Floodway* zoning does recognize that some uses may be appropriate. As outlined in IZO Section 6.050(B) uses are limited to activities such as open space and agricultural uses not requiring a fence or closed building, circuses, carnivals, and other similar transient amusement enterprises provided a zoning permit has been obtained from the Community Development Department, and any other open type of use as determined by the Zoning Administrator (Director of Planning) to be of the same general character as these permitted uses. Planning staff note that:

- The *General Retail* use that you are proposing is not consistent with agricultural activities or transient amusement enterprises;
- While one may consider the proposed community marketplace concept to be an “open type of use,” a reoccurring daily operation would not be considered transient, and the zoning permit required for transient uses cannot be obtained for longer than 60 days per year; and
- Operation of a General Retail use of the scope and intensity that you propose would require site development in the form of parking, driveways, pedestrian walkways, and installed utilities in order for it to support essential public safety, health, and welfare needs.

Additionally, land uses that may be allowed within the *Floodway* through approval of a Conditional Use, as allowed by IZO [Section 6.050.\(C\) 1-4](#), are limited to:

1. Open air public and private recreational facilities such as parks, golf courses, and athletic fields,
2. Private and public docking, mooring, and boat launching facilities,
3. Above-ground public utility and private service facilities such as water and sanitation pipelines, roads, bridges, and similar facilities, and
4. Improvements in stream channel alignment, cross section, and capacity including modification of riverbank and flood protection.

The proposed community marketplace does not appear to fit within the uses allowed for consideration through the Use Permit process.

In summary, the proposed community marketplace on the parcel at 4951 Stony Point and within the boundaries of the *Floodway* is not a land use that the City’s Implementing Zoning Ordinance allows as a permitted use or upon obtaining a Zoning Permit or a Conditional Use Permit. Based on this staff is not able to support the Conditional Use Permit as requested.

You may wish to consider the short-term Zoning Permit vehicle (IZO [Section 7.070](#)) as a possible means of proposing a community marketplace at the site, but of a lesser extent; including not more than 60 days in the year and outside of the defined rainy season. Should you pursue the short-term Zoning Permit approach, full review would then occur by the various City Departments. As early notes, Planning would anticipate that proposed hours of operation would need to be minimized, parking provision and drive aisle accessibility would need to be detailed and code compliant, and aesthetics would need to be detailed and considered.

If you would like to move forward with your application, by directing deposit of the initial deposit on the staff time and materials to process the application, City staff will need to deny the administrative application. That denial could then be appealed to the Planning Commission for

their consideration as to whether a community marketplace within the *Floodway* is (1) permissible within the constraints of the IZO and, if so, then (2) a desired use within the *Floodway*.

I expect that this information is a great disappointment. We hope that you will take this information as constructive and in the spirit of minimizing your application deposit costs. We have not charged the project's cost recovery fund for the preparation of this correspondence, but we must do so if the application proceeds.

If you have any questions regarding this letter, please contact me at [trobbe@cityofpetaluma.org](mailto:trobbe@cityofpetaluma.org) or at (707) 778-4318.

Sincerely,

A handwritten signature in cursive script that reads "Tiffany S. Robbe".

Tiffany Robbe  
Deputy Planning Manager

Copy: Andrew Trippel, Planning Manager  
Heather Hines, Interim Community Development Director