

March 13, 2023

City of Petaluma Planning Commission  
11 English St  
Petaluma, CA 94952

Re: Appeal of Planning Department's denial of PLUP-2022-0027

To Whom It May Concern:

We are appealing the Planning Department's denial of our conditional use permit (PLUP-2022-0027) to operate a mobile community marketplace at 4875 Petaluma Blvd N (APN 007-422-028) based on the following objections:

1. The Planning Department (PD) initially denied our application on November 15, 2022 without cashing our application fee check or allowing for a proper review of our application by all concerned city departments. In that denial letter, the PD promised to deny our application if we opted to move forward with it.
2. We moved forward with our application, and the PD finally sent us a formal denial of our application on February 28, 2023, exactly as promised in their November 15 letter. The second denial letter is primarily a repeat of their initial denial letter and does not include any response to or consideration for our rebuttal letter dated November 27, 2022. Note that we submitted our CUP application on October 24, so it took four months to receive a formal denial.
3. The PD initially argued that we don't understand the C1 designation and how it applies to our lot. In the most recent denial letter, they fail to address the objections we made in our rebuttal letter dated November 27 and are now instead claiming that the C1 designation was a "mistake" and that they will work to remove it from the public maps. We have confirmed that "Attachment B – Points of Clarification" included in their denial letter was drafted by Tiffany Robbe. We purchased the property in good faith that the existing zoning ordinances would be upheld, not arbitrarily adjusted after we purchased and cleaned up the lot.
4. Rather than discuss the C1 designation and our feedback on it, Ms. Robbe's stated intention is to simply remove the C1 designation from the public maps to eliminate any further discussion. Again, we purchased the property in good faith that the existing zoning ordinances would be upheld, not adjusted after we purchased and cleaned up the lot. Note that I met with both Larissa Alchin in the PD and Gina Benedetti-Petnic in Public Works before purchasing the lot. We looked at the maps and zoning laws together and, based on their feedback, I was and remain confident that our proposed use of the lot is consistent with the spirit of the current zoning laws.
5. The PD has failed to consider the spirit of the law in the existing zoning ordinances and is instead focusing on antiquated terminology. For example, the PD is focused on the fact that circuses and carnivals are specifically allowed on our lot, but a community marketplace is not because the words "community marketplace" don't exist in the current zoning ordinances. They are also incorrectly defining the word "transient" to mean 60 days of operation per year, when the clear intent of that word in the zoning ordinance means "impermanent". The simple fact that those arbitrary 60 days of use could be conducted during flood season proves that the word

“transient” is directly tied to carnivals and circuses, which generally don’t stay in one place too long. Again, the word “transient” clearly means “impermanent” in the spirit of the law.

6. We met with Andrew Tipple, Tiffany Robbe, and Larissa Alchin of the Planning Department on Monday, March 6, 2023 to discuss their most recent denial letter. In that meeting, we were surprised to learn that the word “permanent” is now a new word that is causing confusion. They insist that because we requested a CUP, as opposed to a one-time temporary use permit that a traveling circus or carnival might request, that our business is automatically deemed “permanent” and therefore development must be required. We clearly intend to be a “permanent” business in the sense that we are not a traveling circus or fly-by-night operation, and plan to own and operate our business on that lot for many years to come. We are not, however, “permanent” in any sense that would require development, as we are a purely mobile operation. This new focus on the word “permanent” seems to be in response to our argument that the spirit of the law clearly allows for impermanent businesses, not just those deemed transient. In other words, we can be impermanent without the need for arbitrary time of use restrictions on the lot. There is absolutely no development required on the lot for the mobile business we intend to operate there. The constantly changing reasons for their denial are arbitrary and incorrect.
7. In the same meeting on March 6, we were also surprised to learn that the PD does not consider what any surrounding lots are doing or consider the current condition of the river or flooding or the efforts we’ve made to improve safety by dramatically cleaning up that lot. In other words, their decision is not the least bit subjective. In their argument that we are a “permanent” business, they claim we will likely need a paved driveway and pedestrian path and that because we are in a floodway, we can’t meet that requirement. However, the business across the street, Cycle West Honda Suzuki at 1375 Industrial Ave, has a building and a large gravel driveway (no paved driveways or walkways). Any similar comparisons that we tried to bring up were dismissed as irrelevant. But if our lot is the only one in the area deemed to not be able to conduct business safely, then the Planning Department’s negative decision seems to be nothing more than arbitrary. Per our meeting, Tiffany Robbe stated that she will never approve any business use on that lot and that we were stupid to have purchased it.
8. The PD has failed to consider the allowed approval of “any other type of use as determined by the Zoning Administrator (Director of Planning) to be of the same general character as the above permitted uses” as defined in section 6.05 B4 of the existing zoning ordinances. This section was clearly included in the original zoning laws to account for the changes in business language over time and to prevent denials based simply on antiquated language. We believe that had our application been reviewed by staff that was more open minded and objective, they would have taken advantage of section 6.05 B4 rather than trying so hard to make an issue where one doesn’t exist.
9. We purchased the property knowing full well that it was located in a floodway, hence our business name: The Floodway Community Marketplace. We are not trying to change that designation as we have presented a business use that is perfectly suited to the current floodway designation. The city’s real concern should be with the water that flowed off our lot in the most recent flooding and settled in the parking lots and doorways of the restaurants and gas stations nearby. The city opted to remove those properties from the floodway designation and has the duty to prevent flood water from reaching them. Proper maintenance of the river would eliminate or lessen damage to those businesses, and that responsibility lies with the city. It is clear from the current filthy condition of that river that no sort of maintenance has occurred in years or likely decades. The existing debris in the river presents the greatest threat to

surrounding businesses and the primary cause of any flooding, and not some unforeseen future debris. It's odd that the city would obsess about the possibility of future debris while ignoring the fallen trees, pallets, large truck tires, shopping carts, and tons of garbage that has been sitting in that section of the river for years or decades. We did recently request a history of any maintenance on that portion of the river but the PD and Public Works have failed to respond with that data.

10. The PD insists that FEMA maps are created solely by FEMA, but they are actually created in coordination with local governments, which is clearly stated on the city's own website. Tiff I must also note that in the most recent flooding at that intersection, the two restaurants across the street and the two gas stations east of us on Petaluma Blvd N flooded, even though they are not designated as being in the floodway zone. The idea that our lot – a mobile business with no permanent structures - is the only one in the area that cannot be used to conduct business safely is arbitrary and incorrect.
11. The PD insists that our mobile community marketplace poses a hazard because floods are dangerous and include debris, but failed to consider that the lot is safer than it has been in decades because of our efforts in cleaning it up. We have removed a large volume of debris from the lot, including trees that fell onto our lot from the river (city owned property), garbage, hypodermic needles, used tampons, human feces, and more. If the risk of debris was a genuine concern, the city would appreciate our efforts and properly maintain the river to avoid future flooding. I must also note that – in addition to removing the prior debris that could have been washed away in the most recent flooding - the poorly maintained river washed up a whole new set of garbage that must now be collected and discarded. The argument that we as individual property owners can or should control the state of the river and the amount of debris allowed to collect in the river is invalid, as that responsibility belongs to the city.

We are requesting that the Planning Commission overturn the Planning Department's denial of our conditional use permit to operate a mobile community marketplace at the northern gateway to downtown Petaluma.

Responses from the Planning Department to date have been inconsistent and arbitrary. We would appreciate an objective review of our application and support from the city on this project.

Again, we purchased our lot in good faith that the existing zoning ordinances would be upheld and that our efforts to beautify the area and create an attractive, tax-generating, job-creating business would be given the proper consideration that it deserves.

Thank you for your time.

Regards,

Heather Kratt  
H&H Real Estate LLC  
PO Box 750354  
Petaluma, CA 94952  
[heather.kratt@gmail.com](mailto:heather.kratt@gmail.com)  
208-920-1373

# Cover Sheet for Minor Conditional Use Permit Application

Project: 4875 Petaluma Blvd N

Date of Submission: October 23, 2022

Property Owner and Project Contact: Heather Kratt  
H&H Real Estate LLC  
PO Box 750354  
Petaluma, CA 94999  
[heather.kratt@gmail.com](mailto:heather.kratt@gmail.com)  
208-920-1373

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## CONDITIONAL USE PERMIT APPLICATION CHECKLIST & INFORMATION HANDOUT

**Deposit for Minor and Major CUP:  
See Fee Schedule.**

(The final fee is dependent on each project application. Please read and sign the Cost Recovery Form.)

I am applying for a:

- Minor** Conditional Use Permit  
 **Major** Conditional Use Permit

Please check with a planner if unsure about any aspect of the application process.

### Submission Checklist (include this checklist with all required materials and submit online at the City of Petaluma Permits & Planning Application Hub)

- Complete the **General Application Form**, available on the City's website at <https://cityofpetaluma.org/documents/planning-general-app/> or in-person at the City's Planning Division.
- Submit all applicable **application fees**. Please see the City's Fee Schedule for current year available on the City's website at <https://cityofpetaluma.org/documents/planning-fee-schedule/> or in-person at the City's Planning Division.
- Read and sign the **Cost Recovery Form**, available on the City's website at <https://cityofpetaluma.org/documents/cost-recovery-form/> or in-person at the City's Planning Division.
- Submit deposit for minor or major Conditional Use Permit.
- Requirements for all plans:**
- N/A*  Submit **one digital copy in PDF format**.
- Legend on the first sheet identifying each sheet in the plan set.
- Title for each sheet, scale, north arrow and date.
- Name and phone number of person preparing plans.

- Site and Floor Plans:**
- Vicinity Map indicating the site and surrounding streets. Scale 1" = 200'.
  - Aerial Context Map showing existing and proposed uses in the surrounding area.
  - Property lines and dimensions, all easements, distances between buildings and property lines.
  - N/A*  Outlines of structures, including walls, doors, and windows, at a scale determined by staff.
  - Automobile, bicycle, and disabled parking spaces, drive aisles, loading areas, curbing, car-stops, electric vehicle charging spaces, etc. Include dimensions, locations and direction of traffic flow.
  - Landscape areas and pedestrian paths.
  - N/A*  Note the square footage of existing and/or proposed buildings.
  - N/A*  Floor plan(s) that identify the interior use(s) of all building(s). Include the total square footage of any areas proposed for different uses (i.e. retail, customer service, storage, office, manufacturing, etc.).

#### City of Petaluma Planning Division

11 English Street, Petaluma, CA 94952  
Staffing Hours: 8am - 5pm, Monday through Thursday  
Open Counter Hours: 10am - 2pm, Monday through Thursday  
Closed every Friday

T: (707) 778-4470

For faster responses, please e-mail us at:  
[petalumaplanning@cityofpetaluma.org](mailto:petalumaplanning@cityofpetaluma.org)

For more information, please visit:

<https://cityofpetaluma.org/departments/planning/>



**Project Description or Written Statement.**

- Provide a detailed description of the proposed use (e.g., days/hours of operation, number of employees, work shift duration(s) (if applicable), products or services provided, anticipated customers and the nature of their visit, whether alcohol is provided or served, etc.) When describing the use, identify the location of activities (e.g., indoor vs. outdoors).



Complete the **Environmental Information Questionnaire**, available on the City’s website at <https://cityofpetaluma.org/documents/environmental-impact-questionnaire/> or in-person at the City’s Planning Division. The Planning Division will notify you as part of the completeness check if additional information, such as traffic reports, noise studies or visual impact studies, may be required to complete the environmental review process.



Submit **Photos of the site** from a variety of angles, showing existing conditions, including buildings and vegetation.



N/A

If you are applying for a **Wireless Telecommunications Facility**, additional information is available via the City website at <https://cityofpetaluma.org/planning-wireless-telecommunication/> or in-person at the City’s Planning Division. **Note:** Applications for any wireless facility are by appointment only. Any application received without an appointment, whether delivered in-person, by mail, online or through any other means, will not be considered duly filed.

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# GENERAL APPLICATION FORM

This form, together with corresponding application forms for specific permits, will become the permit document. There is no fee for this form.

<b>Type of Application</b> <input checked="" type="checkbox"/> Conditional Use Permit: <u>Minor</u> / Major <input type="checkbox"/> Fence <input type="checkbox"/> Home Occupation Permit <input type="checkbox"/> Preliminary Review by Staff <input type="checkbox"/> SPAR: Minor / Major <input type="checkbox"/> Tentative Map: $\leq 4$ / $\geq 5$ lots <input type="checkbox"/> Zoning Amendment: Minor Revision <input type="checkbox"/> Short Term Vacation Rental (STVR) <input type="checkbox"/> Tree Removal <input type="checkbox"/> Other:	<b>For City Use Only</b> Permit No: _____ Project Name: _____ Date Permit filed: _____ Date Permit issued: _____ Received by: _____ Approved by (if applicable): _____
<b>Property Information</b> Address/Location: <u>4875 Petaluma Blvd N</u> Assessor's Parcel No.: <u>007-422-028</u> Property Size: <u>0.82 acres</u>	<b>Land Use Information</b> <i>(ask if unsure)</i> Existing Use of Property: <u>Vacant w/utilities</u> General Plan Designation: <u>Floodway</u> Zoning Designation: <u>C1</u> Historic Designation: <u>N/A</u>

## Contact Information

Owner:	<u>Heather Kratt</u>	Agent:	_____
Firm (opt.):	<u>H&amp;H Real Estate LLC</u>	Firm (opt.):	_____
Phone:	<u>208-920-1373</u>	Phone:	_____
Email:	<u>heather.kratt@gmail.com</u>	Email:	_____
Address:	<u>PO Box 750354</u> <u>Petaluma, CA 94999</u>	Address:	_____

## Authorization of Agent, Declaration of Accuracy, and Agreement for Inspection

*(not required for Home Occupation Permit applications)*

I, Heather Kratt, am the  owner /  agent of the property for which the development or change is proposed. The above information and attached documents are true and accurate to the best of my knowledge. I have read and agree with all of the above.

\_\_\_\_\_ 10/23/2022  
 Signature of Property Owner or Agent Date

I, the owner, hereby  do /  do not authorize the agent to act on my behalf for this project, be notified of all application proceedings, and agree to allow employees or authorized agents of the City of Petaluma to enter upon the subject property, as necessary, to inspect the premises and process this application.

\_\_\_\_\_ 10/23/2022  
 Signature of Property Owner Date

Last updated: June 15, 2021

**City of Petaluma Planning Division**  
 11 English Street, Petaluma, CA 94952  
 Hours: 8 am – 5 pm  
 Mondays through Thursdays. Closed Fridays

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 URL: <https://cityofpetaluma.org/departments/planning/>



## COST RECOVERY FORM

This form will be processed as part of development applications. This form is not required for flat fee applications. No fee is required for this form.

**Purpose:** This form is for the agreement of payment of full cost recovery fees for application processing and inspection services.

**The Applicant/Authorized Agent is required to sign this document. In the event that the Property Owner is the Applicant, the Property Owner is required to sign this document.**

I / We, Heather Kratt (H&H Real Estate LLC) (Property Owner name), or authorized agent agree to pay to the City of Petaluma all reimbursable costs, both direct and indirect, including State-mandated costs, associated with review and processing of the accompanying application for land use approval(s) with respect to the subject property or project located at:

4875 Petaluma Blvd N (Location, Address, or Assessor's Parcel Numbers),

even if the application is withdrawn and/or not approved.

### **Brief Project Description:**

Minor CUP application to use property as a community marketplace, a use that meets the the same general characteristics of existing permitted uses as defined by the Petaluma Zoning Code for floodways, section 6.050, parts B2 and B4.

### **Reimbursable Costs and Deposits**

Reimbursable costs include, but are not limited to, all items within the scope of the City's adopted Cost Recovery Program, (Resolution No. 2004-028 N.C.S.) as well as the cost of retaining professional and technical consultant services and any services necessary to perform functions related to review and processing of the applications and monitoring of the work.

Property owner and agent understand that one or more deposits will be required to be paid by property owner and/or agent to cover the costs noted above at such time(s) and of such amounts as requested by the Planning Manager or designee.

### **City's Responsibility**

The City agrees to review and process the application in a timely manner in accordance with this agreement and all applicable laws, regulations, ordinances, standards and policies. This agreement applies to all subsequent applications related to the project.



## **Charges and Outstanding Payments**

The applicant understands and agrees that nonpayment of processing and inspection fees pursuant to the City's Cost Recovery Program may, at the sole and exclusive discretion of the Planning Manager, result in temporary or permanent cessation of processing of the application or inspection of the work and, after notice, may result in the denial of the application and/or order to cease work.

Prior to completion of processing of any phase of the project, any and all outstanding amounts due pursuant to this agreement shall be paid. The Planning Division will withhold issuance of further plan checks, entitlements, permits, certificates of occupancy, etc. until all required fees have been paid in full.

The applicant agree that questions regarding specific charges for processing, monitoring, inspection and related services that may be questionable, lack sufficient documentation and/or may be incorrect must be brought to the City's attention no later than 30 days following receipt of invoice and corresponding documentation.

Invoices are due and payable within ten (10) days. A penalty will be charged on delinquent accounts at the rate of 1% per month or 12% per annum. Applicant agrees that delinquent amounts shall constitute a lien on the subject property and expressly consents to recordation of a notice of lien and/or copy of this Agreement against the subject property with respect to any amounts which are delinquent.

Failure to comply with the aforementioned procedure within the specific time indicated may, if research of billing information is requested, result in additional charges for clerical time spent and will be billed at our cost recovery rate.

## **Legal matters**

In any legal action arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable litigation expenses, including costs and attorneys fees.

As part of this application, the applicant agrees to defend, indemnify, release and hold harmless the City, its agents, offices, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and/or the indemnitees, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the indemnitees.

Nothing in this agreement shall prohibit the City from participating in the defense of any claim, action or proceeding. In the event that the applicant is required to defend the indemnitees in connection with any said claim, action or proceeding, the City shall retain the right to (i) approve the counsel to so defend the indemnitees, (ii) approve all significant decisions concerning the matter in which the defense is conducted, and (iii) approve any and all settlements, which approvals shall not be unreasonably withheld by the City.

The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the applicant in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own defend any claim, action or proceeding where the applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City.

The Applicant also agrees to so indemnify the indemnitees for all costs incurred in additional investigation or study, or for supplementing, redrafting, revision or amending any document (e.g., the EIR, Specific Plan Amendment, Specific Plan, General Plan Amendment, Rezone, etc.) if such is made necessary by the claim, action or proceeding and if the Applicant desires approvals from the City which are conditioned on the approval of said documents.

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**Acknowledgements required:**

The undersigned **Property Owner/Applicant or Authorized Agent** hereby represents that he/she either:

- Personally owns the subject property; or,
- Is an entity authorized to install and maintain facilities for provision of utility, telecommunications, video, voice or data transmission service in the public street right of way; or,
- Is a duly authorized agent of the property owner with full authority to execute this Agreement on behalf of property owner.

Applicant agrees to be jointly and severally liable with property owner for payment of all fees referenced above, applicant agrees to notify City in writing prior to any change in ownership and to submit a written assumption of the obligations under this agreement signed by the new owner or his/her authorized agent.


Would you like to receive invoices electronically instead of in the mail?

- Electronically                       In the mail

If the deposit is not exhausted, we will issue a refund to:

- Property Owner                       Authorized Agent

**I / We have read and agree to all of the above.**

  
\_\_\_\_\_  
Signature of Property Owner or Authorized Agent

10/23/2022  
\_\_\_\_\_  
Date

## Project Statement

Project: 4875 Petaluma Blvd N

Property Owner:

H&H Real Estate LLC  
Heather Kratt  
heather.kratt@gmail.com  
208-920-1373

Project Statement:

The property located at 4875 Petaluma Blvd N (parcel no. 007-422-028) sits at the northern gateway to downtown Petaluma. The property has no prior permit history, meaning it has never been used for any legal purpose that would provide an attractive, welcoming, or community-focused first impression to those entering downtown Petaluma from the northern gateway. Instead, the parcel was used to host at least a dozen unpermitted signs for businesses located elsewhere, housed abandoned vehicles and illegal parking, became a dumping ground for vast amounts of trash, and was cluttered with debris, most of which was fallen trees from the river. It was essentially an abandoned lot that was exploited for its location and lack of oversight and, hence, a blight at the northern gateway to downtown Petaluma.

The property has since been substantially cleaned up. All unpermitted signs, abandoned vehicles, trash, and debris have been removed. In the many months it took to return the lot to a clean slate, it is clear the community supports our efforts from the constant honks, waves, and thanks we receive from passersby.

I, Heather Kratt, the property owner and applicant both own the land as H&H Real Estate LLC and intend to operate a separate business called The Floodway LLC on this parcel.

The Floodway will be a community marketplace that will support the area's small business owners, including mobile food vendors, artisans, artists, food growers and producers, local beer and wine producers, musicians, and any other local vendors that highlight what Petaluma truly has to offer. Everything will be mobile or transient in nature, meaning every vendor can be easily moved or removed from the lot in the event of a flood situation. The Floodway will greatly improve the appearance of the northern

gateway to downtown Petaluma while highlighting local vendors and generating much needed tax revenue.

The Floodway will manage and maintain the lot, including renting space to the aforementioned vendor types. The Floodway will obtain all necessary permits for its role, and each participating vendor will be required to provide proof of its own permits – e.g., sales permit, business license, health permit – as required by law for its own business circumstances. No unpermitted or illegal vending will be allowed on the property. We are also not requesting any development or permanent structures with this application.

All participating vendors will be welcome to operate during the established operating hours of The Floodway, which may vary by business needs, but would generally be 6AM to 12AM (midnight).

The intended use of this parcel as a community marketplace meets the same general characteristics of existing permitted uses in a floodway, according to the Petaluma Zoning Code for floodways, section 6.050, parts B2 and B4. For ease of reference, the entirety of section 6.050 is included 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.

B. *Permitted Uses, Floodway Districts.* The following uses are permitted upon obtaining a Development Permit per Section 6.070(B) without a Use Permit where modification or removal of native vegetation, including trees, is not required:

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.

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.

C. *Conditional Uses, Floodway District.* The following uses may be permitted after approval of a conditional use permit by the City of Petaluma:

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.

Source: <https://petaluma.municipal.codes/ZoningOrds/6.050>

The proposed Floodway community marketplace is similar in nature to a “circus, carnival, or other similar transient amusement enterprises”, as permitted in section B2, with the following major advantages:

- No large amusement rides will be erected on the lot, meaning all vendors can more easily move in the event of a flood situation. It takes a large crew and many hours to dismantle a rollercoaster or other amusement ride, but mere minutes to fold up a tent or drive a food truck or trailer off the lot.
- All vendors will be local to the area and will highlight the food, art, and talent that we have right here at home. While some circuses and carnivals have permanent locations, most travel the country, and do not sell or support local food products or offer anything that could be considered unique to our area.

- All vendors of The Floodway will have ties to the community, so have a vested interest in the ongoing betterment of our community. Vendors who are renting a space for a short time before heading to another state have no need or motivation to consider the long-term improvements of our community.

To avoid any unnecessary delays, I respectfully request that this application be escalated to the Zoning Administrator (Director of Planning), as allowed by section 6.050 part B4.

I am absolutely confident that the proposed use of this property as a community marketplace meets the same general characteristics of existing permitted uses as defined in section 6.050 part B2, so would appreciate the city's recognition and support of the great work I have and will continue to perform in order to finally put this property to use as an attractive, well-managed, community-focused, tax revenue generating business that the northern gateway to downtown Petaluma deserves. Thank you.



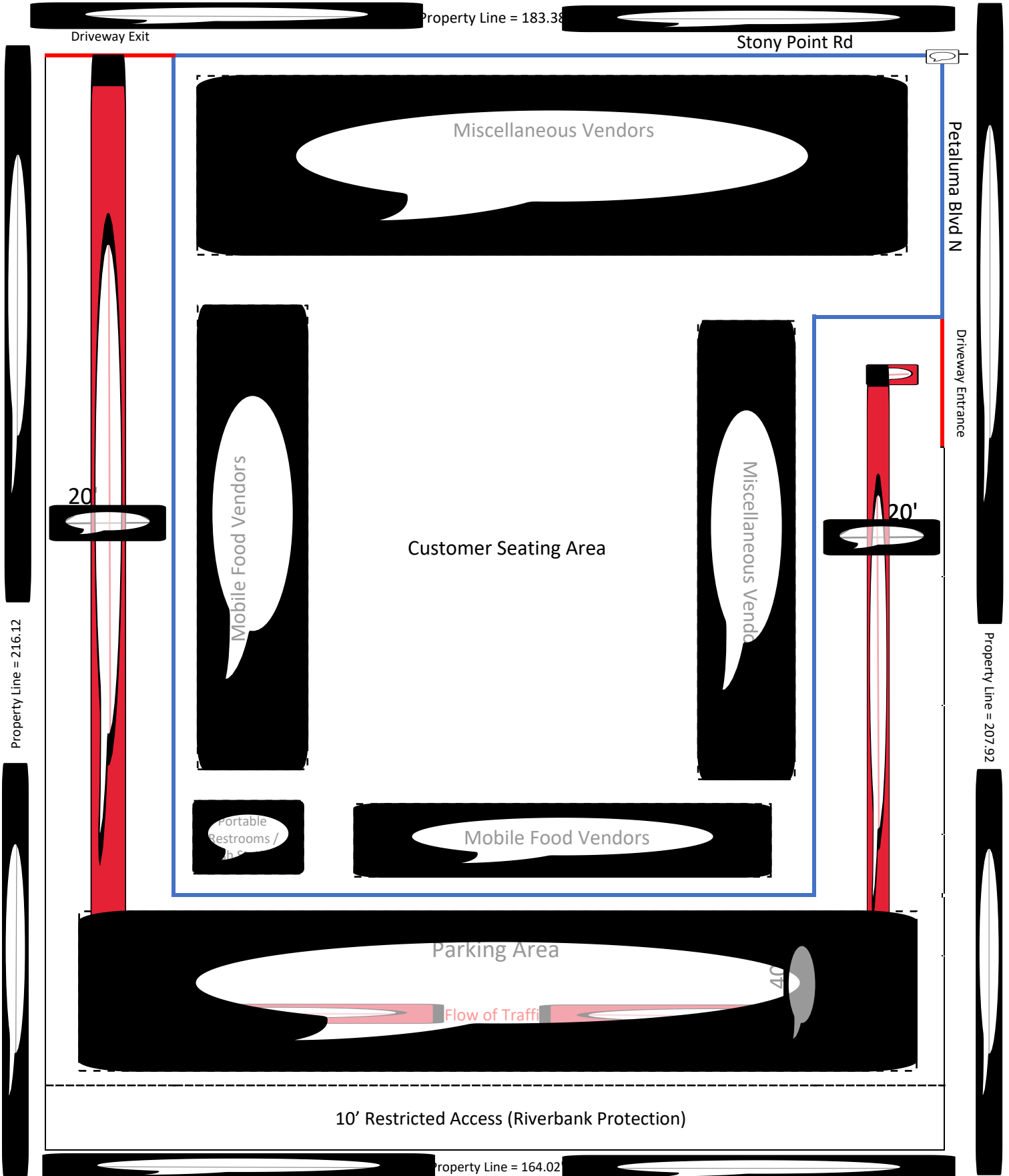
\_\_\_\_\_  
Heather Kratt, Property Owner

10/23/22

\_\_\_\_\_  
Date

# Tentative Site Layout

Note: Because there are no permanent structures being installed on the property, the site layout can be easily reconfigured as needed. Temporary bollards will be used to direct traffic flow, identify parking, and provide pedestrian walkways.

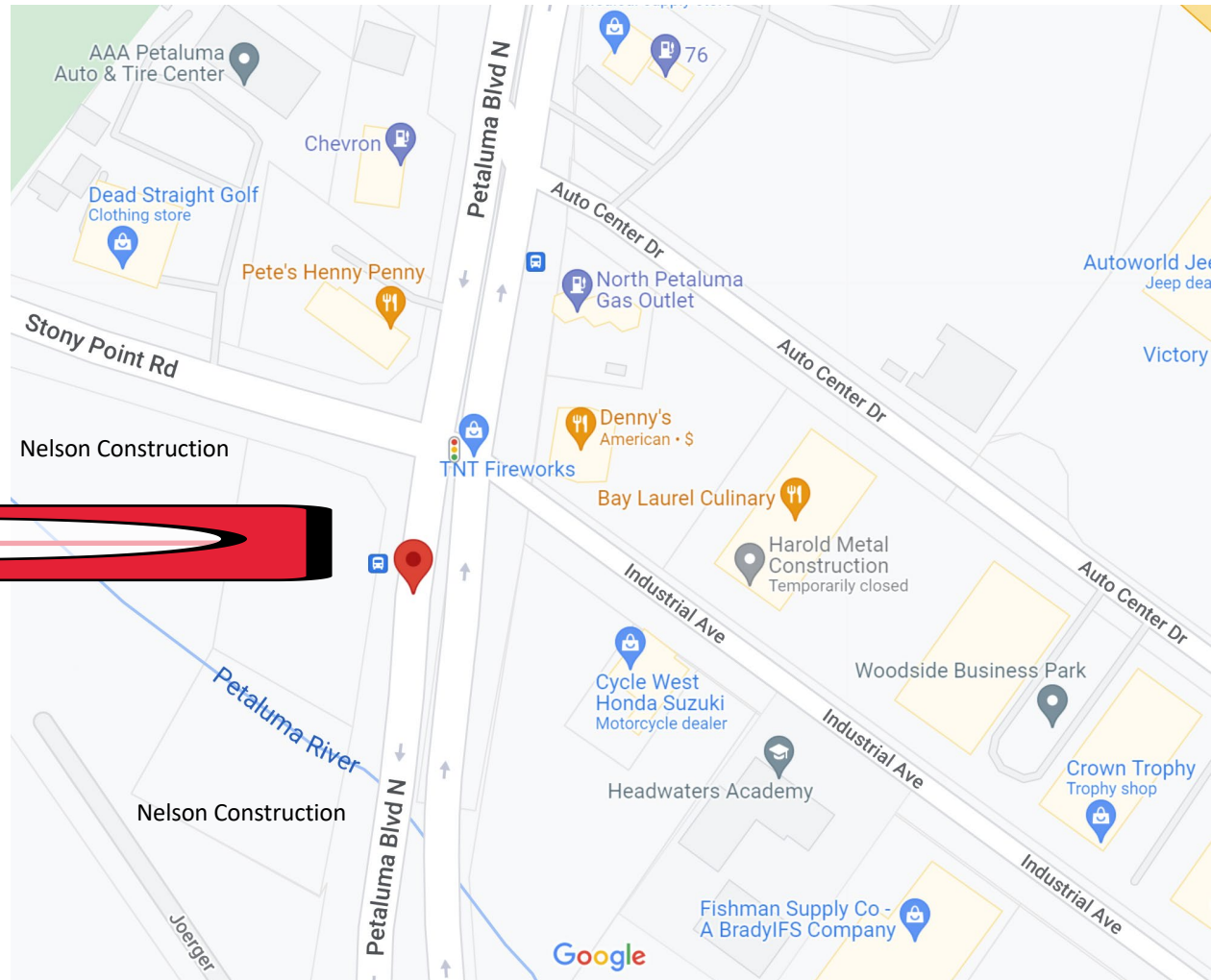


# Vicinity and Aerial Context Map

Subject Property:

**THE FLOODWAY**

4875 Petaluma Blvd N



Map Source: Source: <https://www.google.com/maps/place/4875+Petaluma+Blvd+N,+Petaluma,+CA+94952/@38.2689555,-122.6711956,18z/data=!4m5!3m4!1s0x8085b4fdd05c4a75:0xe24108d074346fb4!8m2!3d38.2685807!4d-122.6707664>



# Property Lines and Dimensions

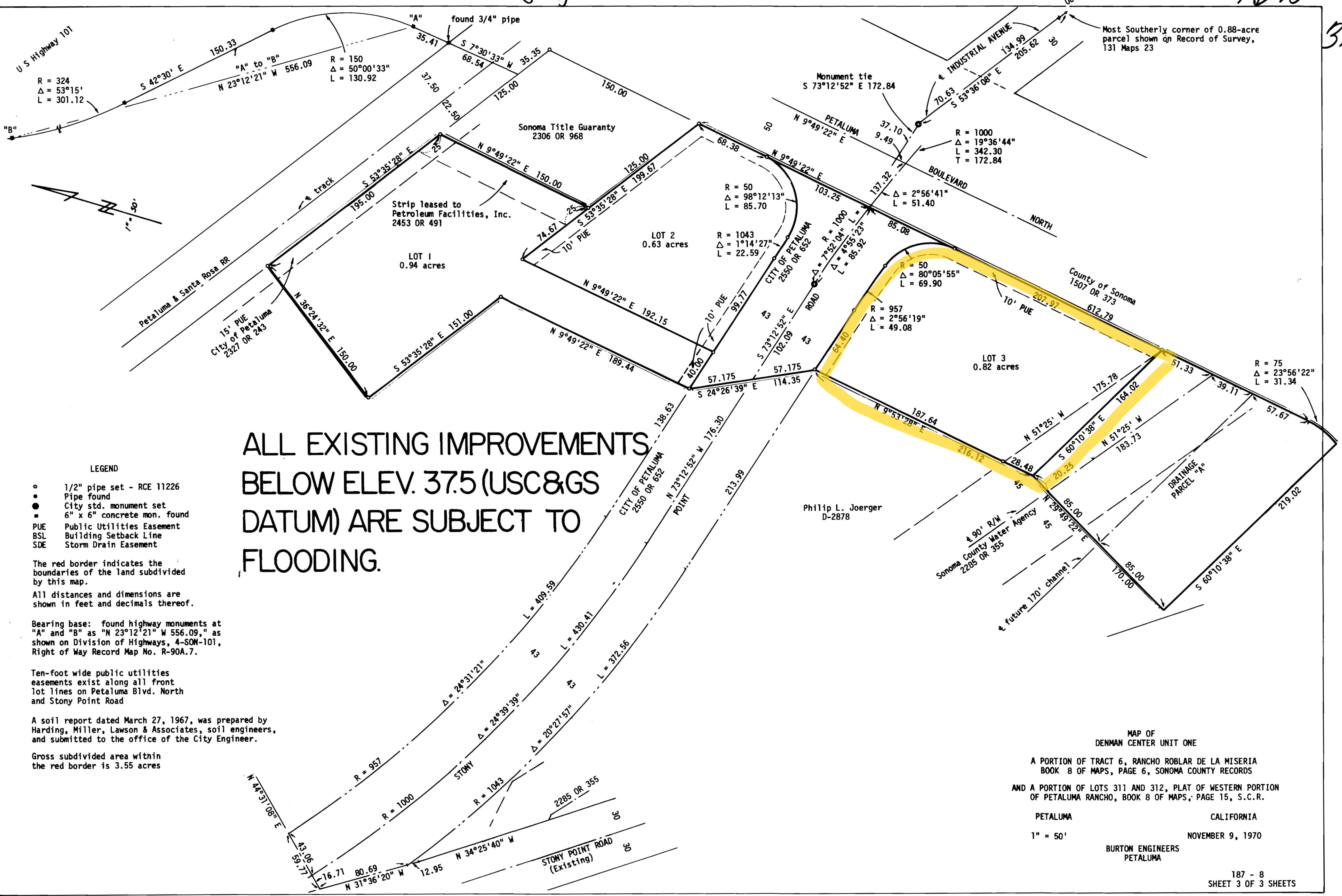
The property lines and dimensions for 4875 Petaluma Blvd N are shown on the included city recorded map (Map of Denmar Center Unit, 187-8, sheet 3 of 3).

A 10-foot easement runs along the Petaluma Blvd N and Stony Point Rd sides of the property, as indicated on the map. The easement on the Stony Point Rd property line is being used for PG&E electrical and gas lines.

CASE 5011

162

36



**ALL EXISTING IMPROVEMENTS  
BELOW ELEV. 37.5 (USC&GS  
DATUM) ARE SUBJECT TO  
FLOODING.**

**LEGEND**

- 1/2" pipe set - RCE 11226
- Pipe found
- City std. monument set
- 6" x 6" concrete mon. found
- PUE Public Utilities Easement
- BSL Building Setback Line
- SDE Storm Drain Easement

The red border indicates the boundaries of the land subdivided by this map.

All distances and dimensions are shown in feet and decimals thereof.

Bearing base: found highway monuments at "A" and "B" as "N 23°12'21" W 556.09," as shown on Division of Highways, 4-SON-101, Right of Way Record Map No. R-90A.7.

Ten-foot wide public utilities easements exist along all front lot lines on Petaluma Blvd. North and Stony Point Road

A soil report dated March 27, 1967, was prepared by Harding, Miller, Lawson & Associates, soil engineers, and submitted to the office of the City Engineer.

Gross subdivided area within the red border is 3.55 acres

MAP OF  
DENMAN CENTER UNIT ONE  
A PORTION OF TRACT 6, RANCHO ROBLAR DE LA MISERIA  
BOOK 8 OF MAPS, PAGE 6, SONOMA COUNTY RECORDS  
AND A PORTION OF LOTS 311 AND 312, PLAT OF WESTERN PORTION  
OF PETALUMA RANCHO, BOOK 8 OF MAPS, PAGE 15, S.C.R.

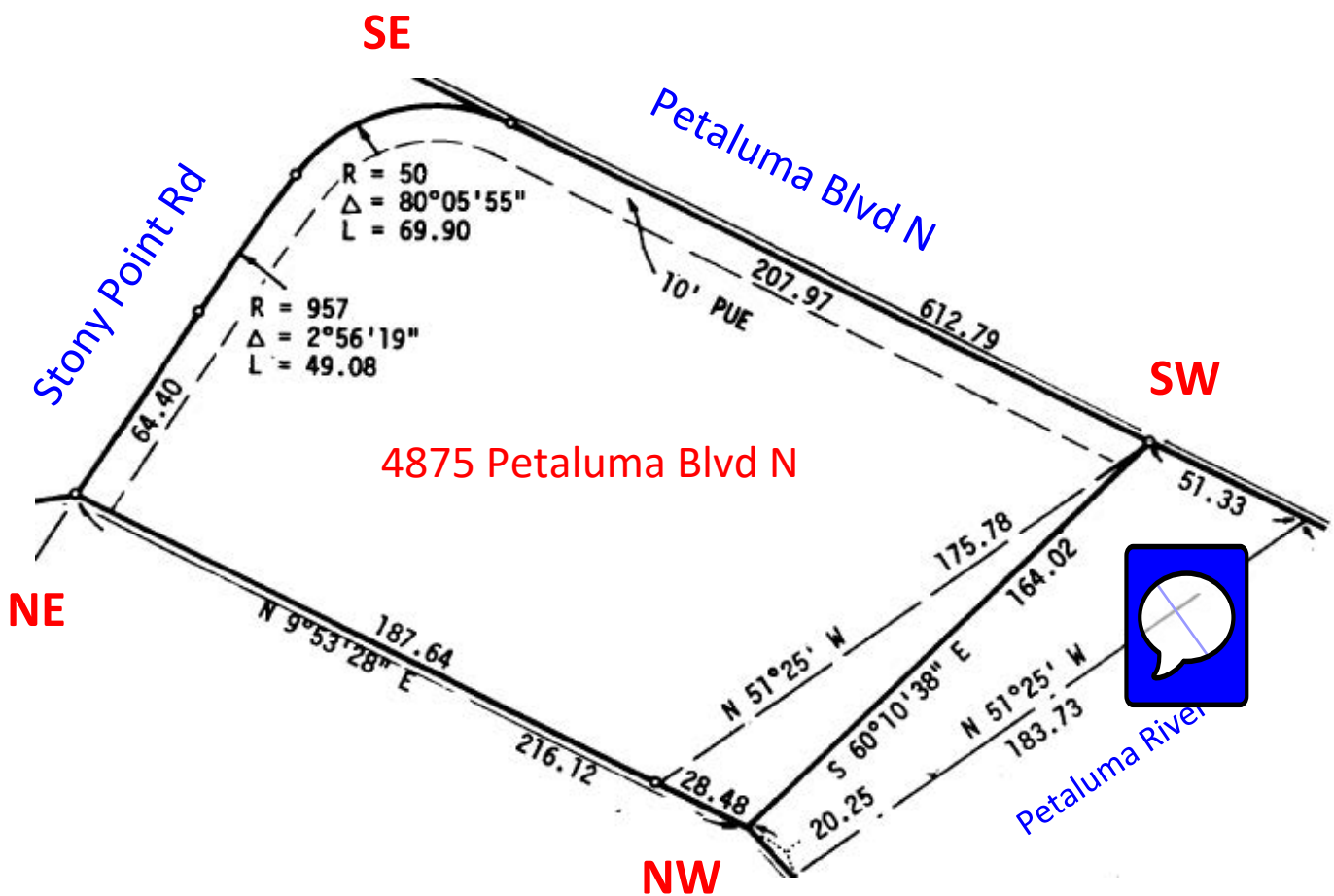
PETALUMA CALIFORNIA  
1" = 50'  
NOVEMBER 9, 1970

BURTON ENGINEERS  
PETALUMA

# Site Photos

Included are photos of the current condition of the lot located at 4875 Petaluma Blvd N.

For ease of reference, the map below identifies major streets, the proximity of the Petaluma River, and the ordinal direction of each corner of the property line.





Above photo taken from NE corner of lot, looking toward SW corner of lot.



Above photo taken from midpoint of NE to SE side of lot, looking toward NW corner of lot.



Above photo taken from SW corner of lot, looking toward NE corner of lot.



Above photo taken from SW corner of lot, looking toward NE corner of lot.



Above photo taken from SW corner of lot, looking toward SE corner of lot.



Above photo taken from SW corner of lot, looking toward NW corner of lot.



Above photo taken from midpoint of NW to SW side of lot, looking toward SE corner of lot.



Above photo taken from NW corner of lot, looking toward NE corner of lot.



# ENVIRONMENTAL IMPACT QUESTIONNAIRE

This form is processed as part of a development application. There is no fee for this form.

To be completed by project applicant. Information provided on this form will be used to help analyze potential environmental effects of your project.

**Project Name:** 4875 Petaluma Blvd N **Date filed:** 10/23/2022

## A. General Information

\* Please check with a planner for any items you are unsure about.

- List and describe any related permits and/or public agency approvals required for this project, including those required by City, Regional, State, or Federal agencies (i.e., U.S. Army Corps of Engineers, California Department of Fish & Game, etc.):

Minor Conditional Use Permit

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- Is this site listed on the State Hazardous Waste and Substances Sites List?

Yes  No

- Previous approvals or submittals related to this project, including any Preliminary Review:

Project Name: \_\_\_\_\_

File Number: \_\_\_\_\_ Date of previous approval/review: \_\_\_\_\_

Project Name: \_\_\_\_\_

File Number: \_\_\_\_\_ Date of previous approval/review: \_\_\_\_\_

- If the project involves a Variance, Conditional Use Permit, Rezoning, or General Plan Amendment application, clearly state the characteristics of the project which trigger the need for such an application:

The city's Planning Department requires a CPU because this property is zoned as Floodway (C1).

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**B. Project Description**

1. Proposed use of the site (provide a detailed description or attach a project narrative):

See included Project Statement.

2. Site size (in acres): 0.82 (in square feet): 35,719

3. Square footage of proposed construction: 0

4. Number of floors of construction: 0 Building height: 0

5. Amount of off-street parking provided: 40 spaces - can be adjusted as needed (vacant lot)

6. Proposed construction schedule. Include phases if development is incremental:

N/A - no construction or permanent structures are being requested with this application

7. **For proposed Residential use:**

Number of units: \_\_\_\_\_

If single family – total square footage: \_\_\_\_\_

If multi-family – unit sizes: \_\_\_\_\_

Range of sale or rental prices: \_\_\_\_\_

Household sizes expected: \_\_\_\_\_

8. **For proposed Commercial use:**

Type of Commercial use

Neighborhood Commercial

(e.g. Neighborhood Commercial, Highway Commercial, etc.)

Neighborhood/City/regionally oriented area:

North Petaluma, commercial neighbors

Square footage of sales area:

N/A

Square footage of loading facilities:

N/A

9. **For proposed Industrial use:**

Estimated number of employees per shift:

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Square footage of loading facilities:

---

10. **For proposed Public/Institutional use:**

Describe type of use:

---

---

Estimated number of employees per shift:

---

Estimated occupancy:

---

Square footage of loading facilities:

---

Community benefits to be derived from project:

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11. **For proposed Mixed Use:**

Describe type of use:

---

Square footage of each type of use:

---

Ratio of parking provided for each type of use:

---

Note: If an Initial Study or Environmental Impact Report is required, the applicant is required to pay the consultant fee plus 25% administrative overhead and actual cost of staff time and materials.

### C. Environmental Effects

Are any of the following items applicable to the project or will the project result in any of the potential impacts identified below?

**Respond to each question and attach additional sheets with explanations and information on any item checked "yes".**

1.  Yes  No Will there be a change in existing features of any bays, tidelands, or hills, or substantial alteration of ground contours, including any grading (also see Question #6)?
2.  Yes  No Will there be a change in quality or quantity of any ocean, bay, lake, stream, river, marsh, or ground water, or alteration of existing drainage patterns.
3.  Yes  No Will there be a change in scenic views or vistas from existing residential areas or public lands or roads?
4.  Yes  No Will there be a change in development patterns, scale, or character of the area in the vicinity of the project?
5.  Yes  No Is the site on filled land or has a slope of 10 percent or more?
6.  Yes  No Will there be a change in topography due to grading? If yes, provide the existing average slope. Indicate the greatest change in elevation due to grading.
7.  Yes  No Will the project result in the removal or damage to any trees or rock outcroppings?
8.  Yes  No Will the project result in significant amounts of solid waste or litter?
9.  Yes  No Use or disposal of potentially hazardous materials, such as toxic substances, medical wastes, flammable materials, or explosives.
10.  Yes  No Will there be a change in dust, ash, smoke, fumes, or odors in the vicinity.
11.  Yes  No Will there be a change in existing noise or vibration levels in the vicinity (use of heavy equipment, pneumatic tools, significant truck traffic, etc.)
12.  Yes  No Will there be a change in demand for municipal services, including police, fire, schools, water, sewer, etc.
13.  Yes  No Will there be a change in existing circulation patterns or result in substantial amounts of additional traffic?
14.  Yes  No Will there be a substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.)?
15.  Yes  No Is the site adjacent to, or within the vicinity of, any creeks, wetlands, the **Petaluma River**, parks, marsh, agricultural lands, open space, or airport?
16.  Yes  No Have any prior environmental studies been completed for the project site? Studies

would include noise, geologic or geotechnical, traffic, hydrology, tree preservation, cultural resources, etc. If yes, please list and provide copies.

- 17.  Yes  No Is the site potential habitat for threatened or endangered fish, wildlife, or plant species?
- 18.  Yes  No Are there existing structures on the site? If so, please explain their current use and age.
- 19.  Yes  No Will any structures be demolished?
- 20.  Yes  No If the site is vacant, provide information on the previous use. **See included Project Statement**
- 21.  Yes  No Is the site or structure of known historical or cultural significance?
- 22.  Yes  No Is the site within an historic district?
- 21. Provide a statement indicating willingness to comply, if the project is required to comply with the City's phase II storm water program and management plan.

I, Heather Kratt, the property owner and applicant, am willing to comply with the city's phase II storm water program and management plan, if required.



- 22. Please attach labeled photos of the site and the surrounding area. **See included maps and photos**

Please note that, depending upon the nature of the application, additional studies or analysis may be required including, but not limited to, traffic, tree preservation, noise, and soils.

### Declaration Required

I hereby certify that the statements furnished above and in the attached exhibits, if applicable, present, to the best of my ability, the data and information required for this initial evaluation of this project, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.



Signature of  Applicant /  Property Owner

Date 10/23/22



# 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

Phone (707) 778-4301  
Fax (707) 778-4498  
E-Mail:  
[cdd@cityofpetaluma.org](mailto:cdd@cityofpetaluma.org)

## To Schedule Inspections

Phone (707) 778-4479

## Planning Division

Phone (707) 778-4470  
Fax (707) 778-4498  
E-Mail:  
[petalumaplanning@cityofpetaluma.org](mailto:petalumaplanning@cityofpetaluma.org)



*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

November 27, 2022

Re: The Floodway Community Marketplace – 4875 Petaluma Blvd N – PLUP-2022-0027

To Whom It May Concern:

I'm surprised by the Planning Department's quick dismissal of our application. I believe I presented a very clear and compelling application fully deserving of proper consideration. It appears that our application was not escalated as requested, but instead summarily dismissed without conducting a proper review, sharing it with other city departments, asking us any clarifying questions about our project, or even cashing our check.

I firmly believe there will never be a better proposed use for that lot. It meets the existing allowed uses, requires no development, and will be an attractive business at the northern gateway to downtown Petaluma. It's a win-win. I'd think the city would be grateful that two skilled business owners purchased the lot, cleaned it up, and intend to generate much needed tax revenue for the city.

Your arguments against our business seem to focus on keywords picked from our application rather than their intent in the zoning laws. Those keywords or alleged concerns include: floodway, retail, and transient.

We are fully aware that our lot is in a floodway, hence the tongue in cheek name we gave to our community marketplace. Deputy Planning Manager, Tiffany Robbe, has suggested that a floodway is "hazardous" and therefore we shouldn't operate a business there. If and when there is another flood, it won't have any great impact on our business because we are mobile. We will have advance notice of any impending flood and will quickly vacate the lot. The fact that it's a floodway is irrelevant to the operation of our business.

It seems that the real risk in a flood is to the surrounding properties that have permanent structures and are just across the street from our lot. I was told that the last time it flooded (about 15 years ago), the city had to pay damages to those businesses because the river had not been properly maintained. We are not trying to remove the floodway designation from our lot and there will be no assets present for a flood to damage.

It's curious that the floodway map shows the floodway taking a sharp right turn at Petaluma Blvd N. If our lot floods, the lots across the street will also flood, so I'd be interested in knowing how the designations for the surrounding properties were arrived at. The floodway designation seems arbitrary.

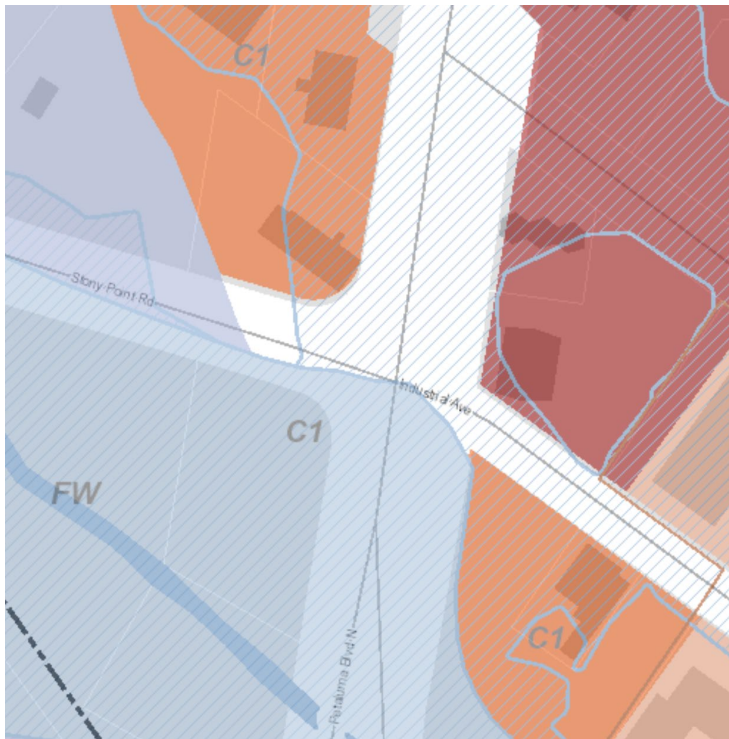


Source: [FEMA Flood Map Service Center | Search By Address](#)



Ms. Robbe suggests that retail is not allowed on our lot, but everything I've read conflicts with that conclusion. The zoning law specifically identifies circuses and carnivals as an allowed use, and those are retail businesses. Our community marketplace is similar in nature to a circus or carnival except we won't have dangerous amusement rides. Our lot is surrounded by other retail businesses. It is also zoned C1, which states "the C1 zone is applied to existing smaller-scale shopping centers with off-street parking, or clusters of street-front stores that serve the surrounding neighborhood." That clearly describes our intended use of the lot, as we will be a cluster of vendors with off-street parking serving the surrounding neighborhood.

We've spent a lot of time and money purchasing and cleaning up this lot. We purchased the lot in good faith because it is zoned for commercial business.



Source: [Zoning Map - City of Petaluma](#)

Finally, 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.

Please escalate and process our application, as was requested back on October 23. When sharing our application with the other city departments, please include Ms. Robbe's dismissal letter and my response to it. Thank you.

Regards,

Heather Kratt



# 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."

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

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

**Building Division**  
Phone (707) 778-4301  
Fax (707) 778-4498  
E-Mail:  
building@cityofpetaluma.org

**To Schedule Inspections**  
Phone (707) 778-4479

**Planning Division**  
Phone (707) 778-4470  
Fax (707) 778-4498  
E-Mail:  
petalumaplanning@  
cityofpetaluma.org

**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.



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

POST OFFICE BOX 61  
PETALUMA, CA 94953-0061

Kevin McDonnell  
Mayor

February 15, 2023

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

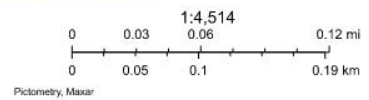
The exhibit below, excerpted from the FEMA Firm Maps, shows the subject property fully within the Floodway Zone.

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**

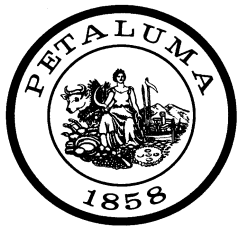
Charles Lucas, Deputy Chief Building Official - CLucas@cityofpetaluma.org or by phone at 707-778-4595

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**  
Phone (707) 778-4301  
Fax (707) 778-4498  
E-Mail:  
cdd@cityofpetaluma.org

**To Schedule Inspections**  
Phone (707) 778-4479

**Planning Division**  
Phone (707) 778-4470  
Fax (707) 778-4498  
E-Mail:  
petalumaplanning@  
cityofpetaluma.org



*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

---

## Minor CUP application at 4875 Petaluma Blvd North

---

Alchin, Larissa <lalchin@cityofpetaluma.org>

Fri, Mar 3, 2023 at 10:23 AM

To: Heather Kratt <heather.kratt@gmail.com>

Cc: Holly Manzano <holly@manzano.com>, "Trippel, Andrew" <atrippel@cityofpetaluma.org>, "Robbe, Tiffany" <trobbe@cityofpetaluma.org>

Hi Heather,

We look forward to meeting with you on Monday at 11 am. Please come to the Planning Counter when you arrive at City Hall.

I hope the information provided below helps clarify your questions about the CUP review process and publicly available information.

- 1. In this determination letter, we see that Ms. Robbe's initial denial letter is included but our rebuttal letter is not. Please confirm that my rebuttal letter was provided to each department for consideration in their review.* The letter Planning provided to you on Tuesday is a compilation of Staff's review and an explanation of our determination that the project could not be approved as submitted. It has not been Planning's practice to attach the applicants submitted project materials to such a letter. Please be assured your rebuttal letter was included in the review and was routed to all departments along with the other application materials submitted.
- 2. Because our rebuttal letter is not included in this determination letter, it appears that our rebuttal is not part of the public record. If that is the case, please explain why our feedback would be omitted from the public record.* All submitted application material is part of the public record along with Staff's letter and supporting documentation. Anyone from the public may ask for the project files at the Planning Counter and all submitted material including your letter would be included and available in that file.
- 3. Please confirm when the zoning code, and specifically those sections referenced in this determination letter, were originally written. Please provide a public source for that date, as that should be public information.* The Floodway and Floodplain Districts were a part of the previous zoning ordinance adopted in 1973, City Council Ordinance No. 1072 N.C.S. At that time the Floodway and Flood Plan Districts were contained in Chapter 16. The current Implementing Zoning Ordinance was adopted in 2008, by City Council Ordinance No. 2300 N.C.E. According to the Implementing Zoning Ordinance online version, some sections of Chapter 6 were updated as recently as May 2022. Typically zoning ordinances are amended incrementally to include updated information, clarify the code or comply with new laws. There are links within the online code at the bottom of the section identifying when they were last updated and by what City ordinance. We can look at this together at our meeting Monday. The City Clerk also has publicly available online resources of adopted City Ordinances and Resolutions. You can search city records at <https://cityofpetaluma.org/city-clerk-records/>
- 4. Please confirm when those specific zoning codes were last updated and provide a public source for that date as well.* As noted above if a section of the zoning code was updated since its adoption in 2008 there will be a link to the adopting ordinance provided online.

5. *Please confirm the dates in the past 20 years in which the city has cleared, dredged, or otherwise maintained the river that runs along our property and those surrounding our property.* I've reached out to Public Works for information on this topic.

Thank you,

**Larissa Alchin**

Associate Planner  
City of Petaluma | Community Development  
lalchin@cityofpetaluma.org

Petaluma is in a drought. There are many programs and incentives to help you conserve water! Learn more [HERE](#).

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**From:** Alchin, Larissa <lalchin@cityofpetaluma.org>

**Sent:** Thursday, March 2, 2023 9:32 AM

**To:** Heather Kratt <heather.kratt@gmail.com>

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[Quoted text hidden]