

RESOLUTION NO. 2024-

**RESOLUTION OF THE CITY OF PETALUMA PLANNING COMMISSION
APPROVING SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
MALLISON-WAY RESIDENCE PROJECT LOCATED AT 118 KIMBERLY WAY;
APN: 008-490-035; FILE NO. PLSR-2023-0016**

WHEREAS, an application was received by property owner Brian Mallison requesting Site Plan and Architectural Review to construct a new single-family residence on an undeveloped 0.18-acre lot located at 118 Kimberly Way (APN: 008-630-043) (the “Project”); and

WHEREAS, the Project is located within the South Hills subarea of the General Plan, is designated Very Low Density Residential (RVL) in the current General Plan Land Use Map, and is zoned Country Club Estates Unit 2a and 3a Planned Unit Development, which is an implementing zoning district of the Very Low Density Residential land use designation; and

WHEREAS, pursuant to Section 16.060 of the Implementing Zoning Ordinance, Planning Commission approval is required for new development in the South Hills subarea; and

WHEREAS, on November 2, 1992, the City Council approved Resolution 92-287 N.C.S, certifying a Mitigated Negative Declaration (MND) for the Country Club Estates Unit 2a and 3a Planned Unit Development; and;

WHEREAS, on November 16, 1992, the City Council adopted Resolution N.C.S. 92-299, which approved for the Country Club Estates Unit 2a and 3a Planned Unit Development standards and design guidelines, subject to conditions contained therein; and

WHEREAS, on November 16, 1992, the City Council adopted Resolution N.C.S. 92-300, which approved the Tentative Subdivision Map for the Country Club Estates Unit 2a and 3a Subdivision; and

WHEREAS, on June 7, 1993, the City Council adopted Resolution N.C.S. 93-137, which approved the Final Map for the Country Club Estates Unit 2a and 3a Subdivision; and

WHEREAS, the Project consists of the construction of a new two-story, 24-foot-tall detached single-family residence, with landscaping and other associated site improvements on Lot 1 of the Country Club Estates Unit 2a and 3a Subdivision which is approximately 0.18 acres; and

WHEREAS, the City notified the Federated Indians of Graton Rancheria of the proposed project on December 4, 2023, consistent with Assembly Bill (AB) 52, and no response was received within 30 days; therefore, no consultation was requested; and

WHEREAS, public notice of the April 23, 2024, Planning Commission hearing was published in the Petaluma Argus-Courier and mailed to residents and occupants within 1,000 feet of the Project site in compliance with state and local law; and

WHEREAS, a public hearing sign was posted on site consistent with the Petaluma

Implementing Zoning Ordinance §24.100; and

WHEREAS, the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15303 (New Construction), which applies to the construction of one single-family residence located in a residential zone, and there are no exceptions that would preclude the use of a categorical exemption pursuant to CEQA Guidelines section 15300.2; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider Site Plan and Architectural Review for the Project on April 23, 2024, at which time all interested parties had the opportunity to be heard; and

WHEREAS, at said hearing, the Planning Commission considered the staff report, dated April 23, 2024, staff and applicant presentations, and all public testimony provided prior to and at the public hearing.

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

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

California Environmental Quality Act

The proposed project is categorically exempt from the provisions of CEQA under Section 15303 (New Construction), which applies to the construction of one single-family residence located in a residential zone, and there are no exceptions that would preclude the use of a categorical exemption pursuant to CEQA Guidelines section 15300.2. As such, the project is categorically exempt from the provisions of CEQA, and no further environmental analysis is needed.

General Plan

- a. The Project is consistent with the Very Low Density Residential General Plan Land Use Designation in that it provides a residential project on a property designated for residential uses with a density range of 0.6 and 2.5 dwelling units per acre.
- b. The Project is, for the reasons discussed in the April 23, 2024, Planning Commission staff report, consistent with the following General Plan policies:
 - Policy 1-P-2 Use land efficiently by promoting infill development, at equal or higher density and intensity than surrounding uses.
 - Policy 1-P-3 Preserve the overall scale and character of established residential neighborhoods.
 - Policy 1-P-16 Allow development in hillside areas that preserve ridgelines and are site sensitive.
 - Policy 2-P-62 Preserve the rural aspect of the area by maintaining the existing density (Rural, Very Low and Low Residential) and land use patterns.

Implementing Zoning Ordinance

- c. The project is consistent with Implementing Zoning Ordinance Section 16.060(K), in that, all required findings for single lot development in a hillside area can be made as follows:
- The project is consistent with the objectives, standards, and guidelines of the Hillside Ordinance, Section 16.060(H), in that it conforms to the natural topography of the site which at some viewpoints makes it appear single story and minimizes grading to only those areas proposed for development. In addition, the architectural design of the structure is consistent with the guidelines of the Hillside Ordinance, specifically Section 16.060(I), in that it reduces the overall bulk and mass using grated stair railings, varied roof slopes and heights, simple building design, existing vegetation to screen the residence and proposes colors and materials which conform to the natural hillside environment.
 - The proposed structure conforms to the 30-foot height limit specified in the Hillside Ordinance, is sited to avoid privacy conflicts, and proposes a transitional contemporary design compatible with the surrounding neighborhood's varied architectural styles. As such, the proposed residence is compatible and complementary with the surrounding neighborhood regarding scale, design, and siting.
 - The residence is situated on the upper portion of the lot and proposes to maintain the western portion in its current natural state and retain all existing trees on the lot and the structure's siting is considerate of the site's natural topography. As such, the design and layout of the project respect and protect the natural environment, consistent with this finding.
 - Grading on the site will be minimal and is limited to the areas proposed for development including circulation improvements and the building. The proposal includes retaining walls at a maximum of 3 feet in height along the northern side property line. As such, the project is consistent with this finding.
- d. The project is consistent with Chapter 17, Tree Preservation of the Implementing Zoning Ordinance, in that measures for protected trees have been incorporated as conditions of approval in **Exhibit 1**, contained herein.
- e. The project is consistent with the Municipal Code Chapter 17.14 in that the applicant sought and received approval from the building official for an exemption from certain visibility requirements outlined in Section 17.14.150.
- f. The project is consistent with Implementing Zoning Ordinance Section 24.050 – Site Plan and Architectural Review, in that all required findings in Section 24.050(E) can be made as follows:
- The project proposes using colors and materials that work harmoniously with the overall design of the building and complement the hillside environment of the site. The contemporary-style residence includes vertical siding, varied roof slopes, a subdued color pallet, black trim window casings, gooseneck lighting, a permeable paver driveway, and a corrugated roof. Therefore, the project is consistent with this finding.
 - The proposed residence features a pitched roof, wooden siding, exterior staircase, a deck and stucco which are design elements that are characteristic of the neighborhood and

appropriate for the hillside lot in that the combination of materials break up the building plane and reduce the building mass. As such, the architectural style of the residence is appropriate and compatible with the overall neighborhood. Therefore, the project is consistent with this finding.

- The residence is located on a 0.18-acre lot within a low-density residential neighborhood characterized by single-family homes on smaller lots. The proposed siting is consistent with the applicable setbacks while responding to the site's natural topography. As such, the project is consistent with this finding.
- The project does not propose any signs or advertising structures as it is a residential development and therefore is not subject to this SPAR finding.
- The bulk and height of the structure have been designed similar to the bulk and height of other structures in the immediate neighborhood, which feature one and two-story residences with varying roof heights and attached garages with main levels above. The residence utilizes light façade colors and a darker roof, similar to surrounding residences and compatible with the surrounding natural setting. Massing in conjunction with siting on the hillside lot minimizes visual obstruction. As such, the project is consistent with this finding.
- The project does not propose any tree or shrub removal, and the work site avoids all tree trunks. The only trees near the proposed building site are relatively small and can be easily preserved using standard precautions (protective fencing at the dripline). The proposal includes the planting of one [1] Coast Live Oak, two [2] Japanese Maples, and a number of drought-tolerant shrubs, groundcovers, perennials, and low-water native California plants. As proposed, the project is consistent with this finding.
- The residence will be accessed by a new driveway that will connect to existing private drive access to Kimberly Way. Two covered parking spaces and two uncovered parking spaces are provided. As such, the project is consistent with this finding.
- The design is thoughtful of the existing building and the surrounding area and was prepared by architect Farrel & Faber Architects.

Based on its review of the entire record herein, including the April 23, 2024, Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves Site Plan and Architectural Review to construct a new single-family residence and associated site improvements, subject to the conditions of approval attached hereto as **Exhibit 1**.

EXHIBIT 1

**SPAR CONDITIONS OF APPROVAL
MALLISON-WAY RESIDENCE PROJECT
118 KIMBERLY WAY
APN: 008-490-035
FILE NO.: PLSR-2023-0016**

Planning Division

1. Plans submitted to the City of Petaluma for purposes of construction shall be in substantial conformance with the Architectural Plans on file with the Planning Division dated September 12, 2024, and most recently resubmitted on January 8, 2024, except as modified by these conditions of approval.
2. Prior to the issuance of any construction permits, these conditions of approval shall be included in one plan of the Building Permit plan set. A copy of the approved plans shall be maintained on-site when construction activities are occurring.
3. The colors and materials shall be in substantial conformance with those noted on the architectural plans except as modified by these conditions of approval.
4. The day following approval, the applicant shall provide a check made payable to the Sonoma County Clerk in the amount required and published by the Sonoma County Clerk to file the CEQA Notice of Exemption (“NOE”).
5. If during the course of ground-disturbing activities, including, but not limited to excavation, grading, and construction, a potentially significant prehistoric or historic resource is encountered, all work within a 100-foot radius of the find shall be suspended for a time deemed sufficient for a qualified and city-approved cultural resource specialist to adequately evaluate and determine significance of the discovered resource and provide treatment recommendations. Should a significant archeological resource be identified, a qualified archaeologist shall prepare a resource mitigation plan and monitoring program to be carried out during all construction activities. Prehistoric archaeological site indicators include obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains and fire-affected stones. Historic period site indicators generally include fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps).
6. Prior to building permit issuance or final inspection of building permits, all costs owed on the processing of this Site Plan and Architectural Review application shall be paid in full.
7. This approval is granted for and contingent upon the construction of the project as a whole, in a single phase, with the construction and/or installation of all features approved and required herein. Modifications to the project, including but not limited to a change in

construction phasing, shall require Site Plan and Architectural Review in accordance with IZO Section 24.050.

8. Prior to issuance of a building or grading permit, the applicant shall designate a project Disturbance Coordinator who will be responsible for responding to any complaints from the neighborhood about excessive noise during construction periods. A sign shall be conspicuously posted on the site regarding the allowable hours of construction and shall include the Disturbance Coordinator's telephone number. Proof of sign installation shall be provided to the Planning Manager prior to the commencement of construction activities. Upon receipt of a complaint, the Disturbance Coordinator shall determine the cause of the noise complaint and take prompt action to correct the problem.
9. Except as modified by the conditions herein, both construction and post-construction operations shall comply with performance standards specified in Implementing Zoning Ordinance Chapter 21.
10. All exterior lighting shall conform to the standards at IZO 21.040 (D) (Glare).
11. This approval is effective for twelve (12) months unless the permit has been exercised or unless an extension of time is approved in compliance with IZO §24.050(K).
12. The applicant shall be subject to all applicable development impact fees in effect at the time of building permit issuance. Said fees are due prior to issuance of a certificate of occupancy.
13. The site shall be kept clear of garbage and debris at all times. No outdoor storage shall be permitted.
14. Upon building permit submittal for construction of the single-family residence, plans shall clearly demonstrate that the project will be all-electric with no new gas infrastructure, consistent with City Council Ordinance No. 2775.
15. Any solar equipment, panels, or other collectors shall give the appearance of being built into the structure. Exposed supports and excessive lengths of exposed piping shall not be proposed.
16. All standpipes, check valves, and other utilities shall be placed underground or fully screened from view by decorative screening structures or landscaping to be reviewed and approved by the Planning Manager at the time of building permit issuance.
17. All grading activities shall be completed prior to the on-set of the rainy season (October 15th). Time extensions for short-term grading may be allowed at the discretion of the City Engineer. Special erosion control measures may be required by the City Engineer in conjunction with any specially permitted rainy season grading.
18. The latest BAAQMD recommended Best Management Practices (BMPs) to control for fugitive dust and exhaust during all construction activities shall be incorporated into all construction plans to require implementation of the following:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material shall be covered.

- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - a. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
 - b. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
 - c. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
 - f. Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.
19. All machinery and vehicles involved in the construction of the project shall be properly maintained and shall be equipped with appropriate mufflers.
20. The applicant shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action, or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul any of the approvals of the project, when such claim or action is brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the applicants/developers of any such claim, action, or proceeding. The City shall coordinate in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding, and if the City chooses to do so, the appellant shall reimburse the City for attorneys' fees by the City.

Building Division

21. The proposed project will require a building permit application and construction document approval in compliance with the 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.

Full plan submittal is required as applicable to project scope. Architectural, civil, structural, mechanical, electrical, and plumbing system drawings are to be prepared and signed by the state-licensed professional responsible for their preparation. See City file preparations standards: Electronic File Preparation Standards - Petaluma (cityofpetaluma.org).

Building permit construction documents are to include occupancy classifications, design occupant load, general building area, and height limitations, type of construction, and fire sprinkler provisions data for each building on the subject parcels. Each separate building and separate parcel must have a separate permit for construction.

22. Effective June 16, 2021, new buildings are required to have all-electric construction as defined in Petaluma Municipal Code 17.36 and a 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.
23. For the 2022 Building Standards Code cycle, the City of Petaluma has adopted CalGreen at the Tier 1 level, with the exception of Energy Efficiency, which is adopted at the mandatory level only. The current code adoption at the time of building permit application will govern requirements.
24. The City of Petaluma has adopted a Universal Access and Visitability Ordinance effective April 20, 2022, applicable to new dwelling units. Due to the existing hillside lot conditions, Visitability is to be provided to the maximum extent possible, with the intent that future improvements can be made to complete Visitability conditions.
25. Civil and grading plans in compliance with CBC Appendix J will be necessary for construction. Construction plans shall indicate how the site grading or drainage system will manage all surface drainage and water flows. Where a structure permit and plans include grading requirements in accordance with Appendix J, no separate permit is necessary. Construction plans shall indicate how the site grading or drainage system will manage all surface drainage and water flows.
26. Construction plans shall indicate how the site grading or drainage system will manage all surface drainage and water flows. CBC Appendix J requires a grading permit, approved grading plan, geotechnical report, and inspections where the project includes excavations, fills, modifying slopes adjacent to property lines, drainage, and terracing. Erosion control measures are required to be specified. Structures and retaining walls may be permitted separately.
27. This project is within the very high-hazard fire severity zone and will need to be compliant with CRC Section R337 or CBC Chapter 7A.
28. CRC R401.4 and CBC 1803.1 require soils investigation for foundation design in Petaluma based on local conditions. Where geotechnical investigations involve in-situ testing, laboratory testing, or engineering calculations, such investigations shall be conducted by a registered design professional. Where suspected soil conditions include soil instability, forces generated on foundations by expansive soils, and increased lateral pressures due to a high water table or surcharge loads from adjacent structures, the investigation shall indicate preparations, recommendations, and corrective actions to prevent structural defects for each lot and dwelling.
29. Identify requests for deferred submittals on the cover sheet of construction documents. Typical approved deferrals include fire protection drawings, photovoltaic solar systems, or manufactured product shop drawing specifications.

30. The applicant shall submit a statement of special inspections in accordance with 107.1 Chapter 1, Division II, as a condition for permit issuance. This statement shall be in accordance with Section 1704.3. Identify special inspections required for structural and code compliance. Please specify special inspector(s) on this form: <https://cityofpetaluma.org/documents/special-inspection-and-testing-procedure/>
31. A separate building permit is required for detached structures such as this trash enclosure. The subject building may be exempt from building permit where less than 120 sf., and containing no finishes, electrical, plumbing or mechanical equipment. The site plan must demonstrate the building compliance with the setback requirements and fire-resistive construction requirements of the building code based on location in relation to property line. See CBC 105.2 Item 1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than one hundred twenty square feet (120 sq.) (11 m²), there are no wall finishes such as, but not limited to, gypsum wallboard, plaster, stucco, or paneling placed on any interior surface of any wall and/or partition, and no electrical, mechanical or plumbing systems are contained within the structure. These structures are still regulated by Section 710A, despite exemption from permit.

Public Works & Utilities

32. Double Check backflow is required as close as possible to the meter.
33. An encroachment permit is required for all work within the public right of way or within a City Utility Easement
34. A construction-level geotechnical report is required with a Building permit Fire line service sizing, and installation is subject to an approved underground permit from the Fire Prevention Bureau.
35. Water pressure of 40 PSI and less at the kitchen sink will require an air gap tank and pressure system.

Fire Protection Bureau

36. Fire Sprinklers Required