

**PLANNING COMMISSION RESOLUTION NO. 2024-**

**RESOLUTION OF THE CITY OF PETALUMA PLANNING COMMISSION  
APPROVING SITE PLAN AND ARCHITECTURAL REVIEW (SPAR) FOR A 32-UNIT  
MULTIFAMILY DEVELOPMENT CONSISTING OF TWO THREE-STORY  
BUILDINGS AND ASSOCIATED SITE IMPROVMENTS LOCATED AT 2 ROVINA  
LANE AND GRANT STATE DENSITY BONUS CONCESSION AND WAIVER  
REQUESTS, APN 019-210-009, File No.: PLSR-2023-017**

**WHEREAS**, on July 10, 2023, Pacific West Communities, Inc. (herein “applicant”) submitted a Preliminary Application under SB 330 (CA Government Code Sections 65589.5 and 65905.5) for the development of 34 units on a one-acre site at 2 Rovina Lane; and

**WHEREAS**, on September 19, 2023 the applicant applied for Site Plan and Architectural Review along with a Density Bonus request for the development of 32 apartment units in two three-story buildings of which 31 apartments would be restricted to occupancy by lower-income households and one market-rate property manager’s unit (herein “Project”); and

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

**WHEREAS**, the Project qualifies for a statutory exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15194 (Affordable Housing Exemption), which applies to projects less than 100 housing units affordable to low-income households; and

**WHEREAS**, the applicant has requested a Density Bonus for a 32-unit, 100% affordable, multi-family development in Petaluma for lower income households earning 30-60% or less of Area Median Income (AMI) pursuant to IZO Chapter 27; and

**WHEREAS**, a 100% affordable project for lower income households, as defined by Section 50079.5 of the Health and Safety Code, is eligible for an 80% increase in the maximum allowable residential density per CA Gov’t. Code § 65915, subd. (b)(1)(G); and

**WHEREAS**, in accordance with CA Gov’t. Code § 65915, subd. (d)(2)(D), the proposed project is entitled to a maximum of four incentives or concessions and unlimited waivers to development standards that will have the effect of physically precluding construction of the development pursuant CA Gov’t. Code § 65915, subd. (e)(1); and

**WHEREAS**, public notice of the April 23, 2024 Planning Commission hearing was published in the Petaluma Argus-Courier, mailed to residents and occupants within 1000 feet of the Project site, and a 24-square foot sign was posted on the site in compliance with state and local law; and

**WHEREAS**, at its April 23, 2024 meeting, the Planning Commission held a duly noticed public hearing to consider the Project, at which time all interested parties had the opportunity to

be heard and the Planning Commission considered the Staff Report dated April 23, 2024 and all public testimony provided prior to and at the public hearing; and

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

1. Finds that the foregoing recitals are true and correct and incorporated herein by reference.
2. Based on its review of the entire record herein, the Planning Commission finds as follows:

California Environmental Quality Act

- a. As demonstrated in the CEQA Exemption Memo included as Attachment 5 in the April 23, 2024 staff report, the proposed project is exempt pursuant to CEQA Guidelines Section 15194 (Affordable Housing Exemption). As detailed therein, the project meets the eligibility requirements set forth in Section 15192 (Threshold Requirements for Exemptions for Affordable Housing) and is consistent with the criteria set forth in Section 15194. As such, no further environmental review is required.

General Plan

- b. The Project is consistent with the Medium Density Residential (6.1 to 18.0 du/ac) land use designation of the City of Petaluma General Plan 2025 applicable to the site in that multi-family residential uses are principally permitted uses on the Project site and with the 80 percent density bonus granted by state law [CA Government Code Sections 65915(b)(1)(A) and 65915(f)(3)(D)(i)], the maximum density allowed is 33 dwelling units per acre.
- c. The Project, for reasons discussed in the April 23, 2024 Planning Commission staff report, is consistent with the following General Plan principles and policies:
  - i. Policy 1-P-2 states, “Use land efficiently by promoting infill development, at equal or higher density and intensity than surrounding uses.”
  - ii. Policy 1-P-14 states, “Require provision of street trees, landscaping, parking, and access features to help integrate land uses and achieve an effective transition between uses of disparate intensities.”
  - iii. Policy 1-P-27 states, “Encourage innovative site and building design to address parking solutions such as shared, structured, and/or underground facilities.”
  - iv. Policy 1-P-48 states, “Ensure all new development provides necessary public facilities to support the development.”
  - v. Policy 1-P-49 states, “Preserve existing tree resources and add to the inventory and diversity of native/indigenous species.”

- vi. Policy 1-P-50 states, “Preserve and expand the inventory of trees on public property.”
- vii. Policy 4-P-3 states, “Protect special status species and supporting habitats within Petaluma, including species that are State or Federal listed as endangered, threatened, or rare.”
- viii. Policy 4-P-9 states, “Require a percentage of parking spaces in large parking lots or garages to provide electrical vehicle charging facilities.”
- ix. Policy 4-P-19 states, “Encourage use and development of renewable or nontraditional sources of energy.”
- x. Policy 5-P-22 states, “Preserve and enhance pedestrian connectivity in existing neighborhoods and require a well-connected pedestrian network linking new and existing developments to adjacent land uses”
- xi. Policy 5-P-31 states, “Make bicycling and walking more desirable by providing or requiring development to provide necessary support facilities throughout the city.”
- xii. Policy 7-P-27 states, “Reduce the impacts of wildland fires.”
- xiii. Housing Element Policy 1.4 states, “Establish flexibility in the City’s standards and regulations to encourage a variety of housing types, including mixed-use and flexible-use buildings, and affordable housing development.”
- xiv. Housing Element Policy 1.5 states, “Encourage the efficient use of residential and mixed-use land by facilitating development at the upper end of the density range.”
- xv. Housing Element Policy 2.2 states, “Streamline the City’s review and approval process for residential and mixed-use projects to ensure objective evaluation and greater certainty in outcomes to facilitate affordable housing production.”
- xvi. Housing Element Policy 2.3 states, “Develop incentives such as streamlined review, fee adjustments, and objective design standards to encourage residential development that is affordable and environmentally appropriate.”
- xvii. Housing Element Policy 3.3 states, “Facilitate the entry of lower and moderate income households into the housing market.”
- xviii. Housing Element Policy 4.2 states, “Ensure the long-term affordability of units developed or provided with City assistance.”
- xix. Housing Element Policy 5.6 states, “Promote the construction of adequately sized rental units for large households.”
- xx. Housing Element Policy 6.2 states, “Promote housing mobility by expanding

housing choices and increasing housing opportunities in high resource areas.

- xxi. Housing Element Policy 6.4 states, “Promote the integration of affordable and special needs housing projects in existing neighborhoods.”
- xxii. Housing Element Program 4 in part states, “Establishing increased minimum densities for multifamily and mixed-use zones will ensure efficient use of the City's multi-family land, including requiring multifamily densities in multi-family zones.”
- xxiii. Housing Element Program 25 states: “Adequately Sized Rental Housing for Families. The rental housing market of Petaluma offers limited large rental units that would be considered adequate for large households or families with children. Potential considerations may include: Requiring projects above a certain size to include units with three or more bedrooms.”

#### Implementing Zoning Ordinance

- d. The Project is consistent with all development standards of the Residential 4 (R4) zoning district, except for requested relief from development standards through State Density Bonus waivers as detailed in Attachment 2 of the April 23, 2024 staff report.
- e. The project is consistent with the allowable land uses and planning permit requirements of the R4 zoning district. IZO Table 4.2 permits “Dwelling, Multiple” uses by right within the R4 zone.
- f. The project is consistent with Implementing Zoning Ordinance §24.050 – Site Plan and Architectural Review, including the standards in Section 24.050.E, in that the Planning Commission finds the Project meets the standards for Site Plan and Architectural Review as follows:
  - i. The project uses quality materials and the overall design is harmonious and in proportion in itself and in relation to adjacent development. As designed, the project uses two earthtone exterior colors, horizontal and vertical siding, articulated rooflines, and jogs in the building footprint to reduce the appearance of the size of the mass of the overall buildings. The project would provide a durable fiber cement siding, Class A composition shingles, split-face concrete block retaining walls, and metal canopy structures. Together, these building features and materials result in a project that includes quality materials and is harmonious and in proportion in itself and in relation to the residential development adjacent to the project.
    - a. The architectural style is appropriate for the project, and compatible with the character of the neighborhood. The project incorporates Farmhouse architectural elements including horizontal and vertical siding with board and batten elements, modest roof pitches, and a combination of projecting and recessed balconies. The design choices are appropriate in that they provide visual interest to the streetscape, compliment the scale and design of the single-family

residences in the neighborhood.

- b. The siting of the structure on the property is appropriate for the site and as compared to the siting of other structures in the neighborhood. The proposed buildings are proposed on a pad cut into the hillside and present a two-story façade to the single-family houses in the neighborhood to the south and east and will be separated from other adjacent residences to the west, south, and east by approximately 85 feet, 65 feet, and 93 feet, respectively. The building on the City-owned site to the north is approximately 260 feet away.
- c. The size, location, design, color, number, lighting, and materials of all signs and outdoor advertising structures will be considered if signs are proposed and when a sign permit application is submitted.
- d. The bulk, height, and color of the proposed structures is appropriate as compared to the bulk, height, and color of other structures in the neighborhood. Two-story single-family structures and three-story townhouses are located on adjacent properties to the east and two-story single-family structures are located to the west across Rovina Lane and to the south across Jacquelyn Lane. A single-story house is located to the northwest of the project site across Rovina Lane. The mass and height of the surrounding structures vary with the largest structures presenting an approximate width of 115 feet and three stories tall and the smallest housing measuring approximately 30 feet wide and one-story. Likewise, a range of colors are used including neutral tones and earthtone tans.

The proposed buildings are 122 feet deep and 75 feet wide and are dark tan in color on the vertical board and batten siding at the first floor and as an accent on at the upper floors and light tan is used on the horizontal siding at the upper floors. Jogs in the building footprint and balconies break up the appearance of the building's mass. On the east and south elevations, the building pad is recessed from seven to 18 feet below the street level and therefore, the building presents a one- to two-story profile on the south and east elevations. Along the Rovina Lane frontage, the pad is cut about seven feet into the hillside at the southwest corner of the site and at the northwest corner, the building pad is elevated above the street approximately 8 feet. Retaining walls are constructed of split-face concrete block. Except at the northwest corner, the bulk, perceived building height and colors are appropriate as compared to the other structures in the neighborhood. To soften the visual impact of the retaining wall and building height at the northwest corner, two oak trees and shrubs are proposed in the yard area between the street and the retaining wall. Landscaping would be in accordance with applicable City standards and appropriate for the site and compatible with the character or design of the neighborhood in that proposed landscaping consists of 15 new trees including 7 oak trees. There are 29 existing trees on the site, and within street frontages and easements, of which eight will be removed to accommodate the proposed development. The proposed landscaping is compatible with the character of the neighborhood and only trees necessary to allow reasonable development of the site are proposed for removal.

In addition, an enhanced privacy screen consisting of a 10- to 15-foot evergreen, sight-obscuring hedge is proposed adjacent to single-family living areas to the east.

- ii. Ingress, egress, internal circulation for bicycles and automobiles, off-street automobiles, bicycle parking facilities, and pedestrian ways is designed as to promote safety and convenience and shall conform to approved City standards in that site access would be proposed via a 30-foot-wide, two-way driveway from Rovina Lane and an internal drive aisle between the buildings. The project would provide 51 parking spaces through a combination of tuck-under parking below each building and a surface parking area at the rear of the site. Internal walkways are proposed on either side of the project which circumvent the buildings. Internal vehicular circulation consists of a “T” shaped driveway which bisects the site and terminates at a fire truck hammerhead turnaround along the east property line. In addition, the project would provide public improvements such as a Rovina Lane widening from 20 feet to 32 feet, a 5-foot-wide public sidewalk along Rovina Lane.
- iii. The project was professionally designed by a CA licensed architect and is of good character and quality and it incorporates input provided through a neighborhood meeting.
- iv. As demonstrated in the CEQA Exemption Memo included as Attachment 5 in the April 23, 2023 staff report, the proposed project is exempt pursuant to CEQA Guidelines Section 15194 (Affordable Housing Exemption). As detailed therein, the project meets the eligibility requirements set forth in Section 15192 (Threshold Requirements for Exemptions for Affordable Housing) and is consistent with the criteria set forth in Section 15194. As such, no further environmental review is required.
- v. The proposed structure and use, subject to any conditions which may apply, conforms with the applicable requirements of the Zoning Ordinance, except for requested relief from development standards through State Density Bonus waivers as detailed in Attachment 2 of the April 23, 2024 staff report, and applicable policies and programs of the City’s General Plan and any applicable specific plan, and the proposed use will not, under the circumstances of the conditional use application, constitute a nuisance or be detrimental to the public welfare of the community. The proposed structures and use will not constitute a nuisance or be detrimental to the public welfare of the community as it conforms with the applicable requirements of the Implementing Zoning Ordinance and applicable policies and programs of the Petaluma General Plan, with concessions to certain zoning code standards and a density bonus as allowed under CA State law.

No adverse public health or safety impacts associated with this project can be found that would allow the City to deny the project under HAA, SB 330, or State Density Bonus. The City concludes (Fire, Public Works, Building, and Planning) that there are no specific adverse impacts that could reasonably result in denial of this project.

#### Density Bonus Concession and Waiver Requests

The Planning Commission finds that:

- a. As described in the Density Bonus Request Letter included as Attachment 2 in the April 23, 2023 staff report, the concessions to allow natural gas for water heating, air conditioning, and space heating where all-electric construction is required by the Petaluma Municipal Code and to provide 19 percent of the units with universal design where the Municipal Code requires 30 percent of the units to have universal design, results in identifiable and actual cost reductions, consistent with subdivision (k) of Government Code Section 65915, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of Section 65915.
- b. As described in the Density Bonus Request Letter included as Attachment 2 in the April 23, 2023, staff report, the waivers from the following Implementing Zoning Ordinance standards result in identifiable and actual cost reductions, consistent with subdivision (k) of Government Code Section 65915, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of Section 65915.

i.	4.040 – Building Height	38 feet where 35 feet is maximum allowed
ii.	Table 13.1 – Wall height, front yard	2 feet to 8 feet where 3.5 feet is maximum allowed
iii.	Table 13.1 – Wall height, street side yard	6 feet to 10 feet where 3.5 feet is maximum allowed
iv.	Table 13.1 – Wall height, rear yard	1 foot to 10 feet where 6 feet is maximum allowed
v.	Table 13.1 – Wall height, outside setbacks	8 feet where 6 feet is maximum allowed
vi.	13.050.A – Retaining wall terracing	Less than 3 foot separation between walls > 4 feet in height
vii.	13.050.A.1 – Retaining wall terracing and coverage	Walls > 3.5 feet over more than 5% of front setback area
viii.	13.030.B – Combined fence/retaining wall height	12 feet where 10 feet is the maximum allowed
ix.	Table 4-9 – Open space	169 SF/unit of useable open space where 300 SF/unit is required
x.	SPAR Appendix A – Parking Standard 2- compact stalls	55% compact stalls where 30% is the maximum allowed
xi.	SPAR Appendix C, Landscape Design Standard 31	12 trees on-site where 16 are required
xii.	Table 11.1 – Parking count	51 parking spaces where 60 are required.

- c. As described in the Density Bonus Request Letter included as Attachment 2 in the April 23, 2023 staff report and the staff report prepared for the Project, there is no evidence that the concessions and waivers would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical

environment or on any real property that is listed in the California Register of Historical Resources for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low income and moderate-income households.

- d. The concessions and waivers are consistent with state and federal law.

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 and foregoing findings, the Planning Commission hereby grants concessions and waivers described in the Density Bonus Request Letter included as Attachment 2 in the April 23, 2023, staff report and approves Site Plan and Architectural Review, subject to the conditions of approval attached hereto as Exhibit 1.

**ADOPTED this 23rd day of April 2024, by following vote:**

Commission Member	Aye	No	Absent	Abstain
Bauer				
Chair Hooper				
McErlane				
Vice Chair Racusen				
Whisman				
Vice Mayor Cader Thompson				
Mozes				

Blake Hooper, Chair

ATTEST:

APPROVED AS TO FORM:

Andrew Trippel, Planning Manager

Dylan Brady, Assistant City Attorney

# **EXHIBIT 1**

## **SPAR CONDITIONS OF APPROVAL**

**2 Rovina Lane Apartments**

**Located at 2 Rovina Lane**

**APN 019-210-009**

**File No.: PLSR-2023-017**

### **Standard Conditions of Approval**

#### **Planning Division**

1. Plans submitted for any building permit submitted to the City pursuant to this approval shall be in substantial conformance with the architectural, civil, and landscaping plans approved by the Planning Commission on April 23, 2023, except as modified by these conditions of approval. The Planning Manager shall make a determination of substantial conformance in writing during the plan check review process. Nothing shall preclude the Planning Manager from referring a substantial conformance determination to the Planning Commission for review at a publicly noticed meeting.
2. The colors, materials, and landscaping shall be in substantial conformance with those noted on the plan set approved by Planning Commission on April 23, 2023.
3. The day following approval, the applicant shall provide to the Planning Manager a check made payable to the Sonoma County Clerk, in the amount required and published by the Sonoma County Clerk to file the CEQA Notice of Exemption (“NOE”). For details on this filing, please visit: <https://sonomacounty.ca.gov/CRA/Clerk-Recorder/CEQA-%E2%80%93-Fish-and-Wildlife-Filings/>. Per Fish and Game Code Section 711.4(d)(1), payment of the State Department of Fish and Wildlife environmental filing fee is not required).
4. All conditions of this permit shall be printed on the second sheet of each plan set submitted for any building permit submitted to the City pursuant to this approval, under the title ‘SPAR Conditions of Approval.’ Additional sheets may also be used if the second sheet is not of sufficient size to list all conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2” by 11” sheets are not acceptable. A copy of the approved plans shall be maintained on-site when construction activities are occurring.
5. At Building Permit issuance, the applicant shall provide the City with an electronic copy of final/approved plans in PDF format on either a CD or USB drive.
6. All review costs related to the processing of this application shall be paid in full prior to issuance of a building permit. On-going costs associated with the review and monitoring of construction shall be paid prior to final inspection or issuance of a Certificate of Occupancy.

7. This approval is granted for and contingent upon construction of the project as a whole, in a single phase, with the construction and/or installation of all features approved and required herein. Phasing of one block ahead of the other may be authorized by staff subject to a Construction Agreement. 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 §24.050.
8. This approval is, as provided for at IZO §24.050(I), effective for a twelve (12) month period unless the permit has been exercised or unless an extension of time is approved in compliance with IZO §24.050(K).
9. Prior to final inspection or certificate of occupancy, all development impact fees associated with the project, shall be paid, if applicable.
10. All externally visible scuppers, gutters and downspouts shall either be galvanized sheet metal as per plan, or complimentary to the building architecture.
11. Electrical transformer boxes and garbage enclosures shall be screened with attractive fencing or walls constructed of materials consistent with those used on the primary structure(s). The proposed transformers located between Building A and the rear parking area shall be screened. Screening details shall be provided at the time of Building Permit submittal subject to review and approval of the Planning Manager.
12. The five street trees within the Jacquelyn Lane right-of-way are to be retained during construction activities as shown diagrammatically on the approved landscape plan. The applicant shall provide at the time of construction drawing submittal tree protection notes for each of the street trees located along the Jacquelyn Lane frontage. Tree protection notes shall be consistent with IZO Chapter 17.080.
13. All rooftop equipment shall be fully screened from view by equipment-specific screening structures or parapets, subject to the review and approval of the Planning Manager.
14. All standpipes, check valves, and other utilities shall be placed underground or fully screened from view by decorative screening structures or landscaping, subject to the review and approval of the Planning Manager.
15. A project concession for relief from full compliance with the City's All-Electric Ordinance, in effect on April 23, 2024, is granted. To support Citywide climate resiliency goals, the project shall report to the Community Development Director on the feasibility of transitioning to an all-electric project every five (05) years from the date of this approval. To keep assisted housing affordable for lower-income households, federal housing law directs that the resident's share of rent in federally assisted public housing should equal 30 percent of the household's adjusted monthly income. In interpreting the federal housing law, HUD has defined the Total Resident Payment for "rent" to include shelter and the costs for reasonable utilities. An essential characteristic of the report will be to evaluate the project's ability to constrain Total Resident Payment to 30% of household-adjusted monthly income.

16. All kitchen ranges shall be electric as described in the project information. A request to modify this project characteristic to install mixed-fuel kitchen ranges is subject to review and approval by the Chief Building Official.
17. At all times the site shall be kept cleared of garbage and debris. No outdoor storage shall be permitted.
18. Construction activities shall comply with performance standards specified in IZO Chapter 21 (Performance Standards).
19. The following Best Construction Management Practices shall be implemented to reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance:
  1. Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday and between 9:00 a.m. and 7:00 p.m. on Saturday. Construction activities shall be prohibited on Sunday and State, Federal and Local Holidays.
  2. Delivery of materials and equipment to the site and truck traffic coming to and from the site is restricted to the same construction hours specified above.
  3. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
  4. Unnecessary idling of internal combustion engines shall be strictly prohibited.
  5. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
  6. Acoustically shield stationary equipment located near residential receivers with temporary noise barriers.
  7. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
  8. Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction activities.
  9. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from existing residences.
  10. Control noise from construction workers' radios to a point where they are not audible at the existing Parks bordering the project site.
  11. The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for

- coordination with the owner/occupant of nearby residential land uses so that construction activities can be scheduled to minimize noise disturbance.
12. Notify all residences by assessor parcel number (within 1,000 feet of the project site) of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses as well as contact information, including phone number of the disturbance coordinator.
  13. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.
20. The latest BAAQMD recommended Best Management Practices (BMPs) and enhances BMPs to control for construction-related fugitive dust emissions shall be incorporated into all construction plans to require implementation of the following:

Standard BMPs

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material shall be covered.
3. 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.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. 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.
6. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
7. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
8. 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.
9. 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.

### Enhanced BMPs

10. Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.
  11. Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
  12. Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.
  13. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
  14. Minimize the amount of excavated material or waste materials stored at the site.
  15. Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days.
21. Prior to issuance of a grading permit, the applicant/property owner shall retain the services of a Tribal Monitor by entering into a Tribal Monitoring Agreement with the Federated Indians of Graton Rancheria to monitor initial ground disturbing activities for the inadvertent discovery of archaeological resources (prehistoric and historic-era). Prior to ground disturbing activities the FIGR Tribal Monitor shall review the construction schedule and advise the contractor of the activities that require monitoring presence. The contractor shall notify the FIGR Tribal Monitor within 24 hours of the construction work requiring monitoring. The FIGR Tribal Monitor shall be present onsite during initial ground disturbance to observe and investigate any potential resources. The FIGR Tribal Monitor shall have the authority to request that construction work halt as needed to investigate potential resources. If a potentially significant archaeological resource is encountered the archaeologist shall be provided sufficient time to evaluate the resource and make treatment recommendations in accordance with CEQA Guidelines §15064.5 and in consultation with FIGR.
22. 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 minimization and avoidance plan 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).

23. In the event human remains are uncovered during earthmoving activities, all construction excavation activities shall be suspended in the immediate vicinity of where the human remains are located, and the following measures shall be undertaken:
  - a. The Sonoma County Coroner shall be contacted to determine that no investigation of the cause of death is required.
  - b. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.
  - c. The applicant shall retain a City-approved qualified archaeologist to provide adequate inspection, recommendations and retrieval, if appropriate.
  - d. It shall be the responsibility of the Native American Heritage Commission rather than the applicant or the City to identify the person or persons it believes to be the most likely descended from the deceased Native American, and to contact such descendant in accordance with state law.
  - e. The applicant shall be responsible for discussing and conferring with Native American descendants all reasonable options regarding the descendants' preferences for treatment, as provided in Public Resources Code Section 5097.98(b), and for carrying out all obligations of the applicant as provided at Public Resources Code Section 5097.98.
  
24. Tree and building removal shall be performed from September 1 through March 1, outside of the general bat maternity season. If tree or building removal during this period is not feasible, a bat roost survey shall be performed by a qualified biologist no more than 60 days prior to demo/removal to determine if bats are present in the trees or structures. During this survey, the qualified bat biologist shall determine if an active roost is present and if colonization by bats is likely. If bats are present, a bat exclusion plan shall be developed and implemented. If bats are absent, but potential for colonization is determined to be likely, the biologist shall make recommendations to prevent colonization. Within 14 days of commencement of construction, the biologist shall resurvey the structures and trees to determine if any bats are present. If no roosting bats are detected, then no further action is warranted. If bat maternity roosts are detected, then roost trees and structures shall be avoided until the end of the maternity roosting season. Irrespective of time of year, all felled trees and demolished buildings shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats present to escape. If more than 7 days lapse between the end of the survey and start of construction, the survey shall be repeated
  
25. Vegetation removal (including trees) and initial ground disturbance shall occur from September 1 to January 31 which is outside of the general bird nesting season. If tree/vegetation removal during this time is not feasible, a pre-construction nesting bird survey shall be performed by a qualified biologist no more than 7 days prior to the initiation of tree removal or ground disturbance, paying special attention to areas of more dense vegetation cover. The survey shall include the Project Area and surrounding areas within 500 feet. Survey results shall be provided to the City of Petaluma Planning Director or director's designee. If active bird nests are found during the survey, an appropriate no-disturbance buffer specific to the bird species shall be established by the qualified biologist. Once it is determined that the young have fledged (left the nest) or the nest otherwise becomes inactive (e.g., due to predation), the buffer restriction shall be removed and work may be initiated within the buffer. If more than 7 days lapse between the end of the survey and start of construction, the survey shall be repeated.

26. Prior to issuance of a building permit, exterior lighting fixtures shall be fully detailed and subject to staff review and approval. All light fixtures shall be hooded and downward cast.
27. All plantings shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plants (to provide an equivalent appearance and be of the same water usage, and if to replace a native or mitigation planting, of the same species) to ensure continued compliance with applicable landscaping requirements. Required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to ensure continued regular watering of landscape areas, and health and vitality of landscape materials.
28. Herbicides/pesticides shall not be applied in areas used by pedestrians/bicyclists within the project without first providing appropriate signs warning of the use of chemicals. The project shall utilize Best Management Practices (BMPs) regarding pesticide/herbicide use and as well as Integrated Pest Management techniques for the protection of bicyclists and pedestrians.
29. All tree stakes and ties shall be removed within one year following the installation or as soon as trees are able to stand erect without support.
30. Separate sign permits in compliance with Chapter 20 of the Implementing Zoning Ordinance shall be obtained prior to the installation of signage.
31. Prior to commencing construction activities, a sign facing each street frontage shall be posted on the site regarding the allowable hours of construction and contact information for complaints. Form, size, and content shall be subject to the review and approval of the Planning Manager; proof of installation shall be provided to the Planning Manager prior to the issuance of a building permit.
32. The applicant shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action, or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul any of the approvals of the project, when such claim or action is brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the applicants/developers of any such claim, action, or proceeding. The City shall coordinate in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding and if the City chooses to do so appellant shall reimburse City for attorneys' fees by the City.

#### Building Division

33. For the 2022 Building Standards Code cycle the City of Petaluma has adopted CalGreen at the Tier 1 level, with the exception Energy Efficiency, which is adopted at the mandatory level only. Current code adoption at time of building permit application will govern requirements.

34. Construction documents shall designate compliance with Residential EV charging for new construction per CalGreen. For example:
  - a. CalGreen A4.106.8.2.1 Tier 1 EV charging requirements for new multifamily construction with greater than 20 units include the following:
  - b. EV Ready parking spaces with receptacles: 50 percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles.
  - c. EV ready parking spaces with EVC chargers: 15 percent of the total number of parking spaces to be equipped with Level 2 EVSE. At least 50% of the required chargers shall be equipped with J1772 connectors. Where common use parking or unassigned parking is provided, EV chargers shall be located in common use or unassigned parking areas and shall be available for use by all residents or guests.
35. 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 this code. The applicant will need to demonstrate compliance with the construction documents.
36. 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).

#### Fire

37. The project site is located within the City's mapped Wildland Urban Interface (WUI), and, as such, the project is required to maintain buffer zones, acceptable defensible space and non-pyrophytic species subject to review and approval of the Fire Marshal, and fire hardening requirements specified in Chapter 7A of the Building Code and Chapter 49 of the Fire Code.
38. The applicant shall install a KnoxBox, Opticom system, or other similar technology to allow for emergency access only from the Rovina Lane private access easement.

#### Public Works and Utilities

39. Existing utilities (water/ sewer) to the property shall that are no longer utilized shall be abandoned and capped at the main per City Standards.
40. All improvements shall be accessible.
41. Project shall include two new directional ramps at the northeast corner of Rovina Lane and Jacquelyn Lane and a new curb ramp at the north west corner of Rovina Lane and Jacquelyn Lane and new crosswalk striping and signage.
42. ADA access ramps shall be in accordance with City standards and the latest edition of the Caltrans Standard Plans and Specifications.

43. Prior to issuance of a building permit, a public improvement plan application is required to be submitted and approved for all frontage work and all on-site work within public easements. A public improvement agreement package including necessary bonds and insurance is required. A subdivision improvement agreement package is required prior to approval of the final map and subdivision improvement plans. A building permit is required for on-site grading, utility and drainage improvement work. All subdivision improvements shall be completed and accepted by the City, including on-site improvements, prior to issuance of the 85% of certificates of occupancy.
44. The line from meter to backflow is to be flushed prior to setting backflow. If the initial test of the backflow by the city fails at the time of CO the contractor/developer will be charged that time and the contractor/developer is responsible for the cleaning of the device. No CO will be signed off until the backflow passes the test.
45. Prior to final inspection, the applicant shall submit the following in accordance with PMC Section 15.17.050. Please refer to the following sections of the PMC for detailed requirements of each item:
  - a. PMC Section 15.17.050 (C)(3): Soil Management Report.
  - b. PMC Section 15.17.050 (D)(1-3): Certificate of Completion to include the following attachments:
    - i. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved landscape water use efficiency standards.
    - ii. Irrigation Schedule – shall be regulated by automatic irrigation controllers, applied water should be the ETWU.
    - iii. Landscape and Irrigation Maintenance Schedule - including routine inspection, adjustment and repair of irrigation system, fertilizing, pruning, weeding, etc.
    - iv. Landscape Irrigation Audit conducted by a certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape. Audit reports shall meet the criteria listed in Section 15.70.050 (D)(2)(c).
46. The owner and contractor are responsible to perform Erosion Prevention and Sediment Control in accordance with chapters 15.80 and 17.31 of the City’s Municipal Code and other applicable City of Petaluma regulations, and section 20 of the Caltrans Standard Specifications. Please submit the Construction Erosion and Sediment Control Plan Application Package. See Link: <https://storage.googleapis.com/proudcity/petalumaca/uploads/40d8a6d1-construction-erosion-sediment-control-plan-applicant-package.pdf>
47. Submit a Stormwater Control Plan for a small development project. See Appendix C of the attached link: <https://www.countyofnapa.org/DocumentCenter/View/3780/Bay-Area--Stormwater-Management-Agencies-Association-BASMAA-Post-Construction-Manual-PDF>
48. Maintenance agreements shall be provided to the City at the time of occupancy for areas with shared easements and landscaping and/or street trees within public rights-of-way. Property shall be dedicated to the City or new pedestrian easement for public access along the fronting

sidewalk.

49. A separate permit is required from the fire department for the private fire line installation.
50. A construction level geotechnical report is required with the building permit and public improvements.
51. PMC 15.17.070 (C)(5)(a-c): A complete irrigation design plan that meets all the design criteria shall be submitted as a part of the landscape documentation package.
52. Joint Trench plans shall be submitted and approved by the City prior to starting under grounding of dry utilities.
53. PMC 15.17.070 (C)(1)(J): Applicant signature and date with statement, "I agree to comply with the requirements of the Landscape Water Use Efficiency Standards and submit a complete Landscape Documentation Package."
54. PMC 15.17.070 (C)(4)(c)(1-3): Soil Preparation, Mulch and Amendments. Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.
  - a. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected.
  - b. For landscape installations, compost at a rate of a minimum of four cubic yards per one thousand square feet of permeable area shall be incorporated to a depth of six inches into the soil or per specific amendment recommendations from a soils report. Soils with greater than six percent organic matter in the top six inches of soil are exempt from adding compost and tilling.
  - c. A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to five percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
55. PMC 15.17.070 (C)(4)(d)(1,2,6,7,14-18): In addition, the landscape design plan, at a minimum, shall:
  - a. Delineate and label each hydrozone by number, letter, or other method.
  - b. Identify each hydrozone as very low, low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation.
  - c. Identify type of mulch and application depth.
  - d. Identify soil amendments, type, and quantity.
  - e. Identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater.
  - f. Identify any applicable rain harvesting or catchment technologies.
  - g. Identify any applicable graywater discharge piping, system components and area(s) of distribution.
  - h. Contain the following statement: "I have complied with the criteria of the ordinance and

applied them for the efficient use of water in the landscape design plan."

- i. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape.
- j. The 8" sewer main shall be public and constructed per City Standards and the sewer lateral shall be private. The storm drain system shall be private.