



# CITY OF PETALUMA

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

December 12, 2022

**Diane Ramirez**  
Department of Public Works & Utilities  
City of Petaluma  
202 N McDowell Blvd  
Petaluma, CA 94954

**RE: Minor Site Plan and Architecture Review (SPAR)**  
4400 Lakeville Hwy; APN 068-010-023 and -024  
Ellis Creek Water Recycling Facility Floating Solar Array  
File: PLSR-2022-0040

Ms. Ramirez,

This letter provides the City of Petaluma's approval of Administrative Site Plan and Architectural Review (SPAR) for installation of a 10.45-acre, 4-megawatt floating solar array on top of Pond No. 3 of the 643-acre Ellis Creek Water Recycling (ECWR) facility (APN 068-010-023 and -024). The purpose of the project is to reduce the City's cost of electricity consumption at the ECWR facility while furthering the City's long-term goals for renewable energy and environmental sustainability. The proposed solar array would consist of 550-watt solar panels mounted and installed on high density polyethylene floats specifically designed for solar arrays sited on bodies of water. Primary electrical equipment associated with the floating solar array, including inverters, a low-voltage switchboard, a step-up transformer, and other system components, would be located adjacent to the northeastern corner of the pond on a structure elevated between two and three feet above grade and setback approximately 820 feet from the public frontage along Lakeville Highway. The maximum height of the equipment would be approximately 7.5-feet-tall above grade.

This approval is based on the following findings and is subject to the following conditions of approval:

**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)



## **Site Plan and Architecture Review Findings**

### California Environmental Quality Act (CEQA)

1. An Environmental Impact Report (EIR) for the Ellis Creek Water Recycling Facility (titled the Water Recycling Facility and River Access Improvements EIR – State Clearinghouse #2001052089) was certified by the City of Petaluma in 2002 (2002 Certified EIR), with addenda prepared in 2004, 2005, 2006, 2007, twice in 2016, and 2022. The proposed new floating solar array is within the footprint of the approved Project as analyzed in the 2002 Certified EIR, however, the 2002 approved Project did not consider inclusion of a floating solar array on top of an oxidation pond. This minor change to the approved Project is evaluated in the Floating Solar Array EIR Addendum, prepared by the City of Petaluma, Public Works & Utilities with the assistance of Rincon Consultants, Inc., dated October 2022. The EIR Addendum concludes that installation of a floating solar array on Pond No. 3 does not result in new significant impacts and does not cause substantially more severe significant impacts relative to the impacts previously disclosed in the 2002 Certified EIR. Thus, an Addendum is the appropriate level of California Environmental Quality Act (CEQA) analysis and the appropriate method of amending the 2002 Certified EIR, pursuant to CEQA Guidelines Sections 15162 and 15164.

### General Plan

2. The existing City-owned ECWR facility is consistent with the General Plan land use designation of Public/Semi-Public (P S-P), which allows for public utility facilities, government offices, and community service uses (e.g. churches). The project is consistent with the P S-P designation in that the project proposes a floating solar array and appurtenant equipment in support of electrical consumption of a public utility facility. The project is consistent with General Plan Policy 4-P-19, which encourages use and development of nontraditional sources of energy, and General Plan Policy 4-P-18-C, which encourages less energy consumption through renewable power supply at City facilities.

### Implementing Zoning Ordinance

3. The proposed project is consistent with the Planned Community District zoning specific to the ECWR facility, the purpose of which is to support the principal and accessory uses of water recycling operations while creating compatible development of the site and adjacent residential, commercial, park, and agricultural properties. The proposed solar project is a permitted accessory use including appurtenant structures to a permitted use (mechanical, electrical, and electrical instrumentation storage and warehousing in support of water recycling operations). Furthermore, the proposed project complies with development standards for the PCD zoning designation, including lot design, circulation, and wetland conservation.
4. The project is consistent with the general and specific requirements listed in Petaluma's Implementing Zoning Ordinance (IZO) §24.010(G) (Site Plan and Architectural Review), as follows:

- a. The project proposes a floating solar array on Pond No. 3 that is not visible from the public frontage along Lakeville Highway and ancillary electrical equipment that is utilitarian in form; no buildings are proposed. The proposed project is a permitted accessory use to a permitted use. The project is conditioned to utilize earth-tone paint to the extent practicable to offset any visual impact. Therefore, the proposed project is compatible with the character of the neighborhood.
  - b. The electrical equipment will be sited adjacent to the northeastern corner of the pond on a structure elevated between two and three feet above grade and setback approximately 820 feet from the public frontage along Lakeville Highway. The maximum height of the equipment would be approximately 7.5-feet-tall above grade. Therefore, the siting of the solar array floating on Pond No. 3 and the equipment approximately 7.5 feet above grade is appropriate for the site as compared to the siting of other structures in the neighborhood.
  - c. No signs are proposed. Therefore, this finding does not apply.
  - d. The maximum height of the equipment would be approximately 7.5-feet-tall above grade, and the project is conditioned to utilize earth-tone paint to the extent practicable to offset any visual impact. The project's distance from public view areas will minimize the perceived bulk and height of these ancillary site components in relation to the principal structures of the site. Therefore, the project's bulk, height, and color is appropriate as compared to other structures in the neighborhood.
  - e. No trees are proposed for removal and no landscaping is proposed. Additional landscaping would interfere with the utility facility operations and wetlands on-site. Therefore, the finding is met.
  - f. The project will not change the existing parking, ingress, egress, or internal circulation for bicycles and automobiles. Therefore, this finding is not applicable.
5. Prior to acting on this application, public notice was mailed to all property owners and occupants within 500 feet of the subject property. Notice was also published in the Argus Courier on December 2, 2022. No public comments were received during the 10-day notice period.

## **Conditions of Approval**

### **Planning Division**

1. This approval authorizes the most recent plans received by the Planning Division on November 29, 2022. Plans submitted to the City of Petaluma for purposes of construction shall be in substantial conformance with these plans on file with the Planning Division, except as modified by these conditions of approval.
2. These conditions of approval shall be included on the first sheet of building permit plans. A copy of the approved plans shall be maintained on-site when construction activities are occurring.

3. Plans, paint colors, and exterior materials submitted for building permit shall be in substantial conformance with the approval granted herein.
4. Any painted surfaces on above-ground structures, including transformers and other equipment to the extent practicable, shall utilize an earth-tone paint color to minimize any visual impact and help the equipment blend with the surrounding environment. Proposed paint color is subject to Planning Manager review and approval, with recommendations from Public Works considered.
5. The applicant should consider screening above-ground structures from public view to the greatest extent possible. Proposed screening elements would be subject to Planning Manager review and approval, with recommendations from Public Works considered.
6. Prior to building permit issuance and prior to final inspection of building permits, all costs owed on the processing of this application shall be paid in full.
7. Prior to building permit approval, exterior lighting fixtures shall be fully detailed and subject to Planning Manager review and approval. All light fixtures shall be hooded and downward cast.
8. Any proposed signage modifications require a separate building (sign) permit from the Building Division. The size, location, design, color, number, lighting, and materials shall comply with IZO Chapter 20.
9. The applicant shall comply with all applicable mitigation measures specified in the 2002 EIR (titled the *Water Recycling Facility and River Access Improvements EIR* – State Clearinghouse #2001052089) and subsequent addenda, including but not limited to:
  - a. Best management practices shall be implemented to control erosion, sedimentation, and runoff of pollutants, and protect jurisdictional waters. As an appropriate example, best management practices are described in the Caltrans Storm Water Quality Handbooks: Construction Site Best Management Practices Manual (May 2017). Refer to PD-8 for a potential list. These shall be implemented as necessary under the supervision of the construction manager. Detailed specifications to protect Ellis Creek, wetlands, and tidal marsh shall be incorporated onto bid documents and construction drawings where construction activities occur within 50 feet of such a feature. If deemed appropriate by a qualified wetland scientist, wetland features shall be flagged prior to the start of construction for protection and avoidance if the construction activity does not warrant any of the BMPs listed in PD-8.
  - b. Prior to any ground-disturbing construction activity, the City shall retain a qualified biologist to conduct pre-construction surveys to identify any American badger burrows/dens within open grassland areas and open agricultural fields within 500 feet of areas proposed for ground disturbance unless the qualified biologist determines that smaller buffers would be sufficient to avoid impacts. The survey shall be conducted no more than 14 days before construction commences. If occupied burrows are not found, further mitigation shall not be required. If occupied burrows are found, impacts to active badger dens shall be avoided by establishing exclusion zones around all active badger

dens, within which construction-related activities shall be prohibited until denning activities are complete or the den is abandoned. (Construction activities outside the established exclusion zones shall be allowed to proceed.) A qualified biologist shall monitor each den once per week to track the status of the den and to determine when a den area has been cleared for construction.

10. Construction activities shall comply with performance standards specified in IZO Chapter 21 (Performance Standards).
11. At all times the site shall be kept cleared of garbage, debris, and outdoor storage.
12. The applicants 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 the approval 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 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 if the City bears its own attorney's fees and costs, and the City defends the action in good faith.
13. The day following approval, the applicant shall provide 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 Determination ("NOD") and the State Department of Fish and Wildlife environmental filing fee (as required under Fish and Wildlife Code Section 711.4d) to the Sonoma County Clerk's office.

#### Building Division

For any questions regarding conditions provided herein, please contact, Charles Lucas, Chief Building Official at [clucas@cityofpetaluma.org](mailto:clucas@cityofpetaluma.org) or by phone at 707-778-4595.

14. The 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.
15. 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).
16. Building permit construction documents are to include occupancy classifications, design occupant load, general building area and height limitations, type of construction, and fire sprinkler provisions data for each building on the subject parcel. Each separate building should have a separate permit for construction.
17. Identify the parcels on the site plan by APN and address. Identify oxidation ponds by number.

The proposed structures and power delivery infrastructure shall not cross property lines without easements, access agreements, or lot merger. Provide evidence of property line boundary locations on a parcel map.

### **Conclusion**

This approval may be appealed to the Planning Commission by the applicant or other interested party. Any appeal request must be made in writing within fourteen (14) calendar days of the date of this approval 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 the approval has not been exercised within twelve (12) months of the date of this approval letter, this approval shall become void. A twelve (12) month extension may be granted by the Planning Manager if requested at least thirty (30) days prior to the initial twelve (12) month expiration date.

If you have any questions, please feel free to contact me via email at [mjanusek@cityofpetaluma.org](mailto:mjanusek@cityofpetaluma.org).

Sincerely,

Mike Janusek, AICP  
Associate Planner