



DATE: May 9, 2023

TO: Planning Commission

FROM: Andrew Trippel, Planning Manager

SUBJECT: Resolution recommending the City Council adopt or approve entitlements for the Oyster Cove Mixed Use Neighborhood Project, including an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, General Plan Amendment, Zoning Map Amendment, and Tentative Map for Subdivision and Condominium Purposes with associated SmartCode Warrants

RECOMMENDATION

It is recommended that the Planning Commission conduct the required public hearing and approve the following resolutions for the Oyster Cove Mixed Use Neighborhood Project:

- Resolution recommending the City Council adopt the project level Initial Study/Mitigated Negative Declaration (IS/MND) identifying potentially significant impacts related to Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards, Hydrology, Noise, and Tribal Cultural Resources and a Mitigation Monitoring and Reporting Program to avoid or reduce potentially significant impacts identified to less than significant (Attachment A); and
- Resolution recommending the City Council approve a General Plan Amendment to change the General Plan land use designation on a portion of the parcel located at 100 E D Street (Assessor Parcel Number 007-700-006) from River Dependent Industrial (RDI) to Mixed Use (Attachment B); and
- Resolution recommending the City Council adopt an ordinance approving a Zoning Map Amendment to change the Petaluma Zoning Map and the CPSP Zoning Map in Section 2 of the Amended SmartCode Regulating Plan (2013) on a portion of the subject site from River Dependent Industrial (D3) to Urban Center (T5) consistent with the proposed General Plan Amendment (Attachment C); and
- Resolution recommending the City Council approve a Tentative Map for Subdivision and Condominium Purposes to subdivide the project site into 22 lots with 132 airspace condominiums and approximately 9,000 SF of commercial space and approve associated SmartCode warrants to allow modifications to SmartCode standards for the T5 Urban Center Zone including:

- Removal of the required “**Hopper Loop Road**” described in SmartCode Section 5.10.100 – Thoroughfare Regulating Plan Central Petaluma Specific Plan Area
- Modification of minimum **Ground Floor Ceiling** height requirement for Residential Uses and All other uses from 10 feet and 14 feet, respectively, to a minimum of nine feet for all uses, if required (Urban Standards Table, Table 4.10.m)
- Modification to allow commercial use activity within the minimum 30-foot **Ground Floor Space Depth**, if required (Urban Standards Table, Table 4.10.n)
- Reduction in minimum **Lot Size** width from 18 feet to 16 feet, and depth from 80 feet to 36 feet, if required (Section 4.80.100.B);
- Modification of minimum **Main Body Width** requirement of 18 – 36 feet (maximum) to 16 – 34 feet (maximum), if required (Section 4.80.100.D);
- Elimination of the **Private Open Space** requirement for Townhouse building types (Section 4.80.100.H); and
- Modification to Parking Location requirements to allow enclosed parking to encroach into required 2nd Layer (within first 20 feet of unit ground floors) as described in SmartCode Section 6.10.020 – Location of Parking (Urban Standards Table, Table 4.10.p)

Planning review of required discretionary Planning entitlements is divided into two phases. Phase 1 includes requests for a General Plan Map Amendment, SmartCode Regulating Plan Zoning Map Amendment, and Tentative Map for Subdivision and Condominium Purposes with associated SmartCode warrants (described above), for which the review authority is City Council. Phase 2 will consist solely of Site Plan and Architectural Review (Major SPAR), for which the review authority is Planning Commission. Planning Commission and City Council comments or feedback provided during Phase 1 review will inform development of the Phase 2 Major SPAR application.

BACKGROUND

Project Site Location and General Description

The ± 6.13-acre project site is located at 100 E D St. and is comprised of three parcels:

- 100 E D St. (APN 007-700-006), gross site area of approximately 3.86 acres;
- 0 E D St. (APN 007-700-003), gross site area of approximately 0.64 acres; and
- 0 Copeland St. (APN 007-700-005), gross site area of approximately 1.60 acres.

The C-shaped site wraps around the terminus of the McNear Canal from north to south and is bisected at approximately mid-point by Copeland Street. The Petaluma River borders the lower section of the project site to the south, with Steamer Landing Park to the east, and East D St. to the west. McNear Canal borders the upper section of the project site to the south, with commercial development to the west, an unused freight rail spur (owned by SMART) to the north, and industrial development to the east. City-owned public space that currently supports Petaluma River Landing Park and portions of the River Trail network abuts the upper and lower sections of the project site. The River Trail provides access to Steamer Landing Park and the future Petaluma River Park, which are adjacent to the lower section, and to Hopper St., which is adjacent to the

upper section. Properties comprising the project site were historically used for offloading, processing, and distribution of fossilized oyster shells. The site is currently developed with three vacant steel buildings, docks, and moorings located on the southernmost portion of the site closest to the Petaluma River and is used for warehouse and open yard storage of industrial materials.



Figure 1 – Proposed project site (boundary in red) (Source: Google Earth, 2021)

The project site is located in the Central Petaluma Specific Plan Subarea of the City's 2025 *General Plan* and is within the boundaries of the *Central Petaluma Specific Plan*, the *Petaluma SMART Rail Station Areas: TOD Master Plan*, and the *Petaluma River Access and Enhancement Plan*. The property is subject to Appendix A: SmartCode Amendments adopted in July 2013. The project site is included in the Lakeville Priority Development Area due to its proximity to the Downtown Petaluma SMART Station (within 0.16 miles from the Station).

A majority of the site is designated Mixed Use by the 2025 General Plan and is zoned Urban Center (T5) by the SmartCode Regulating Plan; however, an approximately 1.86-acre portion of the 3.86-acre parcel addressed as 100 E D Street (Assessor Parcel Number 007-700-006) is currently designated River Dependent Industrial (RDI) by the General Plan and zoned River-Dependent Industrial (D3) by the SmartCode. General Plan Map and Zoning Map Amendments are requested to change this portion of the site to a Mixed Use General Plan land use designation and rezone it to Urban Center (T5), which is an implementing zoning district of the Mixed Use designation.

The project site is located immediately across the Petaluma River northeast from Downtown Petaluma and is within walking or biking distance of commercial retail goods and services; restaurants, the Boulevard 14 Cinema and other entertainment options, a museum, community parks, and other public gathering areas, as well as various commercial retail goods and services establishments along 1st and 2nd streets south of the Historic Downtown and at the Petaluma River Plaza on East Washington St.; and a variety of restaurants and commercial retail goods and services arranged along East Washington St., East D St., and Lakeville Highway. Each of these commercial or institutional land uses offers employment opportunities for differing skill and educational levels.

The proposed development is immediately adjacent to developed portions of the Petaluma River Trail, Steamer Landing Park, and the future River Front Park, as well as in close proximity to Walnut and Wickersham Parks. The Petaluma Regional Library and Petaluma Fairgrounds are located approximately ½-mile northeast of the project site.

The project site is located within the Petaluma City School District (PCS) and Petaluma Joint Union High School District. Per the Petaluma City Schools website, PCS is the district of residence for grades TK-12. McKinley School is the neighborhood school for students in grades TK-6 who reside within the proposed residences and is located within one mile of the proposed project site. Students in grades seven and eight would attend Petaluma Junior High (PJHS) and students in grades nine through 12 would attend Petaluma High School (PHS). Both schools are located within 1.3 miles of the proposed project site.

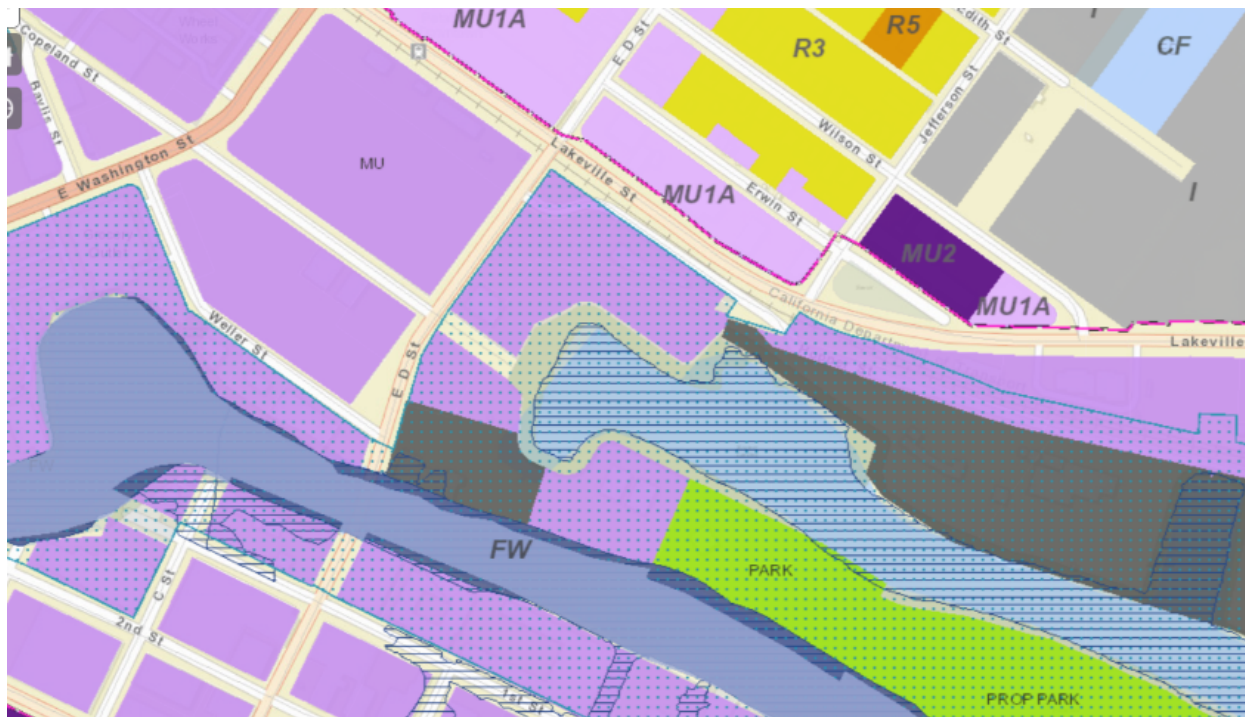


Figure 2 – Current General Plan Land Use Designations and Zoning (Source: City GIS, June 2020)

Review Process

The following Planning entitlement applications were submitted for Phase 1 review:

- General Plan Map Amendment to change the land use designation of a 1.86-acre portion of the project site from River Dependent Industrial (RDI) to Mixed Use
- SmartCode Regulating Plan Zoning Map Amendment to change the zoning of the same 1.86-acre acre portion of the site from River Dependent Industrial (D3) to Urban Center (T5) in order to implement the requested General Plan Map Amendment
- Tentative Map for Subdivision and Condominium Purposes to subdivide the project site into 22 lots with 132 airspace condominiums and commercial and public areas with associated SmartCode warrant requests for removal of the Hopper Loop Road, reductions in minimum required Ground Floor Ceiling Heights, Ground Floor Space Depth, Lot Size

width and depth, and Building Main Body width, elimination of the Private Open Space requirement for Townhouses, and changes to Parking Location requirements.

Project-level environmental review consistent with CEQA is required. An Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the project identifies potentially significant impacts related to the environmental topics of Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards, Hydrology, Noise, and Tribal Cultural Resources. Mitigation measures to avoid or reduce potentially significant impacts to less than significant levels are identified in the IS/MND and have been agreed to by the applicant.

The IS/MND and Mitigation Monitoring and Reporting Program and all Phase 1 Planning entitlements require review and recommendation by the Planning Commission to City Council. The City Council is the review authority for all the Phase 1 entitlements. Major Site Plan and Architectural Review (Phase 2) review by the Planning Commission would be required after Phase 1 entitlements receive final approval.

Illustrative perspectives/renderings accompanying Phase 1 land use entitlement applications are intended only to provide a conceptual perspective of the site layout, density, and building locations, heights, and massing. After the land use entitlements are approved, architectural character and style will be more fully developed and finalized through a future SPAR process. The Oyster Cove SPAR application will incorporate design principles such as integrity, authenticity, local references, and other propositions to encourage a Petaluma sense of place.

The purpose of this staff report is to present the proposed project, discuss Planning review of the proposed project for consistency with adopted policy and regulations, and recommend discretionary actions to Planning Commission concerning CEQA review and the General Plan Amendment, Zoning Amendment, and Tentative Map applications before the Commission. Certain types of project information submitted by the applicant, such as a Preliminary Site Plan (Attachments F and H), Concept Landscape Plan (Attachment J), and illustrative perspectives (Attachment K), can help all reviewers develop a comprehensive understanding of the proposed project; however, approval of these components is not part of the Planning Commission's review at this time.

Proposed Project Description

Overview

The Oyster Cove Mixed Use Neighborhood Project proposes adaptive re-use of an existing industrial site into a predominantly residential mixed-use development consisting of 132 residential condominium units arranged in 21, 3-4 story buildings oriented to East D St., the Petaluma River, and McNear Canal. Eleven of the units facing East D St. would be three to four-story live/work units with living space above ground floor non-residential. The balance of the site will have 121 attached residential homes. The project complies with the City's inclusionary housing requirement by reserving 15% of units for income-qualifying households (7.5% at Low-Income and 7.5% at Moderate Income).

Adaptive reuse of the existing "Oyster Shed" industrial building, adjacent to East D. St. and the Petaluma River, for a covered public plaza, public-serving boathouse, and commercial restaurant with an outdoor dining patio on the structure's southeast side is proposed. The project also proposes construction of a new multi-use trail along its Petaluma River frontage, a new multi-use path with a dedicated bike lane along its East D St. frontage, a new signalized intersection at East

D and Copeland Streets, new off-site parking for Steamer Landing Park and the Heritage Center and offer improved access to Steamer Landing and Petaluma River Parks via the project's sidewalk and alleyway networks, as well as multi-use paths. Site landscape improvements and required offsite improvements would also be implemented.

Smart Growth Principles

Smart growth is an urban planning and transportation theory that concentrates growth in compact walkable urban centers to avoid sprawl. The project seeks to activate Smart Growth principles to create an activated riverfront destination and a unique residential development to support the City of Petaluma's vision for this area as outlined in the Station Area Master Plan and associated SmartCode. These overarching principles were developed by the Congress for New Urbanism, the American Planning Association, the U.S. Environmental Protection Agency, and others, and they overlap much of the community conversation currently occurring around the General Plan update process. While not specifically adopted by the City of Petaluma, these principles offer a good metric to consider if a project's underlying design concept is oriented around compact neighborhood, transit-oriented development, and pedestrian- and bike-friendly design concepts. The proposed project responds to these principles in a variety of ways, as described below.

Mix Land Uses. Smart growth supports mixed land uses as a critical component of achieving better places to live. By putting residential, commercial, and recreational uses in close proximity to one another, alternatives to driving, such as walking or biking, become viable. *Oyster Cove incorporates this principle by mixing a variety of townhomes, ADUs, live/work units, commercial and recreational uses (in the Oyster Shed), and waterfront open spaces/trails, all in direct proximity to one another. This mix is designed to complement the greater urban and park context.*

Take Advantage of Compact Building Design. Smart growth provides a means for communities to incorporate more-compact building design as an alternative to conventional, land-consumptive development. *Proposed Oyster Cove buildings grow vertically rather than horizontally, and by incorporating integral rather than surface parking, they reduce the footprint of new construction. This not only uses land efficiently, but it also protects more open land to absorb and filter rainwater through pervious paving. Integral ADUs will also support compact building design.*

Create a Range of Housing Opportunities and Choices. Providing quality housing for people of all income levels is an integral component of any smart growth strategy. Housing is a critical part of the way communities grow, because it constitutes a significant share of new construction and development. *The proposed neighborhood underpins this principle by providing a variety of housing opportunities, including live/work units, a mix of missing middle townhomes, and ADUs. Fifteen percent of the units will be sold to low- and middle-income households, further expanding the variety of income levels within the community.*

Create Walkable Neighborhoods. Walkable communities that are desirable places to live, work, learn, worship and play are a key component of smart growth. Their desirability comes from two factors. First, goods (such as housing, offices, and retail) and services (such as transportation, schools, libraries) are located within an easy and safe walk. Second, walkable communities make pedestrian activity possible, thus expanding transportation options, and creating a streetscape for a range of users – pedestrians, bicyclists, transit riders, and drivers. *To foster walkability, Oyster Cove integrates a mix of land uses and compact buildings, as well as ensuring safe and inviting*

pedestrian corridors, including sidewalks, trails, and a Class 4 bike lane. These mobility elements are stitched together and connected to the city network.

Foster Distinctive, Attractive Communities with a Strong Sense of Place. Smart growth encourages communities to craft a vision and set standards for development that respect community values of architectural beauty and distinctiveness, as well as expand choices in housing and transportation. *Although the architectural character for this project will be finalized through a future SPAR process, the application assimilates design principles such as integrity, authenticity, local references, and other propositions to encourage a sense of place appropriate for Petaluma.*

Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas. “Open space” refers to natural areas that provide important community space, habitat for plants and animals, and recreational opportunities, as well as farm and ranch land (working lands), places of natural beauty, and critical environmental areas (e.g. wetlands). *Oyster Cove will transform the site’s industrial riverbank along the Petaluma River into a community amenity with trails and a riparian landscape pallet, reestablishing a critical environmental area. The project also proposes to eliminate a proposed road along the McNear Canal that would infringe on existing environmental areas.*

Strengthen and Direct Development Towards Existing Communities. Smart growth directs development towards existing communities already served by infrastructure, seeking to utilize the resources that existing neighborhoods offer, and conserve open space and irreplaceable natural resources on the urban fringe. *The project proposal implements the Central Petaluma Specific Plan and SMART Code, which are based on directing development towards the existing surrounding neighborhoods.*

Provide a Variety of Transportation Choices. Providing people with more choices in housing, shopping, communities, and transportation is a key aim of smart growth. Communities are seeking a wider range of transportation options in an effort to improve beleaguered current systems. *The project is well located to support this principle. The Transit Mall and SMART Station are directly across the street, leading to a Transit Score of 41 (some transit). The site’s Walk Score is 95 (walker’s paradise), and the Bike Score is 63 (bikable).*

Make Development Decisions Predictable, Fair and Cost Effective. For a community to be successful in implementing smart growth, the concept must be embraced by the private sector. Only private capital markets can supply the large amounts of money needed to meet the growing demand for smart growth developments. Governments that make the right infrastructure and regulatory decisions will support fair, predictable, and cost-effective smart growth. *Oyster Cove is consistent with the 2025 General Plan and General Plan Update, Central Petaluma Specific Plan, SMART Code, and other associated regulating plans. Requested warrants would strengthen adherence to Smart Growth Principles by promoting more compact building design, walkability, and preservation of open space. Staff notes that consistency with applicable plans is addressed in the Discussion section.*

Encourage Community and Stakeholder Collaboration in Development Decisions. Growth can create great places to live, work and play—if it responds to a community’s own sense of how and where it wants to grow. The common thread is that the needs of every community and the programs to address them are best defined by the people who live and work there. *The project applicant has embraced community engagement throughout the design process, including*

soliciting input from staff, stakeholders, and residents. Comments led to refitments that improved the plan.

Site Constraints

The Oyster Cove neighborhood seeks to maximize the benefits and minimize the downsides of new development for downtown residents, merchants, and for the community at large. However, there are inherent constraints on the site that limit the level of density that is feasible.

Emergency access: The neighborhood is designed to provide the requisite widths for fire truck access to all units and building heights are limited to three stories/30 feet to provide ladder access to every building when the clear alley width is less than 30 feet. The Tentative Map is conditioned to require a second point of access, restricted for emergency vehicles only, from Hopper Street, which is being coordinated with City staff.

Site Geometry: The shape of the site also limits feasible density in that its unusual U-shaped geometry and significant setbacks from the river result in a highly dimensionally constrained buildable area that does not provide the necessary widths and clearances for taller multi-family residential buildings that could offer higher densities.

Soil conditions: Soil conditions on the site, which include compressible silts and clays, limit building heights to relatively lightweight buildings of approximately 3-4 stories since building higher would require unfeasibly complex and expensive building foundations.

Sea Level Rise Analysis

The project site is located adjacent to a Floodway Zone that encompasses the Petaluma River but the boundaries of the Floodway Zone do not encroach on the project site. A portion of the site currently developed with the existing Oyster Shed building is located within the 100-Year Floodplain, which is mapped by City GIS. A Sea Level Rise (SLR) Assessment was prepared for the proposed project and has been reviewed by the City's Floodplain Administrator. Phase 1 and Phase 2 project designs will provide long-term protection from sea level rise for the proposed development by implementing the following strategies:

- Site design and proposed elevations for Oyster Cove are aligned with the SLR Planning and In-Place Protection solutions discussed in the City of Petaluma's General Plan Update – Sea Level Rise & Climate Change White Paper.
- The project has studied the potential risks associated with the various SLR scenarios that are advised to be evaluated in the State of California's Sea Level Rise Guidance.
- The project is utilizing a SLR scenario based upon the 2100 Medium-High Risk Aversion model with 6.6' of Sea Level Rise with Mean Higher High Water and 100-year Storm Surge conditions.
- The project utilized the Our Coast, Our Future (OCOF) Viewer to establish the minimum elevation for the future buildings to be at or above the future water surface elevation and avoid inundation estimated in the 2100 SLR Scenario w/ 100-year storm surge. This minimum elevation is 14 feet.
- All proposed buildings will have a ground floor elevation of 14' or higher to provide end-of-century protection against future sea level rise.

- The trail system around the perimeter of the site will be designed with the capacity to allow for future adaptive measures, such as raising the trail, construction of floodwalls, etc., to provide the ability to adapt in the future and protect the site if sea level rise exceeds current 2100 projections.
- The final building design of the Oyster Shed will meet the City's requirements for the renovation of existing structures within flood zones.

Residential Development

The project proposes the development of 132 residential condominium units on a \pm 6.13-acre site that would result in a development density of 21.5 units per acre. Unit types are designed to be adaptive and responsive to market needs or preferences, including a desire for work-from-home space, changes in household living needs, and changes in mobility needs and lifestyle activities as the City's Downtown area continues to evolve and access to transportation alternatives increases. Unit types include:

- 121 multi-story attached, 2 and 3-bedroom residential townhome units ranging in size from approximately 1,345 to 1,995 square feet, with at least 20 of the units reserved for income-qualified households in compliance with the City's Inclusionary Housing Ordinance. The proposed unit square footages are reflective of the need for increased internal circulation square footage due to the units' multi-story design and flexible space for work-from-home alternatives and provide for the future conversion of square footage to Accessory Dwelling Units (ADUs) should the property owner choose to do so.
- 11 multi-story live/work units of approximately 2,100 square feet each fronting East D Street. Ground floor "work" spaces would cumulatively provide approximately 9,000 square feet of ground floor commercial space along D Street;
- 12 ground-floor ADUs, ranging in size from approximately 300 to 450 square feet, to be optioned within market-rate townhomes in order to provide additional housing choices and affordability levels. The project has preliminarily identified 12 locations that are well suited for ADUs, which are typically at building ends; however, any unit owner could develop an ADU by converting under-utilized garage space. ADUs are proposed to be sold with the primary dwelling unit and not marketed separately.

Each proposed residential unit would have private outdoor space in the form of a patio, balcony, or rooftop garden and include a one- or two-car garage. Units designed with ADUs would be limited to one-car garages. No dedicated parking would be provided for ADUs.

Because the project is a residential condominium/ownership project of five or more units, in that the project proposes 132 residential units, including proposed live/work units, compliance with the City's Inclusionary Housing Ordinance is required (IZO [Section 3.040](#)). In accordance with §3.040.B, the project proposes to reserve at least 15% of units, or 20 units, for low- and moderate-income households such that 7.5% of the residential units shall be affordable to low-income households and 7.5% of the residential units shall be affordable to moderate-income households. The project is collaborating with the Sonoma County Housing Land Trust to ensure the effective implementation of affordability covenants that would be binding on owners of residential units and their successors for at least 45 years.

As required by §3.040.C, the inclusionary units would be constructed and occupied concurrently with the market-rate residential units in the project and distributed throughout the residential project site to the fullest extent practicable. The design, appearance, and general quality of the affordable units would be comparable and compatible with the design of the market rate units as determined through the Site Plan and Architectural Review process, provided all other zoning and building codes are met. Affordable units may have a one-car garage option as a trade-off for additional living space.



Figure 3: Illustrative perspective of proposed project

The project's residential units are required to comply with Residential Visitability and Universal Design requirements contained in Petaluma Municipal Code [Chapter 17.14](#). Proposed site grading and Primary Entrance elevations anticipate the need for a minimum of 30% of the units to meet the standards set forth in that ordinance. Detailed unit floor plans to be prepared and submitted as part of the Phase 2 Major SPAR application will demonstrate compliance with required standards.

Mixed Use and Commercial Development

The Oyster Cove project implements the Smart Growth principle of mixing land uses by proposing 11 three-to-four-story live/work units with living space above ground floor non-residential uses along the East D St. frontage. Anticipated ground floor uses include a mix of maker spaces, galleries, and retail. The ground floor spaces accommodate different sizes of workspace depending on user needs and market conditions. These units could be up to approximately 2,100 square feet, inclusive of the groundfloor workspace. This same building type would wrap the southwest corner of the site, facing the Oyster Shed building and Class I multi-use path.

The project proposes adaptive re-use of the existing Oyster Shed industrial building into a publicly accessible boathouse (6,000 square feet), covered public plaza (1,500 square feet), and a restaurant/commercial use space (1,500 square feet) and an outdoor patio area on the structure's southeast side. Visitors to the Oyster Shed will be able to experience the Petaluma River from the building and its existing docks; however, facilities that would provide access to the river for water sport and recreation activities would require a separate application process that proposes design and function based on the end user and their needs. Staff notes that in 2023, the Friends of the

Petaluma River are installing a new dock facility at Steamer Landing Park approximately 600 feet east of the Oyster Shed, that would provide water access. The project proposes a publicly accessible multi-use path along the river's edge that would connect the Oyster Shed to Steamer Landing Park. Taken together, these shared amenities activate and enliven what is anticipated to be the most heavily trafficked and visible areas of the site.



Figure 4: Mix of makers spaces, retail, and galleries along East D Street frontage



Figure 5: Adaptive re-use of the Oyster Shed and future water access

Warrants

The applicant has requested approval of SmartCode Warrants as part of the Tentative Map to provide relief from the SmartCode standards per Table 4.10 of T5 Urban Standards and to the Townhouse Standards per Section 4.80.100. These requests include:

- Removal of the required “Hopper Loop Road” described in SmartCode Section 5.10.100 – Thoroughfare Regulating Plan Central Petaluma Specific Plan Area is requested and required as part of Phase 1 project approvals
- Modification of minimum Ground Floor Ceiling height requirement for Residential Uses and All other uses from 10 feet and 14 feet, respectively, to a minimum of nine feet for all uses, if required (Urban Standards Table, Table 4.10.m)
- Modification to allow commercial use activity within the minimum 30-foot Ground Floor Space Depth, if required (Urban Standards Table, Table 4.10.n)
- Reduction in minimum Lot Size width from 18 feet to 16 feet, and depth from 80 feet to 36 feet, if required (Section 4.80.100.B)
- Modification of minimum Main Body Width requirement of 18 – 36 feet (maximum) to 16 – 34 feet (maximum), if required (Section 4.80.100.D)
- Elimination of the Private Open Space requirement for Townhouse building types (Section 4.80.100.H)
- Modification to Parking Location requirements to allow enclosed parking to encroach into required 2nd Layer (within first 20 feet of unit ground floors) as described in SmartCode Section 6.10.020 – Location of Parking (Urban Standards Table, Table 4.10.p)

Removal of the requirement to construct the Hopper St. Loop Rd. is essential to the proposed project’s site design. As described in the Thoroughfare Plan Regulating Plan for the Central Petaluma Specific Plan Area, roadway connectivity between Copeland and Hopper Streets would be achieved through the construction of a roadway that would extend Copeland St. north and east along the edge of the McNear Canal to a point of intersection with Hopper Street. The applicant indicates that the removal of the roadway is central to the primary goal of the Oyster Cove project, which is to maximize the utility and usability of the waterfront for pedestrians and cyclists. To facilitate the implementation of this goal, the project accommodates vehicular traffic away from the water to the maximum extent feasible. It would also have the added benefit of reducing the overall impervious surface adjacent to the Petaluma River.

All other requests for warrants would support the implementation of the Preliminary Site Plan or facilitate building and unit design efforts to be undertaken as part of the Phase 2 SPAR design development process.

Multi-modal Access, Circulation, and Off- and On-site Improvements

The project site is located in a transit-rich area of the City. Access to local and regional public transit services, including SMART, Golden Gate Transit, Sonoma County Transit, and Petaluma Transit, is provided at the SMART Petaluma Downtown Station and at the Copeland Street—Petaluma Transit Mall, both of which are ± 900 feet north/northwest of the project site. Other nearby Petaluma Transit stops are located within 200 feet of the project site on D Street.

Multi-modal access to the site is provided by pedestrian and bicycle connections to East D and Copeland Streets, while vehicular access is taken from Copeland Street via East Washington or East D Streets. A network of sidewalks is proposed throughout the complex, oriented away from vehicle access alleys and providing pedestrians with dedicated access routes to all buildings. A majority of the pedestrian access pathways are lined with landscaped areas. Connected pedestrian

pathways provide access throughout the project site, and 20- to 26-foot-wide alleyways are proposed to provide internal vehicular access for fire apparatus, service trucks, and personal vehicles. The alleyway network is intentionally designed to limit vehicular speeds to a safe minimum in order to support and encourage pedestrians and bicyclists. Each building would have an elevation facing pedestrian pathways where pedestrian entrances to residences are located and an elevation facing internal alleyways where vehicles may access residential garages.



Figure 6: Internal alleyways provide unit access and support multi-modal activity

Frontage improvements along D Street and Copeland Street are required and will be installed by the project developer. These improvements will include new sidewalks, curbs, streetlights, curb cuts, and a Class IV “protected” or “cycle track” bike lane that is separated from the roadway on D Street, extending from the drawbridge across the project’s frontage. Street trees and landscaping will be implemented along D Street and Copeland Street public rights-of-way and adjacent to public infrastructure on the project site.

The non-residential storefronts of live/work units along D Street will be furnished with fully accessible, split-level sidewalks and ramps. The ground floors of units along East D Street will be at an elevation of 14 feet above sea level, which is outside of the floodplain. Therefore, one level of the sidewalk will be at East D St. to support pedestrian activity along the street and access to the street, while a separate sidewalk connected to street-level pedestrian facilities be elevated to allow for entry to the buildings. The lower and upper sidewalks will be divided by landscaped planters with wide bench ledges and connecting steps.

Primary Emergency Vehicle Access (EVA) is proposed via the project’s alleyway network accessed from Copeland Street, and an additional required secondary EVA access point is proposed from Hopper Street at northeast corner of the project site. The secondary EVA would be gate-controlled in order to limit vehicular access to emergency personnel only. At present, the property on which the secondary EVA would be developed is owned by Vulcan Lands, Inc., and the City’s River Trail facility bisects this portion of the property without the benefit of a public access easement. The City and Vulcan Lands, Inc. are currently working to align property ownership with the use of the land through a land exchange process. When the land exchange is complete, the project would be required to obtain an EVA easement from the City in order to

provide the required secondary EVA access point. The City would support granting of the EVA easement for the purpose of providing the required secondary EVA for the project.

Enhanced pedestrian and bicycle access to the project site and through the project site is an important feature of the project's overall design. The siting of the proposed development is unique in several ways: (1) its location on East D St. between the Petaluma River and Copeland St. results in the project having multiple frontages with differing needs; (2) the project site is located immediately adjacent to Petaluma River Park, Steamer Landing Park, and River Trail facilities; and (3) the project is located between East D and Copeland Street public rights-of-way that facilitate access to Steamer Landing Park and the future Petaluma River Park, both of which are located east of the project site. Therefore, supporting public access through the project site is as important as ensuring that pedestrians and bicyclists can gain access to the project site.

To maximize non-vehicular access to and through the site, the project proposes to construct a northbound protected (Class IV) bike lane along East D Street and a 12-foot-wide shared multi-use path (Class I) along the majority of the project's Petaluma River frontage. These mobility infrastructure components would be located in public rights-of-way or be subject to public access easements granted to the City. The existing River Trail shared multi-use path (Class I) along the McNear Canal from Copeland St. to the Heritage Center at Steamer Landing Park and from Copeland St. to Hopper St. will be improved with new hard and permeable surfaces, such as concrete and decomposed granite. Path design, materials used, and construction will be subject to City design and development standards for mobility infrastructure. Bicycle racks will be installed throughout the project and in each of the residential parking garages, along with an EV charging station in each garage. This will support access to the adjacent Petaluma River Park.

A wayfinding signage program designed to support access to public facilities within and adjacent to the proposed project is vital to successfully integrating the site with its surroundings. City and nonprofit stakeholders understand this need, and the project's Tentative Map resolution is conditioned to require collaborative development of a wayfinding signage program that will be reviewed as part of the required Major SPAR application.

Parking

The Smart Code requires at least one parking space per market rate unit and 0.5 parking spaces for each affordable unit. For all other uses, 2 spaces per 1,000 square feet are required. For the proposed residential use, 131 spaces are required, and for the approximately 9,000 square feet of commercial space, 18 parking spaces are required. Proposed residential vehicle parking includes 224 – 253 garage parking spaces incorporated into individual residential units with two-car garages designed for tandem (inline) or side-by-side parking. Approximately half of the live/work units will be limited to one garage space. Other units may have a one-car garage option as a trade-off for additional living space, while units with ADUs would be limited to one garage space, and ADUs will have no dedicated parking. An additional 19 parking spaces will be provided for visitors and commercial uses for a total parking count of between 243 and 272 spaces. Retail/visitor parking spaces will be accessed from the alley network, as will a small new off-site parking lot for the Petaluma River Park Heritage Center.

On-street parking is not allowed on East D St.; therefore, the project would not introduce on-street parking to East D Street. On-street parking is currently provided on Copeland St., adjacent to the project site, and this parking would be maintained as public parking. There is no internal on-street parking proposed for the project as there are no internal streets, only alleys.

Open Space & Public Art

The project will introduce a new 12-foot-wide riverfront trail and public access easement along the north bank of the Petaluma River connecting D Street to the Heritage Center and Petaluma River Park. This trail will be comprised of pervious concrete and landscaped with natural and native plantings. The new riverfront trail and open space within and adjacent to the State Lands Public Trust Easement Parcel is the project's principal outdoor/shared amenity. The project will landscape beyond the high-water mark with native plantings to blend and transition from the natural bank into the project's landscaped areas. These plants will consist of lower-growing grasses, groundcovers, and perennials that will provide a mixture of textures and flowers, while not disrupting the view of the water's edge. As the project moves into the final design during the SPAR process, the project applicant will refine the landscape plan along the riverfront.

The existing 12-foot-wide trail extending from the Steamer Landing parking lot to the River Heritage Center along the McNear Canal is on public property and would not be removed; however, improvements to the River Trail will be required by the City's Public Works Department. Within the project site, smaller secondary open spaces such as paseos, landscaped planters, and bioretention areas are scattered throughout the project site between buildings adjacent to pedestrian paths as shown on the preliminary Site Plan. Central paseos are designed with bioretention basins at the center, below grade, with groundcover and aesthetic plantings that line either side of pedestrian pathways. The alleyways are proposed to be improved with pervious pavers, shrubs, and pocket planters between concrete driveway aprons. Given the proximity to Steamer Landing and Petaluma River Parks, no synthetic park space is planned on-site.



Figure 7: Proposed multi-use path/public promenade along Petaluma River

The project would feature art that weaves the story of the site's history into the fabric of the project by reclaiming and repurposing industrial marine artifacts from the Oyster Cove operations and incorporating material elements and treatments that speak to the natural context of the project location. The project would seek to preserve existing nautical artifacts in and along the river as a nod to the site's history and a way to animate the user experience.

Landscaping, Lighting, and Site Furnishings

The project will be required to submit a Preliminary Landscape Plan, subject to Planning Commission review, with its Phase 2 SPAR application. The D street frontage is designed as a bi-level space separated by a raised central planter. Streetlights and tree wells with large canopy trees will run along the frontage of D Street, and colored concrete will be utilized to differentiate and enhance the front walk experience. The lower plaza is intended to provide multi-use access for bicycles and commuters to walk to the local SMART station, while the raised portion of the plaza, with access by multiple staircases and a ramp at the Copeland Street corner, provides access to the live-work residences. A raised planter is designed to provide ample public seating and to support decorative plantings to create a more intimate setting for the retail businesses behind.

A network of walks is designed to weave from the raised Plaza along D Street, throughout the development, to Steamer Landing Park and the River Walk Park Trail that circles the peninsula at the water's edge, and then loops back along a new Petaluma River trail to the Oyster Shed building (see **Attachment F** – Project Plan Set and **Attachment J** – Concept Landscape Plan).

The comprehensive planting scheme of the project would seek to remain natural and complement the existing context. Drought-tolerant shrubs and trees of various colors and textures would add seasonal interest. More formal shrubs will occur at the foundations of the buildings and then transition out to a more native and natural landscape. All proposed plants are selected to be low-maintenance, fire as well as flood-resistant, and drought-tolerant. Proposed planting along the riverbank will be mainly trailing groundcovers, perennials, and flowering shrubs. The stormwater treatment areas will have bio-filtration-appropriate plantings of native rushes, sedges, and grasses, and all proposed landscaping will be irrigated by water-conserving drip methods.

Pedestrian lighting will be integrated into bollards and poles installed along pedestrian paths and within alleyways, and all lighting will be required to comply with IZO Chapter 21 Performance Standards for glare.

Open space areas within the project site, including the alleyways, trails, landscaping, lighting, and bioretention areas, would be maintained by the Oyster Cove Homeowner's Condominium Association.



Figure 8: River Trail around McNear Canal

Utilities

The project would utilize public water and sewer from existing mains in D Street. Potable water would be accommodated via the installation of new water lines within the project site that would connect to the existing water main in Copeland Street. Wastewater would be conveyed from the project site through new sanitary sewer pipes, to the existing sanitary sewer main within D Street, and ultimately to the Ellis Creek water recycling facility.

Stormwater runoff generated from the new buildings and other impervious surfaces would be collected and routed to landscaped flow-through bioretention areas throughout the site, allowing for treatment prior to discharge. Excess stormwater would then be conveyed to and discharged via two outfalls, one new outfall on the north side of the McNear Canal and one existing outfall to the Petaluma River near the southeast portion of the site will be reconstructed by the project.

Offsite Improvements

Offsite improvements would comprehensively support pedestrian, bicycle, and vehicular access, as well as required Emergency Vehicle Access. The project would install frontage and offsite improvements along D Street and Copeland Street to extend the project site entry, including a public sidewalk along D Street and Copeland Street that extends to the entrance of Steamer Landing Park. Curb and gutters would be required along D Street and Copeland Street, and the streets would be required to be improved to the centerline.

Emergency vehicle access would primarily be provided from Copeland St., as all internal alleys have been designed to accommodate emergency vehicles. A secondary emergency vehicle access point would be installed at the northeast corner of the project site, extending from the project site to Hopper Street. This access point would not be accessible to non-emergency vehicles. An existing Steamer Landing Park parking lot and River Trail pedestrian paths along the McNear Canal waterfront would be retained with improvements to the River Trail required.

Site Preparation & Grading

Soils would be excavated, removed from the site, and disposed of at an appropriate facility in accordance with the site remediation plan (Appendix F-2). Clean soil will be imported to fill voids.

Preparation will also include the demolition and removal of two of the three existing steel buildings onsite, removal of existing dry utility facilities and storm drain facilities, removing the existing utility box, removing existing curb, gutter, and sidewalk, and scraping existing gravel surfaces, concrete, and asphalt. Site preparation will also involve grubbing to remove grasses, vegetation, and trees. 15 trees are proposed to be removed, of which 9 are protected and require a Tree Removal Permit. Eight of the trees proposed for removal are protected due to their location within public property, and one is protected because of its species (coast live oak). Mitigation is required for removal of protected trees so that the trees shall be replaced at a one-to-one trunk diameter basis. Replacement trees shall be at a minimum 24-inch box size (for more information, see Mitigation Measure BIO-5 in the MND). Grading activities will result in the transport and filling of approximately 12,500 cubic yards of soil to achieve a level topography to support buildings and site improvements. As proposed, finish floor elevations will be 14 feet above sea level, and site improvements outside of buildings will be elevated to 12.3 to 14 feet above sea level, or above the future water surface elevation without a 100-year storm surge. The Oyster Shed building is located

within the flood plain and will remain in this location under the proposed project. Improvements to the Oyster Shed building will meet the City's requirements for the renovation of existing buildings within flood zones, including anchoring to prevent floatation, collapse, or lateral movement, constructed with materials and equipment resistant to flood damage, and shall provide for adequate drainage of flood waters.

Following completion of grading activities, infrastructure improvements and building foundations will be constructed. Onsite existing overhead lines and pole facilities along D Street and new electrical lines will be routed underground. Utilities, storm drains, and catch basins are required to be installed. As all public utilities currently extend to the project site, improvements will be limited to the installation of new laterals and tie-ins to connect to the existing water, sewer, and electricity utilities in place at D Street and Copeland Street.

Architectural Design

Site Plan and Architectural Review is required, and the applicant has indicated that a SPAR application will be submitted after Phase 1 entitlements are completed. The applicant notes in the Project Description that "Per the Central Petaluma Specific Plan, Appendix B: Architectural Guidelines, the recommended design approach is as follows: "redevelopment and infill in this area should adopt the existing patterns of simple building forms, industrial materials, and utilitarian detailing." This guidance has been adopted in the project's architectural approach to foster a unique local sense of place, as seen in the prototypical conceptual building elevations. Potential fourth floors along D Street and roof terraces peppered throughout the site will add an additional layer of complexity and scale. Shopfronts will differentiate the live/work buildings with a vibrant urban frontage.

Illustrative architectural design renderings are provided in **Attachment K – Illustrative Perspectives**. Planning Commission may wish to provide preliminary comments about architectural design preferences.

Public Benefits

The project proposes to fund and construct public improvements that would provide community-level benefits to Petaluma and support the continuing success of Petaluma's Downtown area. These benefits would include:

- A new multi-use trail along the Petaluma River;
- A new multi-use path with a dedicated bike lane and retail along East D Street;
- 20 new affordable housing units in the Downtown area;
- A new signalized intersection at East D Street and Copeland;
- New onsite parking dedicated to Steamer Landing Park and the Heritage Center;
- Renovation and adaptive reuse of the Oyster Shed building as a public amenity that acts as an entry/draw for the Petaluma River Park and increases public access to the river;
- Residential living opportunities for existing and new public transit users within walking distant to the Transit stations
- East D Street activation with shopfronts and multi-modal infrastructure; and
- Improved access to the Steamer Landing and Petaluma River Parks

Additionally, the project is required to pay Development Impact Fees that are calculated based on residential and commercial characteristics. A Development Impact Fee estimate was prepared based on project information provided in this staff report using Fiscal Year 2022 impact fee values. Estimated total Development Impact Fees would be \$5,015,450 for the project as proposed. Because development impact fees generally increase each year, an increase in total fees collected is anticipated by the time fees are collected. Highlights of estimated development impact fees that the developer would pay include:

- Payment of ± \$30,240 in Commercial Development Housing Linkage fees to support affordable housing development throughout the City, in addition to proposed construction of 20 affordable housing units;
- Payment of ± \$907,032 in open space and parkland acquisition and development fees, in addition to creating an approximately 1,500 SF public plaza at the Oyster Shed, improving access to Steamer Landing Park by constructing publicly accessible alleyways throughout the development, a multi-use path along the Petaluma River, and improving River Trail along the McNear Canal;
- Payment of ± \$1,748,685 in Traffic Development Impact fees, in addition to constructing bike lane and sidewalk improvements on East D and Copeland Street frontages, as well as installing traffic signalization at the intersection of East D and Copeland Streets;

Public Meetings

The Oyster Cove project was presented to the City's Bicycle and Pedestrian Advisory Committee on June 1, 2022, and to the Planning Commission on June 28, 2022, during study sessions conducted at public meetings of the Committee and Commission. The proposed project, as presented in this staff report, reflects the applicant's response to feedback received from these review opportunities. Summary responses to comments are provided in the discussion section of this staff report within the Tentative Map analysis section.

Bicycle and Pedestrian Advisory Committee

The Petaluma's Pedestrian and Bicycle Advisory Committee (PBAC) reviewed the proposed project on June 1, 2022, and provided the following comments:

1. Expand width of River Trail along Petaluma River to at least 12 feet to accommodate all users. This may include a 10-foot-wide paved path with a two-foot-wide shoulder.
2. Provide adequate pathway lighting to support users of River Trail area.
3. Consider including watercraft launch facilities on Petaluma River frontage.
4. Improve pedestrian access options from East D Street.
5. Provide bicyclist-operated signalization options at intersection of East D and Copeland Streets.
6. Enhance bicycle parking locations and provide adequate facilities including showers for bicyclists, bicycle lockers, bicycle racks, and e-bike chargers.
7. Coordinate wayfinding design and implementation with City staff to ensure consistency with City wayfinding.

8. Continue collaboration with future Petaluma River Park to support meaningful connectivity between public access points on East D and Copeland Streets and the future Park through the project site.
9. Review access plan and design to ensure that it supports residential deliveries, River Park special events, resident needs, etc.
10. Consider options to regulate resident parking so that Copeland Street public parking area continues to be available for public use.
11. Alternatively, collaborate with City to consider other potential uses for Copeland Street public parking area such as pet play area, open space, boat launch, outdoor theatre space.
12. Supports Hopper St. Loop Road warrant request to eliminate road development requirement.

Planning Commission Study Session

On June 28, 2022, at a regularly scheduled Planning Commission meeting, a study session provided the opportunity for the Commission to review the proposed project and provide feedback, and to receive public comment about the Oyster Cove project. Public comments included public access through the development to public park areas on the peninsula, wayfinding needs to support access to public parks, providing an onsite tot-lot, concerns about traffic congestion and safety along D Street, requests for wetland restoration, and recommendations for desired architectural style. The Planning Commission provided the following comments:

1. Decrease average square foot per unit to increase affordability.
2. Reduce the number of parking spaces provided.
3. Extend D Street frontage improvements, specifically the Class IV bike facility, to Lakeville Street or the rail spur.
4. Provide clear wayfinding through the development to the public Steamer Landing and Petaluma River Parks.
5. Add green space within the project for a family park and/or tot-lot.
6. Add Petaluma River heritage architectural features and themes as substitutes to contemporary features and finishes.
7. Consider centralized parking, disposal, and deliveries to reduce vehicular traffic in alleys.
8. Provide 4-story buildings on D Street and, wherever feasible, on-site.
9. Consider a connection to a multi-use path in front of the boathouse rather than behind to create sightlines to Steamer Landing Park.
10. Consider riverbank habitat restoration.

Neighborhood Meeting

When an application for a major project (including SPAR, CUP, or other entitlement requiring public hearing) is within, immediately adjacent to, or in close proximity to a residential neighborhood, applicants are required to conduct neighborhood outreach to inform and solicit

feedback from the neighborhood before the project application is scheduled for a public hearing (IZO [Section 24.100.A](#)). The required Neighborhood Meeting was held on June 8, 2022, as a virtual meeting. Two members of the public attended and participated in discussion following a ± 30-minute presentation from the applicant. Participants expressed support for the project and identified concerns, including:

1. Clarifying the existing uses and boundaries of the site/project;
2. Parking strategies for residences and existing public parking at Petaluma River Park;
3. Landscape palette and associated public improvements;
4. Support for connections to parks;
5. Concerns about encampments on the proposed project site and the current lack of affordable housing in the community.

Know Before You Grow (KBYG) Community Presentations

The applicant participated in a meeting organized by Know Before You Grow, which offers community discussion opportunities designed to educate the public on four key elements of city planning (Housing, Transportation, City Finances, and Climate Action) and to advocate for the best solutions to each. Participation in such community-oriented activities is not required by City Planning policies but is encouraged by the City. The applicant provided the following summary of topics discussed during a meeting held on February 23, 2022, which was prior to the applicant submitting formal Planning entitlement applications:

- Affordable Housing – How many units would be provided, and will it be integrated throughout the development?
- Sea Level Rise (SLR) – How is the analysis conducted, and what is the plan to address SLR?
- Parking – Can the project reduce the number of parking spaces?
- Oyster Shed Building Historic Status/Uses
- Architecture concepts and plant palette for rooftop gardens
- Internal Driveways - materials, speed limit, landscaping,
- Public Access – Is the project publicly accessible?

The applicant reports that it has continued to communicate with KBYG members as the project has been revised and refined, and it met with KBYG members on May 1, 2023, to present current project information that is before Planning Commission.

DISCUSSION

Given the scope of the proposed land use entitlements, the City retains broad discretion in reviewing the project. The project is subject to the following standards of review:

- City of Petaluma General Plan 2025;

- City of Petaluma Bicycle and Pedestrian Plan 2008, adopted as an appendix to the General Plan (see Mobility Chapter discussion);
- River Access and Enhancement Plan adopted May 1996;
- Central Petaluma Specific Plan (CPSP) adopted June 2, 2003;
- Petaluma SMART Rail Station Areas: TOD Master Plan, Station Areas Master Plan (2013)
- SmartCode adopted July 1, 2013; and
- Petaluma Municipal Code, Title 20 Subdivisions
- Implementing Zoning Ordinance, as applicable.

The purpose of the Discussion section is to provide Planning's analysis of the proposed project's consistency with goals and policies contained in adopted plans that include the project site and compliance with applicable regulations contained in the SmartCode, and Petaluma Municipal Code, including the Implementing Zoning Ordinance.

Entitlement: General Plan Map Amendment

The project proposes a General Plan Land Use Map amendment to change the land use designation of a \pm 1.86-acre portion of a \pm 3.86-acre parcel that is included in the \pm 6.13-acre project site from River Dependent Industrial to Mixed Use. The project site is currently designated Mixed Use (MU) and River Dependent Industrial (RDI), with a majority of the site designated MU and a \pm 1.86-acre portion of the site designated RDI. This portion is surrounded by land designated Mixed Use. The Mixed Use designation encourages integrated residential and commercial development oriented toward the pedestrian, with parking provided. It allows for a maximum floor area ratio (FAR) for both residential and non-residential uses of 2.5, and a maximum residential density of 30 dwelling units per acre; however, it defers to CPSP FAR and density policies for projects located within the CPSP boundary.

Staff Discussion: The project proposes an amendment to the General Plan Land Use Map (Figure 1-1) to change the land use designation of a \pm 1.86-acre portion of the project site from River Dependent Industrial to Mixed Use so that the proposed development can be found to be consistent with the current General Plan. Previously, the entire project site supported an active, river-oriented industrial use that processed oyster shells for reuse; however, that use has ceased, and the site is now used for outdoor storage. The proposed development application is an indication that the local real estate development market has identified a higher and better use of the land than that allowed by its current RDI designation. Additionally, the current General Plan identifies that a change in land use is preferred when a majority of the land use is proposing to change.

The General Plan recognizes that it will be subject to site-specific amendments needed from time to time to modify policies that may be obsolete or unrealistic due to changed conditions, such as development on a site, and it refers to State law that limits the number of times a city can amend its general plan by stating that generally, no jurisdiction can amend any mandatory element of its General Plan more than four times in one year. The proposed amendment is allowed by General Plan administrative policy and, as the first General Plan amendment in 2023, is allowed by State law. Therefore, discretionary review of the proposed amendment may be processed.

General Plan Goal 1-G-1 Land Use seeks to maintain a balanced land use program that meets the long-term residential, employment, retail, institutional, education, recreation, and open space needs of the community. Land Use Policy 1-P-1 promotes a range of land uses at densities and intensities to serve the community needs, while Policy 1-P-2 promotes infill development at equal or higher density and intensity than surrounding uses in order to use land efficiently, and Policy 1-P-6 encourages mixed-use development, which includes opportunities for increased transit access. The project site is identified in the 2023-2031 Housing Element, adopted by the City Council on March 20, 2023, as capable of providing up to 132 housing units and identifies potential constraints, including access easement.

Government Code Section 65358 allows General Plan amendments when it is deemed in the public interest to do so. The proposed amendment to the General Plan is in the public interest as the amendment would allow for residential mixed-use development of 132 housing units that will further implement General Plan Goal 1-G-1 and Policies 1-P-1, 1-P-2, and 1-P-3 by changing the land use designation on the subject parcel to Mixed Use to support the long-term residential needs of the community, promote residential infill development at a higher density and intensity than surrounding uses that would use land more efficiently, and support mixed-use development at a location that will increase transit access. Additionally, it would implement the 6th cycle Housing Element, adopted by the City Council on March 20, 2023, which forecasts the development of 132 housing units on the project site where the General Plan Amendment is requested.

Staff recommends that the Planning Commission recommend the City Council approve a General Plan Map Amendment as proposed, subject to City Council adoption of the CEQA Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, as described in the Environmental Review section of this staff report.

Entitlement: Zoning Map Amendment to the SmartCode Regulating Plan Zoning Map

The project proposes a Zoning Map Amendment to the SmartCode Regulating Plan Zoning Map to rezone a ± 1.86 -acre portion of a ± 3.86 -acre parcel that is included in the ± 6.13 -acre project site from River Dependent Industrial District (RDI) to Urban Center (T5).

Staff Discussion: The project proposes residential mixed-use development of a 6.13-acre site that is comprised of three parcels:

- 100 East D Street (APN 007-700-006; 3.86 acres) that is within the River Dependent Industrial District (D3) (1.86 acres) and Urban Center (T5) (3.0 acres) zoning districts;
- 0 East D Street (APN 007-700-003; .64 acres) that is within the T5 zoning district; and
- 0 Copeland Street (APN 007-700-005; 1.6 acres) that is within the T5 zoning district.

The project has requested an amendment of the General Plan Land Use Map (Figure 1-1) to change the land use designation of a ± 1.86 -acre portion of the project site from RDI to MU so that the proposed development can be found to be consistent with the current General Plan. If City Council adopts the General Plan Amendment, then the SmartCode Regulating Plan Zoning Map must be amended to replace the D3 zoning that applies to a 1.86-acre portion of the parcel with T5 zoning in order to implement the new Mixed Use land use designation.

Pursuant to IZO [Section 25.010](#) – Amendment, the IZO may be amended by changing the boundaries of any district, whenever the public necessity and convenience and general welfare

require such amendment. The City Council may adopt the amendments to the IZO upon recommendation of the Planning Commission. For this project, the amendment of the zoning map must be accompanied by the related change to the General Plan Map. The amendment to the zoning map and to the General Plan Map is subject to the findings shown in *italics*, which is followed by Staff's proposed finding.

1. *The proposed amendment is in general conformity with the Petaluma General Plan and any applicable plans.* Pursuant to Table 1 Transect Zone Descriptions of the SmartCode, the T5 zone implements the underlying Mixed Use General Plan land use classification and is therefore consistent with the General Plan. Additionally, the rezoning would create consistent zoning for parcel number 007-700-006 (that is currently zoned T5 and D3) and for the entire 6.13-acre project site.
2. *The public necessity, convenience, and general welfare require or clearly permit the adoption of the proposed amendment.* The public necessity, convenience, and general welfare clearly permit the adoption of the proposed amendment in that it would support the development of new housing, including affordable housing, and provide a variety of public benefits, including new multi-modal transportation infrastructure and public spaces. The amendments will create a single zone for a single parcel of land and will allow for one set of rules to apply to the site.

Staff recommends that the Planning Commission recommend the City Council adopt the Zoning Map Amendment to the SmartCode Regulating Plan Zoning Map as proposed, subject to City Council approval of the General Plan Map Amendment as proposed and subject to City Council adoption of the CEQA Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, as described in the Environmental Review section of this staff report.

Entitlement: Tentative Map for Subdivision and Condominium Purposes

The Oyster Cove Mixed Use Neighborhood project proposes to subdivide the three-parcel, 6.13-acre project site comprised of parcels located at 100 East D Street, 0 East D Street, and 0 Copeland Street (APNs 007-700-006, -003, and -005) (the "Project") into 22 lots with 132 airspace condominiums and approximately 9,000 SF of commercial space. The project requests approval of a Tentative Map for Subdivision and Condominium Purposes and associated SmartCode warrant requests.

A discretionary Planning entitlement, Site Plan and Architectural Review, is required prior to the project commencing construction, and application for this required entitlement will be submitted subsequent to City Council adoption of the requested General Plan and Zoning Map Amendments and approval of the Tentative Map application and associated SmartCode warrant requests.

Staff Discussion: Detailed information about the proposed project is included in the Background section of this staff report. Therefore, this analysis will focus on the proposed project's consistency with applicable plans and compliance with applicable City regulations.

City of Petaluma General Plan 2025 and the City of Petaluma Bicycle and Pedestrian Plan 2008, adopted as an appendix to the General Plan

As evidenced in the project description, the proposed development is informed by Smart Growth guiding principles that offer an overall approach to development by encouraging a mix of building types and uses, diverse housing and transportation options, development within existing neighborhoods, and robust community engagement. Smart Growth guiding principles

reflect community development best practices that support sustainable development and climate action priorities, and they are aligned with and can implement 15-minute neighborhood concepts. Concepts and best practices for community development that are the foundation for Smart Growth, sustainable development and climate action, and 15-minute neighborhoods are currently guiding General Plan Update work. While the proposed project can be reviewed through the community development constructs that are guiding the General Plan Update, discretionary review findings require that the project is found to be consistent with the current General Plan 2025 and the Bicycle and Pedestrian Plan 2008, adopted as an appendix to the General Plan.

The proposed Oyster Cove Mixed Use Neighborhood is consistent with and implements numerous General Plan policies for Land Use, Community Design, Character, and Green Building, The Natural Environment, Mobility, and Economic Health and Sustainability. Specific policies are provided in **Attachment L – Applicable General Plan Policies** to this staff report.

Located within 1,000 feet of Petaluma’s Downtown SMART Station and the Downtown area, the proposed project is both transit-oriented and pedestrian-friendly. Proposed multi-modal infrastructure improvements, including a protected/separated bicycle lane (Class IV) on East D St., intersection signalization with pedestrian and bicycle activation controls at East D and Copeland Streets, new sidewalks on East D and Copeland Streets, a new multi-use path (Class I) along the Petaluma River, as well as improvements to the existing River Trail (Class I), ensure that the project is consistent with and implements the 2008 Bicycle and Pedestrian Plan. The design and construction of all pedestrian and bicycle facilities will be required to comply with current City regulations.

The draft Tentative Map for Subdivision and Condominium Purposes resolution includes conditions of approval that respond to review authority and public comments and support robust implementation of pedestrian and bicycle design best practices.

Petaluma River Access and Enhancement Plan, adopted May 1996

The River Access and Enhancement Plan (Plan) provides a framework for the preservation and restoration of the Petaluma Corridor. Its four major components include the restoration of the river’s natural resources, the construction of a multi-use trail, a vibrant waterfront district adjacent to Downtown, and mixed uses along the river corridor. The Plan identifies General Plan (1987-2005) goals that it seeks to advance and develops systemwide directives comprised of objectives, policies, and programs. Representative, applicable “Balanced Use” objectives include:

Encourage the development of properties along the River corridor in a manner that responds to the riverfront location, enhances the riverfront environment, and provides public access, and is consistent with the General Plan, as further defined by this Plan.

Encourage the renovation and re-use of existing facilities along the River to reflect the traditional waterfront heritage of the community.

Support the continuation and expansion of river-dependent activities to maintain an authentic working waterfront.

Encourage riverfront public recreational access and uses.

The project falls within the Downstream Segment of the Plan, which depicts a future combined bicycle and pedestrian trail along the north river bank adjacent to the project site with access to public parks on McNear Peninsula. Consistent with the Plan, the project will provide trail improvements, bank stabilization, and revegetation along the river.

The draft Tentative Map for Subdivision and Condominium Purposes resolution includes conditions of approval supportive of the Plan's implementation.

Central Petaluma Specific Plan (CPSP) adopted June 2, 2003

The Central Petaluma Specific Plan was designed to focus on the river as an amenity and its linkage within the City and is aimed at supporting existing viable industrial uses while advocating for greater densities and mixed-use opportunities. Key Planning Concepts expressed in the Specific Plan that are applicable to this project include:

- *Redirect growth into Central Petaluma;*
- *Reconnect the City to and along the River;*
- *Encourage diversity in transportation modes;*
- *Enhance physical structure and identity; and*
- *Promote sustainable development.*

The project is consistent with these guiding concepts through the distribution of land uses, the site design, and the planned development pattern.

CPSP Goals, Objectives, & Policies

The CPSP consists of two sections: a policy document and the SmartCode, the latter of which is the zoning for the Plan area. Below is a list of the Goals (broad and overarching), Objectives and Policies (more location and action-oriented) from the CPSP that are relevant to the Oyster Cove project.

Chapter 3 - Land Use

Goal 1: Support existing viable uses and provide for new uses that complement and complete the urban fabric. The project proposes the adaptive reuse of a former water-dependent industrial use and includes new residential and flexible live/work uses as well as a host of public amenities that provide a complete urban fabric.

Goal 2: Provide for a mix of new uses. The proposal provides for a mix of new residential and live/work uses. Anticipated ground floor live/work uses include a mix of maker spaces, galleries, and retail. Furthermore, the former oyster shed building is planned for reuse as a boathouse, covered public plaza, and restaurant use with outdoor dining.

Goal 3: Encourage intensification appropriate to the area's central location. The current proposal provides for a level of overall development intensification appropriate to the current and future context of the site. The project proposes 132 residential units at a density of 21 units per acre, which is consistent with the Mixed Use land use designation of the General Plan.

Goal 4: Encourage flexibility in building form and in the nature of activities to allow for innovation and the ability to change over time. The mixed-use buildings along D Street include live/work units that allow for a variety of commercial and residential uses over time. The repurposed Oyster Shed allows for innovation and change in how people interact with the river. As the river becomes more of a destination, new outdoor uses will be activated, such as boating, kite flying, or other recreational pursuits.

Goal 5: Orient activities to the Petaluma River. The repurposed Oyster Shed and public plaza proposes associated walkways, outdoor dining, and observation areas that allow for a variety of outdoor activities to take place along the Petaluma River. The project also proposes to retain the existing trail along McNear Channel, which allows for public access and observation of the river and various walkways linked to the river park from elsewhere in the overall development. The repurposed Oyster Shed is envisioned as a future boathouse, which would provide access to the river for a variety of small craft.

Objective 5: Expand the Lower Reach area as a center of employment, mixed-use, and region-serving commercial activity consistent with maintaining river-dependent industrial uses.

The proposed project provides employment opportunities (maker space, gallery, and retail jobs), and mixed-use development. The project includes the adaptive reuse of a former water-dependent industrial use to create a unique region-serving destination.

Policy 5.3: Allow for intense Mixed-Use development on land not utilized for industrial purposes. The project proposes the adaptive reuse of a former river-dependent industrial site. The former river-dependent industrial portion of the site is non-contiguous with other river-dependent areas and is more centrally located and appropriate for intense mixed development as proposed.

Chapter 4 - Community Design

Goal 1: Enhance Central Petaluma's identity and unique sense of place.

Goal 2: Create a strong sense of entry and orientation within Central Petaluma.

Goal 3: Strengthen linkages to and along the river and to other districts of the city.

Goal 4: Enhance the livability of Central Petaluma.

Goal 5: Establish a pedestrian scale within the public realm.

Goal 6: Maintain visual landmarks.

Goal 7: Emphasize creativity and sustainability in design.

The urban design principles in the CPSP and the SmartCode are reflected in the community design of the Oyster Cove project. These goals are achievable with the current land use proposal. The community layout begins with an alley network oriented to the pedestrian experience. The proposed land use mix creates walkable destinations for existing and future residents, as well as employees and visitors. The repurposed Oyster Shed and associated public plaza will create a high profile amenity along the river with pedestrian and bicycle linkages to the existing parks. A number of these goals will require implementation during the design review (SPAR) portion of the project when building architecture, landscaping and detailed urban design plans are reviewed.

Chapter 5 - Public Space and River Access

Goal 1: Establish a continuous and interconnected system of public spaces along the river.

Goal 2: Utilize public spaces to extend the amenity of the waterfront inland.

Goal 3: Provide urban public spaces that serve multiple purposes.

Goal 4: Encourage a waterborne transportation system that interconnects the various waterfront public spaces.

Goal 5: Utilize public space to open up views and vistas from inland areas to the river and the mountains.

Goal 7: Complete a recreational loop on both sides of the river, including gathering areas of various sizes.

Goal 8: Enhance the public space character of city streets.

Goal 9: Promote art in public spaces.

OBJECTIVE 4: Provide for major new public spaces extending from the river to inland areas.

Policy 4.1: Provide for a major band of waterfront public space.

Policy 4.2: Establish an integrated network of public space.

The project includes new public access and a multi-use path as a key component of the CPSP public space and river access goals. The new multi-use path and public plaza associated with the repurposed Oyster Shed further implement Goal 7. Additionally, the project will preserve the existing River Trail along McNear Channel. The repurposed Oyster Shed will serve as a potential boathouse activating the waterfront. The project would feature art that weaves the story of the site's history into the fabric of the project by reclaiming and repurposing industrial marine artifacts from the Oyster Cove operations and incorporating material elements and treatments that speak to the natural context of the project location.

Chapter 6 - Circulation

Goal 1: Support Diversity in the transportation system.

Goal 2: Reduce the barrier effect of the diverse transportation corridors.

Goal 3: Reinforce the role of Central Petaluma as a center for transit and non-vehicular modes of travel.

Goal 4: Complete the urban pattern with a pedestrian-scaled grid of streets where it is fragmented in the river area.

The project supports multi-modal transport, including vehicular, bike, walking, and boating. The proposed multi-use paths will provide alternative connections to destinations, including the river. The Sonoma Marin Rapid Transit ("SMART") Petaluma Downtown Station is 900 feet from the site and would offer residents convenient commuter rail access. The primary bus service (Route 10, 11, & 24) is 250 feet away within the Petaluma Transit Mall. Secondary bus stops are 200 feet away on D Street (Route 10 & 24).

Policy 1.6: Develop the potential of the river for local and regional transit. The Oyster Shed will be repurposed as a potential boathouse facility, which increases the ability to utilize the river for transit as well as recreational use.

Policy 2.4: Create new local streets to improve access and better serve potential development. The new streets shall have logical intersections, safe sight distance, and be at an appropriate scale. The alley network planned in the Oyster Cove project is laid out on a grid with short blocks at a pedestrian-friendly scale which is consistent with this policy. The intersection design at D Street and Copeland Street will be reviewed in detail during the plan check stage to ensure clearance standards, such as setback and height limits of structures or landscaping at corners, are met.

Policy 3.1: Provide a multi-use recreational bicycle and pedestrian trail along the Northwestern Pacific right-of-way, with connections to McNear Peninsula and the riverfront. The project provides a new trail along the riverfront with connections to the existing trail along McNear Channel. This trail connects to two new trails on the site perimeter that lead to Petaluma River Park and Steamer Landing Park.

Policy 3.5: Provide on-street connections to the river trail (sidewalks, bike lanes, and bike routes) to ensure a logical system of pedestrian and bicycle routes that link to citywide and regional systems. The riverfront trail is connected to the street and alley system at several locations.

Policy 3.6: Enhance street landscaping and design to improve the environment for pedestrians and bicyclists. A Class IV bicycle facility is proposed along East D Street. Separated sidewalks with street trees and perimeter paths, and tree plantings are proposed in order to create a safe and pleasing pedestrian environment.

Policy 3.7: Provide facilities for bicycles in new commercial development and at transit stations. The project will provide bicycle facilities such as bike racks, lockers, and showers for new commercial buildings consistent with SmartCode. Facilities will be reviewed through Site Plan and Architectural Review (SPAR) with future project components.

SMART Rail Station Areas TOD Master Plan (2013)

The proposed project is located less than ½ mile from Petaluma's Downtown SMART Station. It is part of the Downtown Petaluma Station Area that was planned for in the 2013 Petaluma SMART Rail Station Areas: TOD Master Plan (the Plan). The adopted Plan provides a framework for future development, improves connectivity, develops and implements urban design standards, and establishes an integrated development plan that capitalizes on SMART service. Two of the project site's three parcels – 0 East D. St. and 0 Copeland St. (approximately 2.5 acres) – are identified as Opportunity Sites by the Plan.

The proposed project is transit-oriented in both locational and design characteristics, and required infrastructure improvements will support active transportation alternatives. Many of the Plan's policies and development standards were codified in the Plan's Appendix A: SmartCode Amendments adopted on July 1, 2013, and the project is required to comply with the 2013 SmartCode. For these reasons, Planning is able to find that the proposed project is consistent with the 2013 Station Area Master Plan.

2013 SmartCode Amendments

Petaluma Municipal Code, Title 20 Subdivisions

Implementing Zoning Ordinance, as applicable.

In addition to the Station Area Master Plan, the Central Petaluma Specific Plan (CPSP) is implemented through the amended [2013 SmartCode](#), rather than the Implementing Zoning Ordinance. The subject property is within the Urban Center (T5) and River Dependent Industrial District (D3). The proposed Zoning Map Amendment will change the portion of the site zoned D3 to T5.

Referring to SmartCode policies (see [Intent section](#)), Planning finds that the project specifically responds to or implements the following policies:

Region-level

2. That growth strategies shall encourage infill and redevelopment.
3. That affordable housing shall be distributed throughout the region to match job opportunities and to avoid concentrations of poverty.
5. That the region shall include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.

Community-level

1. That neighborhoods and regional centers shall be compact, pedestrian-oriented, and mixed use.
2. That the size of neighborhoods reflect a five-minute walking distance for the edge to center (center meaning a railroad connecting transit stop or the existing downtown)
3. That ordinary activities of daily living shall occur within walking distance of most dwellings, allowing independence to those who do not drive.
5. That a variety of thoroughfares shall be designed to serve the needs of the pedestrian, the cyclist, and the automobile equitably.
6. That within neighborhoods, a range of housing types and price levels shall be provided to accommodate diverse ages and incomes.
7. That appropriate building densities and land uses shall be provided within walking distance of transit stops.
8. That civic, institutional, and commercial activity shall be embedded in downtowns, not isolated in remote single-use complexes.

The Block and Building

1. That buildings and landscaping shall contribute to the physical definition of Thoroughfares as Civic places.
2. That development shall adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.

3. That the design of streets and buildings shall reinforce safe environments, but not at the expense of accessibility.
4. That architecture and landscape design shall grow from local climate, topography, history, and building practice.
5. That buildings shall provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
6. That civic buildings and public gathering places shall be provided as locations that reinforce community identity and support self-government.
7. That the preservation, renewal, and reuse of historic buildings shall be facilitated, to affirm the continuity and evolution of society.
8. That the harmonious and orderly evolution of urban areas shall be secured through form-based codes.
9. That new construction shall not degrade the aesthetic and civic character of the neighborhood.

The Transect

That the Transect Zone descriptions on Table 1 shall constitute the Intent of this Code with regard to the general character of each of these environments.

The Urban Center (T5) zone consists of higher-density, predominately attached mixed-use buildings that accommodate retail, offices, rowhouses, and apartments. It has a tight network of streets, with wide sidewalks, steady street planting, and buildings set close to the sidewalks. Frontage types include shops, storefronts, and galleries with a typical building height of 3-4 stories. The T5 zone allows for a variety of permitted and conditional uses, as illustrated in [Table 3.1: Allowed Building Functions and Permit Requirements](#) of the CPSP.

The following table (**Table 1**) provides a summary of the 2003 SmartCode requirements for development in the T5 zone, as well as the specific Townhome standards of SmartCode Section 4.80.100, against the proposed Oyster Cove project. Specific design standards for live/work units (SmartCode [Section 4.70.020](#)) and mixed use buildings (SmartCode [Section 4.70.030](#)), will be subject to SPAR, when more specific architectural and improvement plans are available.

Table 1. 2003 SmartCode Development Standards

Development Standards	2003 SMARTCODE REQUIREMENTS	
	T5	Proposed
Block Perimeter	1,700 linear feet max.	N/A
Lot Area	None	2,696 s.f. min.
Lot Coverage	None	SPAR
Front Setback	0' min./10' max.	SPAR
Side Setback	0' min./10' max.	N/A
Rear Setback (No alley)	5' min.	N/A

Rear Setback (Alley)	0' min.	N/A
Principal Bldg. Frontage	75% min.	78% min. (D Street)
Secondary Bldg. Frontage	35% min.	54% min. (Copeland Street)
Private Frontages	Stoop, Forecourt, Dooryard, Shopfront, Terrace, Gallery, Arcade	Stoop, Terrace
Building Height	2 stories min. 4 stories max.	3 stories min. 4 stories max.
Ground Floor Ceiling Height	10' min. – residential 14' min. – commercial	9' min.; Warrant requested
Ground Floor Space Depth	30' min.	Warrant requested
Parking - Required	1 space/ market rate unit and .5 space/ affordable unit (131 spaces); 2 spaces/ 1000 sq. ft. of commercial (18 spaces)	1-2 spaces/unit (224-253 spaces); 2 spaces per 1,000 sq. ft. of commercial (19 spaces)
Parking Location	Permitted only in the 3 rd layer	Warrant requested
	Townhouse (4.80.100)	Proposed
Lot Size	18' min. width 80' min. depth	16' min. width; Warrant requested 36' min. depth; Warrant requested
Number of Units	3 min.; 8 max.	5 min.; 8 max.
Main Body Width	18' min.; 36' max	16' min.; 34' max.; Warrant requested
Allowed Frontages	Porch, Stoop, Dooryard	Stoop
Private Open Space	8' min. width 8' min. depth 100 sq. ft. min. area	Warrant requested

The Tentative Map has been designed in accordance with a majority of the required development standards. As part of the Tentative Map approval, the applicant is requesting approval of warrants for site planning elements that do not conform to the SmartCode. These warrants are intended to create certainty and consistency in the application of site planning standards for the buildout of the Oyster Cove development. Modifications may be approved through a warrant pursuant to SmartCode [Section 8.10.020.H](#) – Warrants and Variances. A warrant is a ruling that would permit a practice that is not consistent with a specific provision of this Code but is justified by the provisions of the Intent of the SmartCode. The warrants serve the purpose of preserving the balance among (i) maintaining an appropriate project density and mix of uses, (ii) maintaining a walkable and inviting streetscape envisioned in the CPSP, and (iii) ensuring that the project is economically viable. Requirements related to

building design, landscaping, signage, and similar elements will be met through the future Site Plan and Architectural Review requirement. The requested warrants are considered below.

- Removal of the required “**Hopper Loop Road**” described in SmartCode Section 5.10.100 – Thoroughfare Regulating Plan Central Petaluma Specific Plan Area. is requested and required as part of the project approvals. This warrant is central to a primary goal of the Oyster Cove project, which is to maximize the utility and usability of the waterfront for pedestrians and cyclists. To facilitate the implementation of this goal, the project accommodates vehicular traffic away from the water to the maximum extent feasible, including the elimination of the “loop road” contemplated in the SmartCode. Elimination of the “loop road” will also have the added benefit of reducing the overall impervious surface adjacent to the Petaluma River.
- Modification of minimum **Ground Floor Ceiling** height requirement for Residential Uses and All other uses from 10 feet and 14 feet, respectively, to a minimum of nine feet for all uses, if required (Urban Standards Table, Table 4.10.m). This Warrant is requested to ensure the economic viability of the project.
- Modification to allow commercial use activity within the minimum 30-foot **Ground Floor Space Depth**, if required (Urban Standards Table, Table 4.10.n).. The Warrant is requested to maintain an appropriate project density and mix of uses despite the irregular shape of the site.
- Reduction in minimum **Lot Size** width from 18 feet to 16 feet, and depth from 80 feet to 36 feet, if required (Section 4.80.100.B). The Warrant is requested to maintain an appropriate project density and mix of uses despite the irregular shape of the site.
- Modification of minimum **Main Body Width** requirement of 18 – 36 feet (maximum) to 16 – 34 feet (maximum), if required (Section 4.80.100.D). The Warrant is requested to maintain an appropriate project density and mix of uses despite the irregular shape of the site.
- Elimination of the **Private Open Space** requirement for Townhouse building types (Section 4.80.100.H). The Warrant is requested to maintain an appropriate project density and mix of uses and account for the large public parks adjacent to the site.
- Modification to Parking Location requirements to allow enclosed parking to encroach into required 2nd Layer (within first 20 feet of unit ground floors) as described in SmartCode Section 6.10.020 – Location of Parking (Urban Standards Table, Table 4.10.p). This Warrant is required to maintain a walkable and inviting streetscape envisioned in the CPSP.

If approved, the requested warrants are incorporated into the Tentative Map (refer to **Attachment F**) and will be carried forward as a Supplemental Map Sheet on the final map per Condition of Approval.

Project responses to PBAC and Planning Commission Comments

The Petaluma’s Pedestrian and Bicycle Advisory Committee (PBAC) reviewed the proposed project on June 1, 2022. Staff summarizes the project’s response to PBAC comments as follows:

- The width of the River Trail along Petaluma River is expanded to 12 feet to accommodate all users. SPAR will be conditioned to provide adequate pathway lighting to support users of River Trail area to the extent required by current City design standards for multi-use paths. Due to grade differences, pedestrian access options from East D Street are limited to the pedestrian sidewalk and walkways as proposed.
- Watercraft launch facilities on Petaluma River frontage would not be provided by the project; however, the project will work with a private vendor or the City to develop these facilities.
- Bicyclist-operated signalization options at intersection of East D and Copeland Streets will be implemented per City standards, and SPAR will be conditions to require that the project provide adequate bicycle parking facilities and consider making e-bike chargers available for the public.
- SPAR will be conditioned to provide wayfinding design and implementation in cooperation with City staff to ensure consistency with City wayfinding and to continue collaboration with future Petaluma River Park to support meaningful connectivity between public access points on East D and Copeland Streets and the future Park through the project site.
- SPAR will be conditioned to consider options to regulate resident parking so that Copeland Street public parking area continues to be available for public use.

On June 28, 2022, at a regularly scheduled Planning Commission meeting, a study session provided the opportunity for the Commission to review the proposed project and provide feedback, and to receive public comment about the Oyster Cove project. Public comments included public access through the development to public park areas on the peninsula, wayfinding needs to support access to public parks, providing an onsite tot-lot, concerns about traffic congestion and safety along D Street, requests for wetland restoration, and recommendations for desired architectural style. The Planning Commission provided the following comments:

- Units are designed to offer a flexible use of space, including garage parking spaces.
- The City does not have nexus to require extension of East D Street frontage improvements, specifically the Class IV bike facility, to Lakeville Street or the rail spur. The City is evaluating how to improve on-street facilities to ensure bicyclist safety along East D Street.
- SPAR will be conditioned to require that wayfinding is proposed as part of the SPAR application. The applicant will work with the City to develop appropriate wayfinding and is encouraged to consult with nonprofit stakeholders throughout the process.
- The applicant continues to consider options for adding green space within the project for a family park and/or tot-lot.
- The project indicates that Petaluma River heritage architectural features and themes will be central to SPAR design development and incorporated into public art throughout the project.

- The Preliminary Landscape Plan will recommend riverbank habitat restoration strategies.

Petaluma Municipal Code, Title 20 Subdivision Ordinance

The proposed Tentative Map has been found to be consistent with the Subdivision Ordinance and the Subdivision Map Act by the City Engineer. Some lots proposed in Oyster Cove do not meet the minimum lot depth of 100 feet per Chapter 20.28.080 of the Subdivision Ordinance but are in conformance with the underlying T5 General Urban Zone District, except where Warrants are required, and further the intent of the CPSP. As such, Chapter 20.40.075 permits the Planning Commission to approve a modification to vary the minimum lot area required of a lot or lots created by the subdivision; or the minimum dimensions of such a lot.

Implementing Zoning Ordinance, Chapter 25 Amendments

See Entitlement: Zoning Map Amendment to the SmartCode Regulating Plan Zoning Map, this section.

Staff recommends that the Planning Commission recommend the City Council approve the Tentative Map for Subdivision and Condominium Purposes with associated Warrant requests, subject to City Council approval of the General Plan Map Amendment as proposed, and subject to City Council adoption of the Zoning Map Amendment as proposed, and subject to City Council adoption of the CEQA Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, as described in the Environmental Review section of this staff report.

All public comments received through May 3, 2023, that are referred to below are provided in Attachment M – Public Comments thru 05-03-2023.

On April 28, 2023, the City’s Notice of Public Hearing to be held on May 9, 2023, before the City of Petaluma Planning Commission, was published in the Petaluma Argus-Courier and mailed to all residents and property owners within 1,000 feet of the Project as well as persons having requested special notice of said proceedings. As of May 3, 2023, two public comments have been received. One commenter indicated support for the project because it would generate new housing opportunities in the local Petaluma market, while the second commenter opposed the project, citing increased traffic and congestion, potential for increases in crime, and increasing urbanization that erodes small-town character.

The draft Initial Study and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (IS/MND) was made available for public review on April 7, 2023. The City published the Notice of Availability on the City Project webpage, in the Petaluma Argus-Courier, filed the NOA with the Sonoma County Clerk, posted the NOA to CEQAnet, and mailed the NOA to all residents and property owners within 1,000 feet of the Project to inform the public and interested parties about the required 30-day public comment period commencing April 7, 2023, and ending May 8, 2023. As of May 3, 2023, no public comments were received in response to the IS/MND Notice of Availability.

Public comments in support of or opposing the project were received in response to a Notice of Planning Commission Meeting for the Oyster Cove Mixed-Use Development Study Session held on June 28, 2022. North Bay Leadership Council submitted a letter in support of the project citing

the need for housing and how the project will enhance quality of life. Those opposed to the project due to perceived issues related to:

- nature of development (density, multi-family, market-rate)
- location of the proposed development (impacts to river, sea level rise);
- increased traffic congestion on D Street;
- development during drought; and
- increasing urbanization of Petaluma community (loss of open space)

CASE STUDIES

No case studies are associated with this staff report.

ENVIRONMENTAL REVIEW

A Draft Initial Study/Mitigated Negative Declaration (**Attachment G**) was prepared for the project. On April 7, 2023, a Notice of Availability (NOA) was distributed pursuant to local noticing requirements and posted with the California State Clearinghouse and the Sonoma County Clerk's Office, which initiated a 30-day public comment period beginning on April 7, 2023, and ending May 8, 2023. The Initial Study/Mitigated Negative Declaration concluded that the project could result in potentially significant impacts related to Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology/Water Quality, Noise, and Tribal Cultural Resources. The Initial Study/Mitigated Negative Declaration concluded that all project impacts would be mitigated to less than significant levels through the implementation of recommended mitigation measures or through compliance with existing Municipal Code requirements and City standards. The applicant has agreed to implement the mitigation measures identified and contained in the project's Mitigation Monitoring and Reporting Program. The Initial Study and Mitigated Negative Declaration is included as **Attachment G** to this staff report and Exhibit 1 of Attachment A contains the proposed Mitigation Monitoring and Reporting Program.

CITYWIDE GOALS & PRIORITIES

Based upon the information presented in this staff report, the proposed project complies with Citywide goals and priorities contained in the City of Petaluma General Plan 2025, the City of Petaluma Bicycle and Pedestrian Plan 2008, adopted as an appendix to the General Plan (see Mobility Chapter discussion), the River Access and Enhancement Plan adopted May 1996, the Central Petaluma Specific Plan (CPSP) adopted June 2, 2003, and the Petaluma SMART Rail Station Areas: TOD Master Plan, Station Areas Master Plan (2013).

FURTHER RECOMMENDATION

No further recommendations are made at this time.

ATTACHMENTS

- Attachment A: Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
Exhibit 1: Mitigation Monitoring and Reporting Program
- Attachment B: Resolution recommending approval of the General Plan Map Amendment
Exhibit 1: Revised General Plan Land Use Map Diagram
- Attachment C: Resolution recommending approval of the Zoning Map Amendment
Exhibit 1: Revised SmartCode Regulating Plan Zoning Map
- Attachment D: Resolution recommending approval of the Tentative Map for Subdivision and Condominium Purposes
Exhibit 1: Conditions of Approval
- Attachment E: Project Description (revised) dated received June 17, 2022
- Attachment F: Project Plan Set (revised) dated received June 17, 2022
- Attachment G: Oyster Cove Draft Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
- Attachment H: Preliminary Site Plan and Tentative Map (revised) dated received June 17, 2022
- Attachment I: Preliminary Civil Plan (revised) dated received June 17, 2022
- Attachment J: Concept Landscape Plan dated received March 29, 2022
- Attachment K: Illustrative Perspectives dated received June 17, 2022
- Attachment L: Applicable General Plan Policies
- Attachment M: Public comments received through May 3, 2023

RESOLUTION 2023-05

CITY OF PETALUMA PLANNING COMMISSION

**RECOMMENDING THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE
DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR
THE OYSTER COVE MIXED USE PROJECT LOCATED AT
100 EAST D STREET, 0 EAST D STREET, AND 0 COPELAND STREET; ASSESSOR
PARCEL NUMBERS: 007-700-006, 007-700-003, AND 007-700-005; FILE NO.
PLGP-2022-0003, PLZA-2022-0004, and PLSM-2022-0002**

WHEREAS, Joseph Scott Ward of Oyster Cove, LLC, on behalf of the property owner Lind Family Trust, submitted a General Plan Map Amendment application to change the land use designation of an approximately 1.86-acre portion of the 3.86-acre parcel addressed as 100 E D Street (Assessor Parcel Number 007-700-006) from River Dependent Industrial (RDI) to Mixed Use, a Zoning Map Amendment application to change the SmartCode Regulating Plan zoning on that same portion of the 3.86-acre parcel from River Dependent Industrial (D3) to Urban Center (T5), and a Tentative Subdivision Map for Condominium Purposes (TSM) application and associated SmartCode warrant requests, for the Oyster Cove Mixed Use Neighborhood project; and

WHEREAS, the Oyster Cove Mixed Use Neighborhood project proposes to subdivide the three-parcel, 6.13-acre project site comprised of parcels located at 100 East D Street, 0 East D Street, and 0 Copeland Street (APNs 007-700-006, -003, and -005) (the "Project") into 22 lots with 132 airspace condominiums and approximately 9,000 SF of commercial space; and

WHEREAS, the discretionary Planning entitlement Site Plan and Architectural Review is required prior to the project commencing construction, and application for this required entitlement will be submitted subsequent to City Council adoption of the requested General Plan and Zoning Map Amendments and approval of the Tentative Subdivision Map application and associated SmartCode warrant requests; and

WHEREAS, the Project is subject to the Petaluma General Plan 2025, adopted by the City on May 19, 2008; and

WHEREAS, the Project is subject to the Central Petaluma Specific Plan (CPSP), adopted by the City in June 2003; and

WHEREAS, the Project is subject to the Petaluma SMART Rail Station Areas: TOD Master Plan, adopted by the City on June 17, 2013; and

WHEREAS, a portion of the Project site is identified in the 2015-2023 Housing Element as Opportunity Site #32, capable of supporting up to 56 housing units; however, the MU designation within the Central Petaluma Specific Plan area anticipated residential densities up to 60 dwelling units per acre, though there are no established densities within the CPSP, rather density is regulated through building form, mass, and height pursuant to the SmartCode; and

WHEREAS, the Project site is identified in the 2023-2031 Housing Element as capable of providing up to 132 housing units and identifies potential constraints, including access easement; and

WHEREAS, in evaluating the potential environmental effects of the Project within the Initial Study, including but not limited to effects on Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards, Hydrology, Noise, and Tribal Cultural Resources, the City tiered off of the program Environmental Impact Report (EIR) for the City of Petaluma General Plan 2025, certified on April 7, 2008 (General Plan EIR) by the adoption of Resolution No. 2008-058 N.C.S., and the program EIR for the CPSP, certified June 2003 by the adoption of Resolution No. 2003-104 N.C.S. which are incorporated herein by reference; and

WHEREAS, the General Plan EIR identified potentially significant environmental impacts and related mitigation measures, and the City also adopted a Statement of Overriding Considerations for significant impacts that could not be avoided; and

WHEREAS, the CPSP EIR identified potentially significant environmental impacts and related mitigation measures, and the City also adopted a Statement of Overriding Considerations for significant impacts that could not be avoided; and

WHEREAS, the City prepared an Initial Study for the Project consistent with California Environmental Quality Act (CEQA) Guidelines §15162 and §15163 and determined that a Mitigated Negative Declaration (MND) was required in order to analyze the potential for new or additional significant environmental impacts of the Project beyond those identified in the General Plan EIR and CPSP EIR; and,

WHEREAS, on or before April 7, 2023, the City published the Notice of Availability of an Initial Study/MND on the City Project webpage, in the Petaluma Argus, filed the NOA with the Sonoma County Clerk, posted the NOA to CEQAnet, and mailed the NOA to all residents and property owners within 1,000 feet of the Project providing for a 30-day public comment period commencing April 7, 2023, and ending May 8, 2023; and

WHEREAS, on April 28, 2023, the City's Notice of Public Hearing to be held on May 9, 2023, before the City of Petaluma Planning Commission, was published and mailed to all residents and property owners within 1,000 feet of the Project as well as persons having requested special notice of said proceedings; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 9, 2023, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission considered the Project, the MND, the supporting Initial Study, the staff report dated May 4, 2023, analyzing the Project and the MND, and received and considered all written and oral public comments on environmental effects of the Project which were submitted up to and at the time of the public hearings; and

WHEREAS, the MND reflects the City's independent judgment and analysis of the potential for environmental impacts from the Project; and

WHEREAS, the MND, Initial Study, and related project and environmental documents,

including the General Plan 2025 EIR, CPSP EIR, and all documents incorporated herein by reference, are available for review in the City Community Development Department at Petaluma City Hall, during normal business hours. The custodian of the documents and other materials which constitute the record of proceedings for the Project is the City of Petaluma Community Development Department, 11 English Street, Petaluma, CA 94952, Attention: Andrew Trippel; and

WHEREAS, while the Initial Study/MND for the Project identified potentially significant impacts, all significant impacts are mitigated to a less than significant level, and therefore the Project would not result in any significant impacts to the environment; and

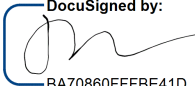
WHEREAS, the Planning Commission considered the Project, the MND, the supporting Initial Study, the staff report, and received and considered all written and oral public comments on environmental effects of the Project which were submitted up to and at the time of the public hearings.

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

1. 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 recommends that the City Council make the following findings:
 - a. An Initial Study/MND has been prepared, and proper notice provided in accordance with CEQA and local Guidelines.
 - b. Based on its review of the entire record herein, including the MND, the Initial Study, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission finds that there is no substantial evidence that the Project as mitigated will have a significant effect on the environment, and hereby recommends that the City Council adopt the MND for the Project, including the Mitigation Monitoring and Reporting Program attached hereto as **Exhibit 1**.
 - c. The Project does have the potential to affect wildlife resources as defined in the Fish and Game code, either individually or cumulatively; However, with mitigation, these potential environmental impacts would be reduced to a less than significant level and is not exempt from Fish and Wildlife filing fees.
 - d. The Planning Commission reviewed the Initial Study/MND and considered the comments before making a recommendation on the Project. Pursuant to the analysis in the Initial Study/MND, the Project does not make a cumulatively considerable contribution to the significant and unavoidable cumulative traffic or noise impacts identified in the General Plan 2025 EIR.
 - e. The Project is located on a site listed on a Hazardous Waste Site List compiled by the State pursuant to Section 65962.5 of the Government Code; with mitigation, any potential environmental impact would be reduced to a less than significant level.
 - f. Pursuant to the analysis in the Initial Study, MND, the Project does not make a cumulatively considerable contribution to the significant and unavoidable cumulative impacts identified in the General Plan 2025 EIR.

ADOPTED this 9th day of May 2023, by the following vote:

Commission Member	Aye	No	Absent	Recuse
Councilmember Cader Thompson	X			
Chair Bauer	X			
Vice Chair Hooper				X
McErlane	X			
Potter	X			
Racusen	X			
Whisman	X			

DocuSigned by:

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Heidi Bauer, Chair

ATTEST:

DocuSigned by:
Andrew Trippel, Planning Manager
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Andrew Trippel, Planning Manager

APPROVED AS TO FORM:

DocuSigned by:
Dylan Brady, Assistant City Attorney
 25B8C556ED25412...

Dylan Brady, Assistant City Attorney



City of Petaluma, California

Community Development Department

Planning Division

11 English Street, Petaluma, CA 94952

Project Name: Oyster Cove Mixed Use Neighborhood

File Number: PLPJ-2022-0005

Address/Location: 100 and 310 East D Street and O Copeland Street, City of Petaluma, California
(APNs 007-700-003, -006, and -005)

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with Section 21081.6 of the California Environmental Quality Act (CEQA) and Section 15097 of the CEQA Guidelines. This document has been developed to ensure implementation of mitigation measures and proper and adequate monitoring/reporting of such implementation. CEQA requires that this MMRP be adopted in conjunction with project approval, which relies upon a Mitigated Negative Declaration.

The purpose of this MMRP is to: (1) document implementation of required mitigation; (2) identify monitoring/reporting responsibility, be it the lead agency (City of Petaluma), other agency (responsible or trustee agency), or a private entity (applicant, contractor, or project manager); (3) establish the frequency and duration of monitoring/reporting; (4) provide a record of the monitoring/reporting; and (5) ensure compliance.

The following table lists each of the mitigation measures adopted by the City in conjunction with project approval, the implementation action, timeframe to which the measure applies, the monitoring/reporting responsibility, reporting requirements, and the status of compliance with the mitigation measure.

Implementation

The responsibilities of implementation include review and approval by City staff including the Engineering, Planning, and Building divisions. Responsibilities include the following:

1. The applicant shall obtain all required surveys and studies and provide a copy to the City prior to issuance of grading permits or approvals of improvements plans.
2. The applicant shall incorporate all applicable code provisions and required mitigation measures and conditions into the design and improvement plans and specifications for the project.
3. The applicant shall notify all employees, contractors, subcontractor, and agents involved in the project implementation of mitigation measures and conditions applicable to the project and shall ensure compliance with such measures and conditions.
4. The applicant shall provide for the cost of monitoring of any condition or mitigation measure that involves on-going operations on the site or long-range improvements.

5. The applicant shall designate a project manager with authority to implement all mitigation measures and conditions of approval and provide name, address, and phone numbers to the City prior to issuance of any grading permits and signed by the contractor responsible for construction.
6. Mitigation measures required during construction shall be listed as conditions on the building or grading permits and signed by the contractor responsible for construction.
7. All mitigation measures shall be incorporated as conditions of project approval.
8. The applicant shall arrange a pre-construction conference with the construction contractor, City staff and responsible agencies to review the mitigation measures and conditions of approval prior to the issuance of grading and building permits.

Monitoring and Reporting

The responsibilities of monitoring and reporting include the engineering, planning, and building divisions, as well as the fire department. Responsibilities include the following:

1. The Building, Planning, and Engineering Divisions and Fire Department shall review the improvement and construction plans for conformance with the approved project description and all applicable codes, conditions, mitigation measures, and permit requirements prior to approval of a site design review, improvement plans, grading plans, or building permits.
2. The Planning Division shall ensure that the applicant has obtained applicable required permits from all responsible agencies and that the plans and specifications conform to the permit requirements prior to the issuance of grading or building permits.
3. Prior to acceptance of improvements or issuance of a Certificate of Occupancy, all improvements shall be subject to inspection by City staff for compliance with the project description, permit conditions, and approved development or improvement plans.
4. City inspectors shall ensure that construction activities occur in a manner that is consistent with the approved plans and conditions of approval.

MMRP Checklist

The following table lists each of the mitigation measures adopted by the City in connection with project approval, the timeframe to which the measure applies, the person/agency/permit responsible for implementing the measure, and the status of compliance with the mitigation measure.

OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
AIR QUALITY				
<p>AQ-1: The applicant shall incorporate the Best Management Practices (BMPs) for construction into the construction and improvement plans and clearly indicate these provisions in the specifications. In addition, an erosion control program shall be prepared and submitted to the City of Petaluma prior to any construction activity. BMPs shall include but not be limited to the BAAQMD Basic Construction Mitigation Measures as modified below:</p> <ol style="list-style-type: none"> 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. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 	<ul style="list-style-type: none"> • Measures shall be included in project design and construction documents. • Periodic inspections during construction to ensure that measures are in place. 	<ul style="list-style-type: none"> • Applicant • Planning Division • Building Division 		

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MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
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<p>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper working condition prior to operation.</p> <p>8. A publicly visible sign shall be posted with the telephone number and 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 phone number shall also be visible to ensure compliance with applicable regulations.</p>				
BIOLOGICAL RESOURCES				
<p>BIO-1: Prior to issuance of grading permit, the project applicant shall provide documentation to the City of Petaluma that the required permits for installation of culvert outfalls from regulatory agencies have been obtained. The permit authorization process shall include, if needed and at the discretion of the regulatory agencies involved, consultation with National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and/or California Department of Fish and Wildlife (CDFW) to determine if avoidance, minimization, and mitigation measures beyond those described below are necessary. At a minimum, the following measures shall be implemented:</p> <ul style="list-style-type: none"> Project work shall be conducted, as much as practicable, during the dry season (May through October) to reduce runoff. If rainfall is in the forecast predicted to be greater than one-half inch over a 24-hour period, standard erosion control measures (e.g., straw wattles, bales, silt fencing) shall be deployed and grading shall be suspended. Erosion control measures shall be utilized throughout all phases of the project where sediment runoff from construction may 	<ul style="list-style-type: none"> Measures shall be included in project design and construction documents. Inspection by a qualified biologist shall be conducted prior to commencement of earthwork activities and verified periodically. Qualified biologist shall conduct training. Contractor shall maintain records to 	<ul style="list-style-type: none"> Applicant Planning Division Qualified Biologist NMFS USFWS CDFW CORPS 		

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<p>potentially enter waters. Erosion control structures shall be monitored for effectiveness and will be repaired or replaced as needed. Appropriate erosion control measures shall be installed around any stockpiles of soil or other materials which could be mobilized by rainfall or runoff. Erosion control structures shall not include plastic monofilament or other components that may entrap wildlife. Following completion of ground disturbance, silt wattles or other erosion control methods shall be installed along the stream bank, above the mean high tide water level. Silt wattles shall be made of jute and not plastic.</p> <ul style="list-style-type: none"> • All equipment shall be staged above the top of bank and spill kits shall be located within working equipment. Equipment fuels and lubricants shall be prevented from reaching the river by locating fueling/maintenance areas an appropriate distance away from the river or drainage ways to the river and construction contractors shall have a spill prevention kit and plan on location. • Uncured concrete shall not be exposed to water flowing to the river or within the river itself and all excess uncured concrete shall be properly disposed of at an offsite location. • Areas of vegetation removal shall be limited to the smallest area feasible. Any areas of bare ground shall be re-seeded immediately following completion of all ground disturbance work. Additional erosion control measures (jute, hay) as feasible will be installed prior to rainy season. Areas of exposed stream bank above the mean high water shall be planted with native species appropriate for area and habitat. • An environmental awareness training program shall be given to all crew members working on the outfall replacement part of the project. The training will be given by a qualified biologist and shall include education on sensitive resources such as protected fish 	<p>document compliance.</p> <ul style="list-style-type: none"> • Applicant shall obtain and provide to the City all regulatory approval. 			

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<p>and wildlife with the potential to occur within the Study Area, water quality, and environmental protection measures.</p> <ul style="list-style-type: none"> • Equipment shall be thoroughly cleaned prior to being moved onsite and prior to being removed such that it will not pose a potential to introduce or spread invasive plant or animal species. • Prior to construction, an Accidental Spill Prevention and Cleanup Plan shall be prepared. This plan shall include required spill control absorbent material, for use beneath stationary equipment, to be present on-site and available at all times. • No fueling, cleaning, or maintenance of vehicles or equipment shall take place within any areas where an accidental discharge may cause hazardous materials to enter waterways. • Any equipment or vehicles used for the project will be checked and maintained daily to prevent leaks of fluids that could be deleterious to aquatic habitats. • Construction disturbance or removal of vegetation shall be restricted to the minimum footprint necessary to complete the work. The work area shall be delineated by the project biologist where necessary to minimize impacts to vegetated habitats beyond the work limit, and to protected vegetation within the work area. • Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the floodplain and set back as far as feasible from channel banks and seasonal wetlands. • Stationary equipment such as motors, pumps, and generators, located adjacent to aquatic features shall be positioned over secondary containment sufficient to arrest a catastrophic failure. 				

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<ul style="list-style-type: none"> All activities performed near aquatic features shall have absorbent materials designated for spill containment and cleanup activities on-site for use in an accidental spill. Stockpiles of excavated soil or other shall be covered when not in active use (i.e. will not be used, or moved for 72 hours). All trucks hauling soil, sand, and other loose materials will be covered. No construction debris of any type will be allowed to enter or be placed where they may be washed into any aquatic features. At the end of the project construction activities all temporary flagging, fencing, or other materials shall be removed from the project site and vicinity of the channel. No equipment shall be washed down where runoff could enter waterways. <p>Avoidance and Minimization Measures for NMFS Species and resources (including critical habitat and essential fish habitat) that shall be implemented during project construction activities are outlined below.</p> <ul style="list-style-type: none"> Any work below the top of bank shall be completed during the dry season, between June 15 and October 15. No work requiring heavy machinery to enter the wetted channel of the Petaluma River shall be conducted. To the greatest extent feasible, any work below the top of bank of the Petaluma River and McNear Canal shall be conducted using an excavator or other similar equipment capable of reaching the work area from above top of bank. Work shall be conducted during the lowest tidal periods of the day to minimize disturbance to aquatic habitat and preclude need for using a coffer dam. Prior to beginning work below the high tide line, a qualified biologist shall place exclusion nets to prevent fish from temporarily occupying waters that may be accidentally impacted 				

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<p>by landslides or similar failures. The exclusion nets shall be of sufficient height to span the water column and small enough in size (1/8 inch or less) to exclude juvenile fish from areas that may be subject to disturbance during excavation.</p> <ul style="list-style-type: none"> To prevent the spread of turbidity that might be caused by liberation of sediment, a turbidity curtain shall be installed within the exclusion zone created by block nets whenever equipment makes contact with substrate below the high tide line and when rip-rap is installed. Native vegetation removed shall be limited to the minimum necessary in order to complete outfall culvert installation and shall be replanted within the work area where appropriate. (For mitigation of loss of wetland habitat, see MM BIO-4). 				
<p>BIO-2: 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</p>	<ul style="list-style-type: none"> Conduct surveys in accordance with this measure. Conduct construction in conformance with measures herein. Notify Planning Division and CDFW in the event of discovery. 	<ul style="list-style-type: none"> Qualified biologist Applicant Planning Division CDFW 		

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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.				
BIO-3: 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.	<ul style="list-style-type: none"> • Conduct surveys in accordance with this measure. • Conduct construction in conformance with measures herein. • Notify Planning Division and CDFW in the event of discovery. 	<ul style="list-style-type: none"> • Qualified biologist • Applicant • Planning Division • CDFW 		
BIO-4: Prior to issuance of grading permit the applicant shall provide proof of authorization to the City of Petaluma that temporary or permanent impacts to coastal salt marsh fringe wetland related to outfall replacement upgrade have been authorized by the appropriate regulatory agencies. Permits which may be necessary include a Section 10 Rivers and Harbors Act and/or a Section 404 CWA permit from the Corps, a Section 401 Water Quality Certification from RWQCB, and a 1602 Lake and Streambed Alteration Agreement (LSAA) from CDFW.	<ul style="list-style-type: none"> • Conduct surveys in accordance with this measure. • Conduct construction in conformance with measures herein. 	<ul style="list-style-type: none"> • Qualified biologist • Applicant • Planning Division • CDFW • RWQCB • CORPS 		

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As part of the CORPS/RWQCB permit application packages, the applicant shall demonstrate that impacts to approximately 0.004 acres (171 square feet) of tidal wetlands will be replaced at a minimum 1:1 ratio on a functions and values basis, <u>or as otherwise determined by the regulatory agencies. Preference shall be given to on-site mitigation, but Mitigation</u> may include purchase of created wetlands credits from an approved mitigation bank or proponent created wetlands at an on- or off-site location, <u>as deemed most appropriate by the regulatory agencies</u> . The appropriate permits shall be obtained from regulatory agencies prior to initial grading/construction which shall include approval of a wetlands mitigation plan.	<ul style="list-style-type: none"> Notify Planning Division and CDFW in the event of discovery. 			
BIO-5: Prior to any tree removal or alteration, the applicant shall obtain approval from the City of Petaluma to implement a plan for tree preservation and replacement in accordance with the City's Tree Preservation Ordinance. Replacement of the protected trees onsite shall be replaced at a one-to-one trunk diameter basis. Replacement trees shall <u>be consistent with the preliminary landscape plan, except that additional trees or larger size box trees (e.g. 36-inch) shall be included, if feasible, as recommended in the Arborist Report prepared by WRA Environmental Consultants, dated June 2022. be at the minimum 24-inch box size.</u> Acceptable replacement for the removal of 326.6 dbh of protected trees shall be determined in replacement planting plan provided to the City of Petaluma Planning Director, or director's designee for review and approval. Replacement trees shall be planted onsite in the same generally vicinity as the removed tree. In the event that replacement onsite is infeasible, the applicant shall pay a tree in-lieu fee. The replacement tree costs for the purposes of satisfying in-lieu fees shall be based on the typical northern California wholesale tree cost plus average installation cost for a minimum 24-inch box tree. If payment of an in-lieu fee is proposed, an arborist-	<ul style="list-style-type: none"> Applicant to submit a plan for tree preservation to Planning for review and approval. Applicant to document tree replacement onsite or pay in lieu fee. City to verify replacement following construction. 	<ul style="list-style-type: none"> Qualified Arborist Applicant Planning Division 		

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prepared in-lieu replacement value for the remaining tree mitigation shall be required.				
CULTURAL RESOURCES				
<p>CUL-1: To ensure the Project does not result in impacts to buried archaeological resources onsite, if present, the following shall be implemented:</p> <ol style="list-style-type: none"> Training. Prior to commencement of ground-disturbing activities, a professional archaeologist shall conduct a preconstruction training for construction personnel. The training shall familiarize individuals with the potential to encounter prehistoric artifacts or historic-era archaeological deposits, the types of archaeological material that could be encountered within the Project Area, and the requirement for a monitor to be present during initial ground- disturbing activities. Monitoring. During initial ground disturbing activities, a Secretary of the Interior-qualified archeologist and Federated Indians of Graton Rancheria-approved monitor shall be onsite to monitor activities. The monitor shall have the authority to temporarily halt work to inspect areas as needed for potential cultural materials or deposits. Daily monitoring logs shall be completed by the monitor. Post-review Discoveries. In the event that cultural resources are exposed during construction, all earth work occurring within 100 feet of the find shall be immediately stopped until a Secretary of Interior-qualified Archaeologist inspects the material(s), assess historical significance. The monitoring archaeologist shall consult with the Federated Indians of Graton Rancheria-approved monitor, may consult with other stakeholders, and as needed provide recommendations for the treatment of the discovery. 	<ul style="list-style-type: none"> Conduct construction in conformance with measures herein. Notify Professional Archaeologist and Planning Division in the event of potentially significant archaeological resource discovery. Include measure on project construction and improvement plans. 	<ul style="list-style-type: none"> Applicant Qualified archaeologist and/or FIGR representative Planning Division 		

OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
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4. Archaeological Monitoring Report. Within 60 days following completion of construction work, an archeological monitoring report shall be submitted to the City. The report shall include the results of the monitoring program (even if negative), a summary of any findings or evaluation/data recovery efforts, and supporting documentation (e.g., daily monitoring logs).				
CUL-2: In the event that human remains are encountered within the Project Area during Project-related, ground-disturbing activities, all work must stop, and the County Coroner immediately notified of the discovery. If the County coroner determined that remains are, or are believed to be Native American, then the Native American Heritage Commission must be contacted by the Coroner so that a “Most Likely Descendant” (MLD) can be designated to provide further recommendations regarding treatment of the remains. A Secretary of Interior-qualified Archaeologist should also evaluate the historical significance of the discovery, the potential for additional human remains to be present, and to provide further recommendations for treatment of the resource in accordance with the MLD recommendations. Federal regulations require that Native American human remains, funerary objects, and object of cultural patrimony are handed consistent with the requirement of the Native American Graves Protection and Repatriation Act.	<ul style="list-style-type: none"> • Incorporate into project design and print on construction documents • On-site observation 	<ul style="list-style-type: none"> • Applicant • Qualified archaeologist and/or FIGR representative • Planning Division • NAHC • MLD • County Coroner 		
GEOLOGY AND SOILS				
GEO-1: The project Applicants shall submit for City’s approval a preconstruction design-level geotechnical report for the Oyster Cove Project. The report shall include all applicable geologic report standards, reconnaissance and subsurface exploration data, laboratory test results, and conclusions and recommendations, including, but not limited to, those pertaining to: 1) site preparation, excavation, fill placement and compaction, temporary and permanent cut and fill slope inclinations	<ul style="list-style-type: none"> • Upon submittal of plans for building permit, submit a design-level geotechnical report. • Incorporate geotechnical 	<ul style="list-style-type: none"> • Applicant/ Contractor/ Geotechnical Engineer • Public Works and Utilities 		

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<p>(including whether slopes steeper than 3:1 can be used at the site), slope stability, slope erosion mitigation, and landslide movement mitigation; 2) surface and subsurface drainage systems, including drainage associated with grading for landslide movement mitigation and new cut and fill slopes; 3) foundations and floors for planned residential structures; 4) foundations for planned site improvements, including, but not limited to restrooms, barn, pedestrian bridges, and other structures; 5) settlement and swell estimates for planned residential structures and site improvements, including those bearing of engineered fill; 6) foundations, back-drains, and lateral earth pressures for site retaining walls; 7) seismic design parameters for the planned residential structures, site improvements, and site retaining walls; 8) pavement design for driveways, parking lots, pathways and trails, where applicable; 9) utility trench backfill, including check dams and trench drainage, if appropriate; 10) geologic/geotechnical construction monitoring, testing, and certification requirements; and 11) trail construction and long-term maintenance requirements, including criteria for inspecting and maintaining culverts and pathway surfaces, as appropriate.</p> <p>The geotechnical report shall include measures, as necessary, to reduce the potential for static and earthquake-induced slope movements that may adversely impact the Oyster Cove Project. Engineering analyses shall estimate the factors of safety against slope movements in the development area.</p> <p>As determined by the City Engineer and/or Chief Building Official, all recommendations outlined in the preconstruction design-level geotechnical report for the Oyster Cove project are herein incorporated by reference and shall be adhered to in order to ensure that appropriate measures are incorporated into the design and construction of the project. Nothing in this mitigation measure shall preclude the City</p>	<p>recommendations into project construction and improvement plans.</p> <ul style="list-style-type: none"> The project geotechnical engineer shall inspect the construction work and shall certify to the City, prior to issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications. 	<ul style="list-style-type: none"> Building Division 		

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Engineer and/or Chief Building Official from requiring additional information be provided to determine compliance with applicable standards. The project geotechnical engineer shall review the project plans and specifications and submit a letter certifying to the City that the project plans and specifications have been prepared in accordance with the geotechnical recommendations for the project. The project geotechnical engineer or personnel under their direct supervision shall inspect the construction of geotechnical and/or geologic aspects of the project and shall submit a letter certifying to the City that prior to issuance of a certificate of occupancy, the geotechnical and geologic aspects of the project plans and specifications have been appropriately constructed at the site and are acceptable to the project geotechnical engineer.				
GEO-2: Prior to issuance of a grading permit, an erosion control plan along with grading and drainage plans shall be submitted to the City Engineer for review. All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Petaluma's Grading and Erosion Control Ordinance #1576, Title 17, Chapter 17.31 of the Petaluma Municipal Code. Plans shall detail erosion control measures such as site watering, sediment capture, equipment staging and laydown pad, and other erosion control measures to be implemented during all construction activity.	<ul style="list-style-type: none"> Compliance with approved erosion control plan. 	<ul style="list-style-type: none"> Applicant/ Contractor/ Geotechnical Engineer Public Works and Utilities Building Division 		
HAZARDS AND HAZARDOUS MATERIALS				
HAZ-1: Prior to issuance of a grading permit, approval of the Site Remediation Plan by the RWQCB shall be submitted to the City of Petaluma. the applicant shall seek regulatory oversight for the proposed site remediation by the State, either the DTSC or RWQCB, pursuant to the 2005 Memorandum of Agreement between DTSC, the State Water Resources Control Board, Regional Water Quality Control Boards, and the California EPA for the Oversight of Investigation and Cleanup	<ul style="list-style-type: none"> Provide copy of Site Remediation Plan to the City with construction documents for review and approval. 	<ul style="list-style-type: none"> Project Applicant/ Contractor Environmental Professional/Health and Safety Officer 		

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MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
<p><u>Activities at Brownfield Sites.</u> Remediation activities onsite shall be conducted in accordance with the Final Site Remediation Plan (Draft prepared by ENGEO, dated November 1, 2022, <u>unless otherwise directed by the regulatory oversight</u>. All impacted soils and vegetation shall be removed and remediated, in compliance with oversight by the <u>DTSC or</u> RWQCB, and disposed of at a facility licensed to accept contaminated materials. Prior to issuance of a certificate of occupancy, the applicant shall provide documentation to the City of Petaluma demonstrating that remediation has effectively reduced pollutant concentrations onsite and all contaminants fall below ESLs for residential uses. Remediation activities shall be conducted in accordance with the Site-Specific Health and Safety Plan.</p>	<ul style="list-style-type: none"> Retain copy of the approved plan on-site during construction. 	<ul style="list-style-type: none"> RWQCB. Fire Department Building Division Planning Division 		
HYDROLOGY AND WATER QUALITY				
<p>HYDRO-1: In accordance with the National Pollution Discharge Elimination System (NPDES) regulation, the applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) prior to construction. The SWPPP shall address erosion and sediment controls, proper storage of fuels, identification of BMPs, and use and cleanup of hazardous materials. A Notice of Intent, fees, and other required documentation shall be filed with the Regional Water Quality Control Board. During construction a monitoring report shall be conducted weekly during dry conditions and three times a day during storms that produce more than 1/2" of precipitation.</p>	<ul style="list-style-type: none"> Incorporate into project design and print on construction documents (building and landscape plans). On-site observation 	<ul style="list-style-type: none"> Project Applicant/ Contractor Public Works and Utilities Building Division Planning Division 		
<p>HYDRO-2: Should construction dewatering be required, the applicant shall either reuse the water on-site for dust control, compaction, or irrigation, retain the water on-site in a grassy or porous area to allow infiltration/evaporation, or obtain a permit to discharge construction water to a sanitary sewer or storm drain. Discharges to the sanitary</p>	<ul style="list-style-type: none"> Incorporate into project design and print on construction documents (building 	<ul style="list-style-type: none"> Project Applicant/ Contractor Public Works and Utilities 		

OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
sewer system shall require a one-time discharge permit from the City of Petaluma. Measures may include characterizing the discharge and ensuring filtering methods and monitoring to verify that the discharge is compliant with the City's local wastewater discharge requirements. Discharges to a storm drain shall be conducted in a manner that complies with the Regional Water Quality Control Board Waste Discharge Requirements for Low Threat Discharges to Surface Waters in the North Coast Region. In the event that groundwater is discharged to the storm drain system, the Applicant shall submit permit registration documents and develop a Best Management Practices/Pollution Prevention Plan to characterize the discharge and to identify specific BMPs, such as sediment and flow controls sufficient to prevent erosion and flooding downstream.	<ul style="list-style-type: none"> and landscape plans). On-site observation 	<ul style="list-style-type: none"> Building Division Planning Division 		
HYDRO-3: The project shall implement appropriate post-construction stormwater treatment measures to reduce water quality and hydromodification impacts to downstream reaches, as required by the current post construction controls regulations of the Small MS4 General Permit. Upon completion of the final project design, the Applicant shall provide a final stormwater control plan (SWCP) to the City of Petaluma and shall include stormwater management measures that comply with the Small MS4 General Permit. The report shall delineate individual drainage management areas (DMAs) within the project site and provide analysis to show compliance with the volumetric or flow-based treatment criteria as described in the Small MS4 General Permit and outlined in the BASMAA (2019) Post-Construction Manual. The report shall also include design calculations that show post-project runoff for the 24-hour, 2, 5, 10, 25, and 100 year storm event does not exceed pre-project flow for each DMA, and that each DMA has appropriate stormwater quality treatment based on flow- or volumetric-based	<ul style="list-style-type: none"> Incorporate into project design and print on construction documents (building and landscape plans). On-site observation Upon submittal of grading plan provide approval letter from Sonoma Water 	<ul style="list-style-type: none"> Project Applicant/ Contractor Public Works and Utilities Building Division Planning Division Sonoma Water 		

OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
calculation, as outlined in the Small MS4 General Permit and in compliance with the BASMAA Manual. The final SWCP documentation shall be submitted to the City and Sonoma Water for review and an approval letter from Sonoma Water prior to the issuance of a grading permit shall be required.				
<p>HYDRO-4: Following construction of the residential buildings within the FP-C (Flood Plain – Combining District), and prior to occupancy, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator. The Floodplain Administrator shall require standards in accordance with the City’s FP-C, such as the following:</p> <ol style="list-style-type: none"> 1. All new improvements shall be anchored to prevent flotation, collapse, or lateral movement. 2. All new improvements shall be constructed with materials and utility equipment resistant to flood damage and using methods and practices to minimize flood damage. 3. All electrical, heating, air conditioning, ventilation, and plumbing shall be designed and located to prevent water from entering or accumulating within components during flooding. 4. All new construction and improvements shall insure that fully enclosed areas below the lowest floor that are subject to flooding be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. A minimum of two opening not less than one square inch for every square foot of enclosed area shall be provided. 	<ul style="list-style-type: none"> • Incorporate into project design and construction documents. • Conduct construction in conformance with measures herein. 	<ul style="list-style-type: none"> • Applicant • Building Division • Planning Division • Public Works and Utilities 		
NOISE				

OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
<p>NOI-1: 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:</p> <ol style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> • Conduct construction in conformance with measures herein. • Incorporate into project design and construction documents. • Maintain delivery, hauling and construction in accordance with measure. • Provide notice to surrounding properties in accordance with measure. • Applicant shall provide for periodic inspection during construction to ensure that measures are in place. 	<ul style="list-style-type: none"> • Applicant • Building Division • Planning Division 		

OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
<p>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.</p> <p>9. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from existing residences.</p> <p>10. Control noise from construction workers' radios to a point where they are not audible at the existing Parks bordering the project site.</p> <p>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.</p> <p>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.</p> <p>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</p>				

OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
construction site and include in it the notice sent to neighbors regarding the construction schedule.				
TRIBAL CULTURAL RESOURCES				
Implement Measure CUL-1 and CUL-2.	See CUL-1, CUL-2	See CUL-1, CUL-2		

RESOLUTION 2023-06

CITY OF PETALUMA PLANNING COMMISSION

**RECOMMENDING THE CITY COUNCIL APPROVE A GENERAL PLAN AMENDMENT TO
CHANGE THE LAND USE DESIGNATION FOR AN 1.86-ACRE PORTION OF A 3.86-ACRE
PARCEL FROM RIVER DEPENDENT INDUSTRIAL TO MIXED USE
FOR THE OYSTER COVE MIXED USE NEIGHBORHOOD PROJECT SITE
LOCATED AT 100 EAST D STREET
ASSESSOR PARCEL NUMBER: 007-700-006
FILE NO. PLGP-2022-0003**

WHEREAS, Joseph Scott Ward of Oyster Cove, LLC, on behalf of the property owner Lind Family Trust, submitted a General Plan Map Amendment application to change the land use designation of an approximately 1.86-acre portion of the 3.86-acre parcel addressed as 100 E D Street (Assessor Parcel Number 007-700-006) from River Dependent Industrial (RDI) to Mixed Use, a Zoning Map Amendment application to change the SmartCode Regulating Plan zoning on that same portion of the 3.86-acre parcel from River Dependent Industrial (D3) to Urban Center (T5), and a Tentative Subdivision Map for Condominium Purposes (TSM) application and associated SmartCode warrant requests, for the Oyster Cove Mixed Use Neighborhood Project; and

WHEREAS, the Oyster Cove Mixed Use Neighborhood Project proposes to subdivide the three-parcel, 6.13-acre project site comprised of parcels located at 100 E D Street, 0 E D Street, and 0 Copeland Street (APNs 007-700-006, -003, and -005) (the "Project") into 22 lots with 132 airspace condominiums and approximately 9,000 SF of commercial space; and

WHEREAS, the discretionary Planning entitlement Site Plan and Architectural Review is required prior to the project commencing construction, and application for this required entitlement will be submitted subsequent to City Council adoption of the requested General Plan and Zoning Map Amendments and approval of the Tentative Subdivision Map application and associated SmartCode warrant requests; and

WHEREAS, the City prepared an Initial Study for the Project consistent with California Environmental Quality Act (CEQA) Guidelines §15162 and §15163 and determined that a Mitigated Negative Declaration (MND) was required in order to analyze the potential for new or additional significant environmental impacts of the Project beyond those identified in the General Plan EIR; and

WHEREAS, while the Initial Study/MND for the Project identified potentially significant impacts, all significant impacts are mitigated to a less than significant level, and therefore the Project would not result in any significant impacts to the environment; and

WHEREAS, the Planning Commission, at a duly noticed public hearing on May 9, 2023, recommended the City Council adopt the project MND and Mitigation Monitoring and Reporting Program; and

WHEREAS, the Project is subject to the Petaluma General Plan 2025, adopted by the City on May 19, 2008; and

WHEREAS, the Project is subject to the Central Petaluma Specific Plan (CPSP), adopted by the City in June 2003; and

WHEREAS, the Project is subject to the Petaluma SMART Rail Station Areas: TOD Master Plan, adopted by the City on June 17, 2013; and

WHEREAS, the General Plan in the section entitled Amendments to the General Plan recognizes that the General Plan will be subject to site-specific amendments needed from time to time to modify policies that may be obsolete or unrealistic due to changed conditions such as development on a site; and

WHEREAS, the General Plan refers to State law that limits the number of times a city can amend its general plan by stating that generally, no jurisdiction can amend any mandatory element of its General Plan more than four times in one year; and

WHEREAS, the General Plan in Figure 1-1 Land Use establishes land use designations for all parcels in the City of Petaluma subject to the General Plan, and those land use designations include Mixed Use and River Dependent Industrial; and

WHEREAS, land use designations established for parcels comprising the Project include River Dependent Industrial designation for an approximately 1.86-acre portion of the 3.86-acre parcel addressed as 100 E D Street (Assessor Parcel Number 007-700-006), with the remainder of the parcel designated Mixed Use, Mixed Use designation for the parcel addressed as 0 East D Street (APN 007-700-003), and Mixed Use designation for the parcel addressed as 0 Copeland Street (APN 007-700-005); and

WHEREAS, a portion of the Project site is identified in the 2015-2023 Housing Element as Opportunity Site #32, capable of supporting up to 56 housing units; however, the MU designation within the Central Petaluma Specific Plan area anticipated residential densities up to 60 dwelling units per acre, though there are no established densities within the CPSP, rather density is regulated through building form, mass, and height pursuant to the SmartCode; and

WHEREAS, the project site is identified in the 2023-2031 Housing Element, adopted by the City Council on March 20, 2023, as capable of providing up to 132 housing units and identifies potential constraints, including access easement; and

WHEREAS, the Project proposes adaptive re-use of the existing industrial site for a predominantly residential mixed use development consisting of 132 residential condominium units, including 11 live/work units, and redevelopment of an industrial building into approximately 9,000 square feet of commercial and public use space; and

WHEREAS, the project will comply with the City's inclusionary housing requirement by reserving 15% of units for income-qualifying households (7.5% at Low-Income and 7.5% at Moderate Income), and these affordable housing units will be integrated throughout the development's 132 residential homes; and

WHEREAS, General Plan Goal 1-G-1 Land Use seeks to maintain a balanced land use program that meets the long-term residential, employment, retail, institutional, education, recreation, and open space needs of the community; and

WHEREAS, Land Use Policy 1-P-1 promotes a range of land uses at densities and intensities to serve the community needs, Policy 1-P-2 promotes infill development at equal or higher density and intensity than surrounding uses in order to use land efficiently, and Policy 1-P-6 encourages mixed used development, which includes opportunities for increased transit access; and

WHEREAS, the requested General Plan Map Amendment would further implement Goal 1-G-1 and Policies 1-P-1, 1-P-2, and 1-P-3 by changing the land use designation on the subject parcel to Mixed Use to support the long-term residential needs of the community, by promoting proposed residential infill

development at a higher density and intensity than surrounding uses that would use land more efficiently, and by supporting mixed use development at a location that will increase transit access; and

WHEREAS, the 6th cycle Housing Element, adopted by the City Council on March 20, 2023, forecasts the development of 132 housing units on the project site where the General Plan Amendment is requested; and

WHEREAS, a virtual Neighborhood Meeting was held on June 8, 2022, at which the Project, including the request for General Plan Amendment, was presented to meeting participants, and meeting participants were given the opportunity to speak and no objections to the proposed General Plan Amendment were raised; and

WHEREAS, the Planning Commission reviewed the Project, including the request for General Plan Amendment, at a study session held during a virtual public meeting on June 28, 2022, and no objections to the General Plan Amendment were raised; and

WHEREAS, the Project was scheduled for review by the Planning Commission at a public hearing held on May 9, 2023, and public notice of the scheduled public hearing was published in the Argus-Courier, mailed to property owners within 1,000 feet of the Project site, and posted on the project site in the form of onsite signage, on April 28, 2023, in accordance with Implementing Zoning Ordinance Section 24.100 Public Notice; and

WHEREAS, a staff report, dated May 4, 2023, described and analyzed the Project for the Planning Commission, and the staff report reviewed the conformity of the Project, including the General Plan Amendment, with General Plan 2025 and recommended approval of the Project and the staff report is incorporated herein by reference and available for public review in the Planning Department at City Hall during normal business hours; and

WHEREAS, the Planning Commission reviewed the staff report and draft MND at a noticed public hearing on May 9, 2023, at which time all interested parties had the opportunity to be heard.

NOW THEREFORE, BE IT RESOLVED by the Petaluma Planning Commission as follows:

1. The above recitals are hereby declared to be true and correct and are incorporated into the resolution as findings of the Petaluma Planning Commission.
2. The potential environmental impacts of the Oyster Cove Mixed Use Neighborhood Project, including the proposed General Plan Amendments, were fully analyzed in the project-specific Mitigated Negative Declaration (SCH Number 2023040175) containing all the requirements of CEQA Guidelines Section 1532, inclusive of references, appendices, and all attachments thereto.
3. Approval of the proposed General Plan Amendment as outlined below is contingent upon the City Council's adoption of the project MND, including the adoption of the Mitigation Monitoring and Reporting Program.
4. Government Code Section 65358 allows General Plan amendments when it is deemed in the public interest to do so.
5. State law limits the number of times a local agency can amend its general plan to more than four times yearly. The proposed amendment represents the first amendment request for 2023.
6. The Planning Commission hereby recommends that the City Council approve a General Plan Amendment to amend General Plan Figure 1-1 Land Use by changing the land use designation of an approximately 1.86-acre portion of the 3.86-acre parcel addressed as 100 E D Street (Assessor

Parcel Number 007-700-006) from River Dependent Industrial to Mixed Use, as shown in **Exhibit 1** – General Plan Land Use Diagram with Amendment.

7. The Planning Commission finds that the proposed amendment to the General Plan is in the public interest as the amendment would allow for the residential mixed use development of 132 housing units that will further implement General Plan Goal 1-G-1 and Policies 1-P-1, 1-P-2, and 1-P-3 by changing the land use designation on the subject parcel to Mixed Use to support the long-term residential needs of the community, promote residential infill development at a higher density and intensity than surrounding uses that would use land more efficiently, and support mixed use development at a location that will increase transit access, and implement the 6th cycle Housing Element, adopted by the City Council on March 20, 2023, which forecasts development of 132 housing units on the project site where the General Plan Amendment is requested.

Exhibit 1 – General Plan Land Use Diagram with Amendment

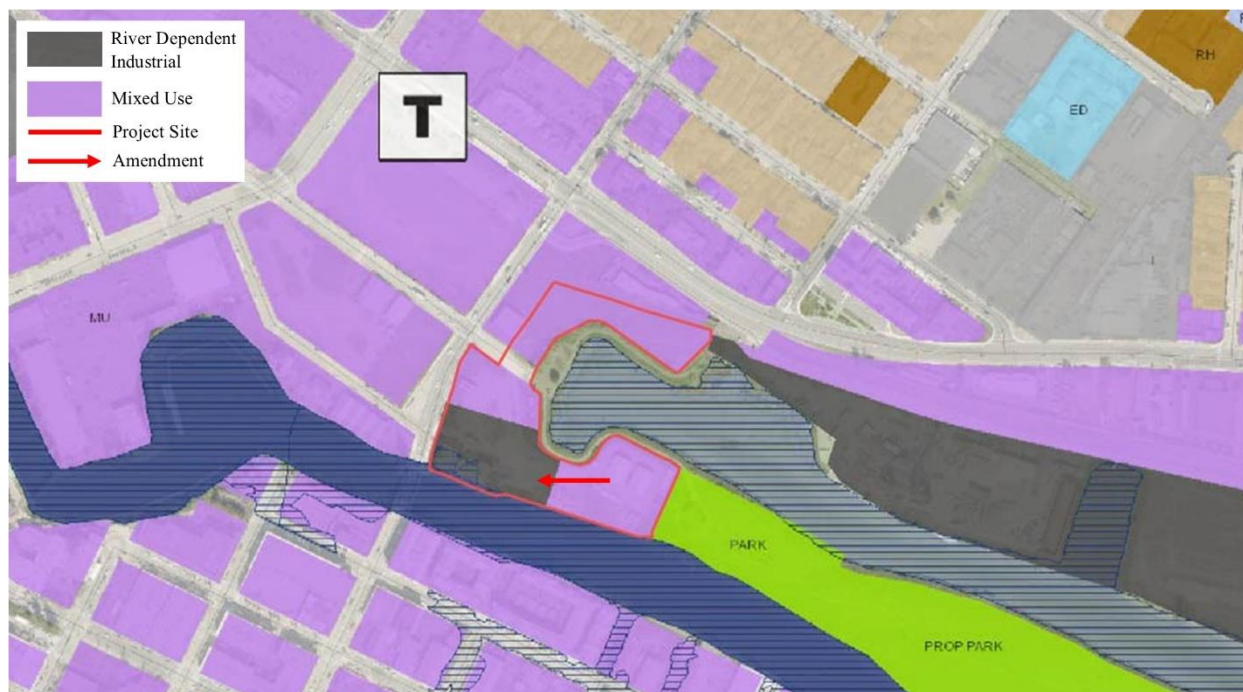


Figure 1: 2025 General Plan Land Use Diagram with existing River Dependent Industrial land use designation on the subject parcel

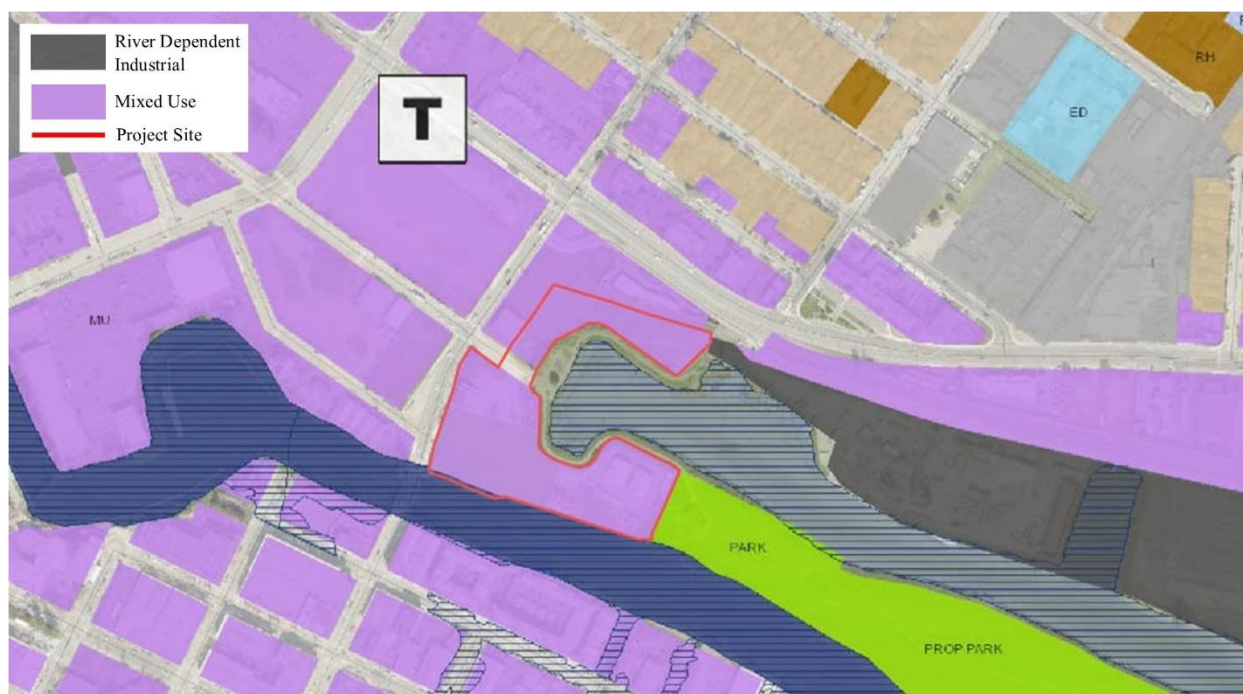
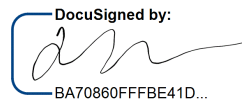


Figure 2: 2025 General Plan Land Use Diagram with Mixed Use land use designation amendment

ADOPTED this 9th day of May 2023, by the following vote:

Commission Member	Aye	No	Absent	Recuse
Councilmember Cader Thompson	X			
Chair Bauer	X			
Vice Chair Hooper				X
McErlane	X			
Potter	X			
Racusen	X			
Whisman	X			

DocuSigned by:

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Heidi Bauer, Chair

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:
Andrew Trippel, Planning Manager
 E46B369C8EDF404...

Andrew Trippel, Planning Manager

DocuSigned by:
Dylan Brady, Assistant City Attorney
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Dylan Brady, Assistant City Attorney

RESOLUTION 2023-07

CITY OF PETALUMA PLANNING COMMISSION

**RECOMMENDING THE CITY COUNCIL ADOPT A ZONING MAP AMENDMENT
TO THE SMARTCODE REGULATING PLAN ZONING MAP TO CHANGE THE ZONING
DESIGNATION FOR AN 1.86-ACRE PORTION OF A 3.86-ACRE PARCEL FROM
RIVER DEPENDENT INDUSTRIAL DISTRICT (D3) TO URBAN CENTER (T5)
FOR THE OYSTER COVE MIXED USE NEIGHBORHOOD PROJECT
LOCATED AT 100 EAST D STREET
ASSESSOR PARCEL NUMBER 007-700-006
FILE NO. PLZA-2022-0004**

WHEREAS, Joseph Scott Ward of Oyster Cove, LLC, on behalf of the property owner, the Lind Family Trust, submitted a General Plan Map Amendment application to change the land use designation of an approximately 1.86-acre portion of the 3.86-acre parcel addressed as 100 East D Street (Assessor Parcel Number 007-700-006) from River Dependent Industrial (RDI) to Mixed Use (MU), a Zoning Map Amendment application to change the SmartCode Regulating Plan zoning on that same portion of the 3.86-acre parcel from River Dependent Industrial District (D3) to Urban Center (T5), and a Tentative Subdivision Map for Condominium Purposes (TSM) application and associated SmartCode warrant requests, for the Oyster Cove Mixed Use Neighborhood Project ("Project"); and

WHEREAS, the Project involves a 6.13-acre site that is comprised of three parcels, including 100 East D Street (APN 007-700-006; 3.86 acres) that is within the River Dependent Industrial District (D3) (1.86 acres) and Urban Center (T5) (2.0 acres) zoning districts; 0 East D Street (APN 007-700-003; .64 acres) that is within the T5 zoning district; and 0 Copeland Street (APN 007-700-005; 1.6 acres) that is within the T5 zoning district; and

WHEREAS, the Project involves a request to amend the SmartCode Regulating Plan zoning for 100 East D Street, to replace the D3 zoning that applies to a 1.86-acre portion of the parcel with T5 zoning; and

WHEREAS, Site Plan and Architectural Review is required prior to the Project commencing construction, and the application for this required entitlement will be submitted subsequent to City Council adoption of the requested General Plan and Zoning Map Amendments and approval of the Tentative Subdivision Map application and associated SmartCode warrant requests; and

WHEREAS, on November 2, 2022, pursuant to Public Resources Code Section 21080.3.1(d) and Government Code Section 65352.3, a notice of this Project was delivered to the Federated Indians of Graton Rancheria, and the Federated Indians of Graton Rancheria requested consultation on December 6, 2022; and

WHEREAS, on March 1, 2023, the City and the Federated Indians of Graton Rancheria met in consultation, and the consultation concluded with an agreement to impose Tribal monitoring as a project condition of approval; and

WHEREAS, the City prepared an Initial Study for the Project consistent with California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15163, and determined that a Mitigated Negative Declaration (MND) was required to analyze the potential for new or additional significant environmental impacts of the Project beyond those identified in the General Plan EIR; and

WHEREAS, while the Initial Study/MND for the Project identified potentially significant impacts, all significant impacts are mitigated to a less than significant level, and therefore the Project would not result in any significant impacts to the environment; and

WHEREAS, on April 7, 2023, the City published the Notice of Availability (NOA) of an Initial Study/MND on the City Project webpage, in the Petaluma Argus, filed the NOA with the Sonoma County Clerk, posted the NOA to CEQAnet, and mailed the NOA to all residents and property owners within 1,000 feet of the Project providing for a 30-day public comment period commencing April 7, 2023, and ending May 8, 2023; and

WHEREAS, on April 28, 2023, the applicant installed required on-site signage to inform the public of this meeting with the Planning Commission, and pursuant to Section 24.100.B of the IZO, signage was at least 32 square feet in area and placed in a position most visible to the public along the East D Street frontage; and

WHEREAS, on April 28, 2023, public notice of the May 9, 2023, Planning Commission public hearing was published in the Petaluma Argus-Courier and mailed to residents and occupants within 1,000 feet of the site; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider the amendments on May 9, 2023; and

WHEREAS, the Planning Commission considered the staff report dated May 4, 2023, including the CEQA determination included therein; and

WHEREAS, the Planning Commission considered the amendment to change the zoning designation for approximately 1.86-acres of the 3.86-acre parcel located at 100 East D Street (Assessor Parcel Number 007-700-006) from D3 to T5, and

WHEREAS, the Planning Commission also considered a related resolution to change the General Plan classification from River Dependent Industrial (RDI) to Mixed Use (MU), to cover the same portion of the site as the Zoning Map Amendment; and

WHEREAS, per IZO Chapter 25, an amendment to the zoning map may be requested by a property owner, and the City Council may adopt the amendment upon the recommendation of the Planning Commission.

NOW THEREFORE, BE IT RESOLVED by the Petaluma Planning Commission as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. Based on the staff report, staff presentation, comments received, and the public hearing, the Planning Commission makes the following findings based on substantial evidence in the record:

a. California Environmental Quality Act Findings:

An Initial Study/MND was prepared, and proper notice was provided in accordance with CEQA and local Guidelines.

Based on its review of the entire record herein, including the MND, the Initial Study, all supporting, referenced, and incorporated documents, and all comments received,

the Planning Commission finds that there is no substantial evidence that the Project as mitigated will have a significant effect on the environment, and hereby recommends that the City Council adopt the MND for the Project, including the Mitigation Monitoring and Reporting Program.

The Project does have the potential to affect wildlife resources as defined in the Fish and Game Code, either individually or cumulatively; However, with mitigation, these potential environmental impacts would be reduced to a less than significant level and is not exempt from Fish and Wildlife filing fees.

The Planning Commission reviewed the Initial Study/MND and considered the comments before making a recommendation on the project. Pursuant to the analysis in the Initial Study/MND, the Project does not make a cumulatively considerable contribution to the significant and unavoidable cumulative traffic or noise impacts identified in the General Plan 2025 EIR.

The Project is located on a site listed on a Hazardous Waste Site List compiled by the State pursuant to Section 65962.5 of the Government Code; with mitigation, any potential environmental impact would be reduced to a less than significant level.

Pursuant to the analysis in the Initial Study, the Project does not make a cumulatively considerable contribution to any significant and unavoidable cumulative impacts identified in the General Plan 2025 EIR.

b. General Plan Findings:

Pursuant to Table 1 – Transect Zone Descriptions of the SmartCode, the T5 zone implements the underlying Mixed Use General Plan land use classification and is therefore consistent with the General Plan. Additionally, the rezoning would create consistent zoning for parcel number 007-700-006 (that is currently zoned T5 and D3) and for the entire 6.13-acre Project site.

The public necessity, convenience, and general welfare clearly permit the adoption of the proposed amendment in that it would support the development of new housing, including affordable housing, and provide a variety of public benefits, including new multi-modal transportation infrastructure and public spaces. The amendment will create a single zone for a single parcel of land and will allow for one set of rules to apply to the site.

3. Based on its review of the entire record herein, including the May 9, 2023, Planning Commission staff report, all supporting, referenced, and incorporated documents and all comments received and the foregoing findings, the Planning Commission hereby recommends that the City Council adopt an Ordinance to amend the SmartCode Regulating Plan Zoning Map as shown in Exhibit 1.

Exhibit 1 – SmartCode Regulating Plan Zoning Map with Amendment

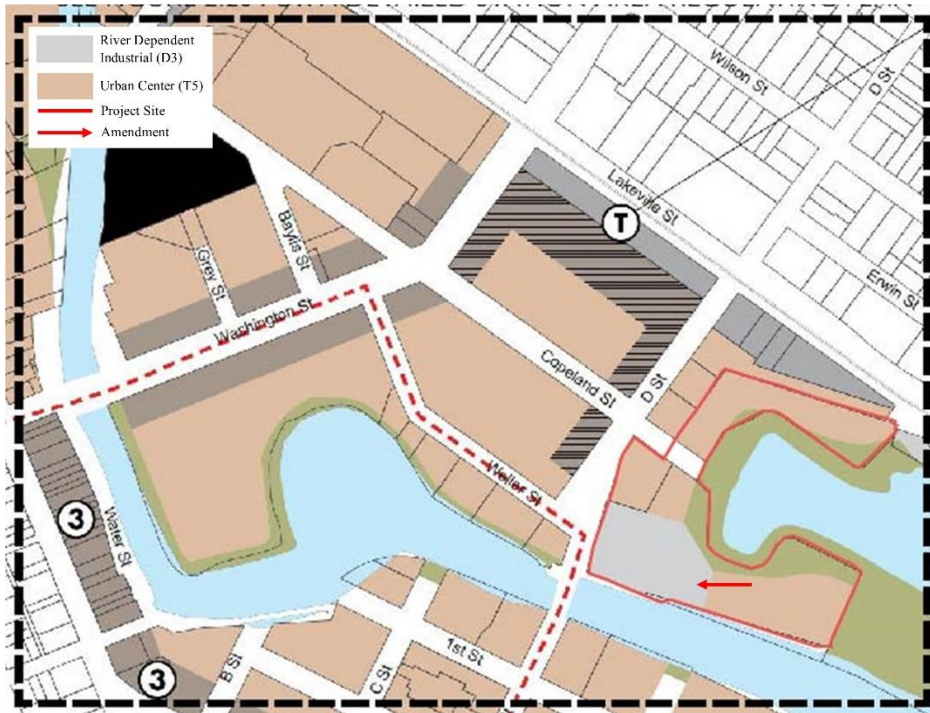


Figure 1: SmartCode Regulating Plan Zoning Map with existing River Dependent Industrial (D3) zoning district on the subject parcel

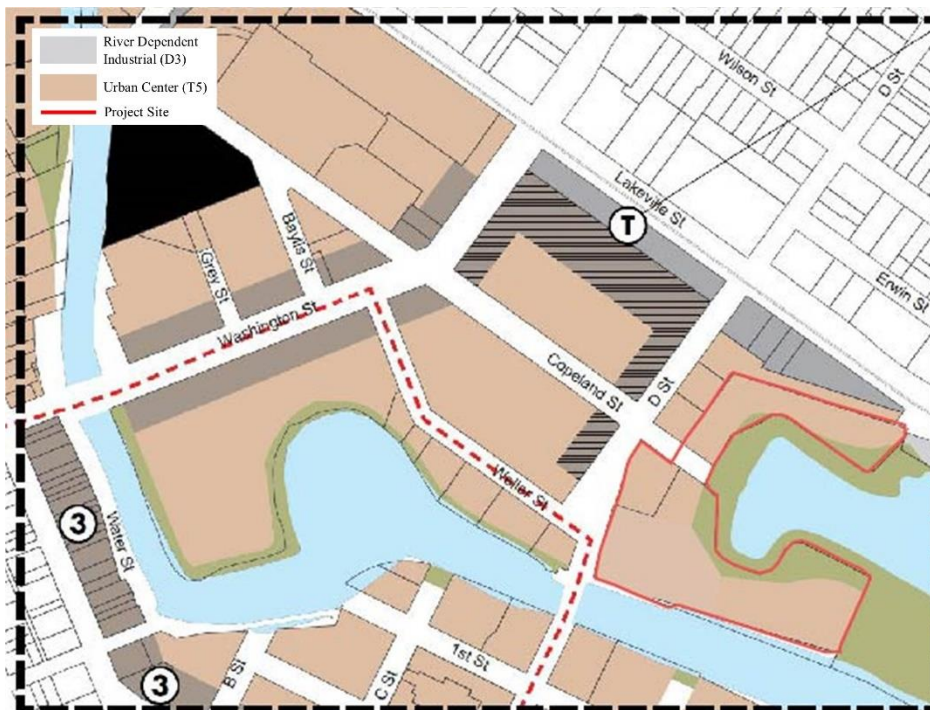
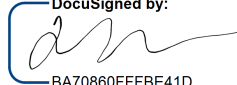


Figure 2: SmartCode Regulating Plan Zoning Map with Urban Center (T5) zoning district amendment

ADOPTED this 9th day of May 2023, by the following vote:

Commission Member	Aye	No	Absent	Recuse
Councilmember Cader Thompson	X			
Chair Bauer	X			
Vice Chair Hooper				X
McErlane	X			
Potter	X			
Racusen	X			
Whisman	X			

DocuSigned by:



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Heidi Bauer, Chair

ATTEST:

DocuSigned by:



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Andrew Trippel, Planning Manager

APPROVED AS TO FORM:

DocuSigned by:



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Dylan Brady, Assistant City Attorney

RESOLUTION 2023-08

CITY OF PETALUMA PLANNING COMMISSION

**RECOMMENDING THE CITY COUNCIL APPROVE A TENTATIVE MAP FOR SUBDIVISION
AND CONDOMINIUM PURPOSES TO SUBDIVIDE THE PROJECT SITE INTO 22 LOTS WITH 132
AIRSPACE CONDOMINIUMS AND APPROXIMATELY 9,000 SQUARE FEET OF COMMERCIAL
SPACE FOR THE OYSTER COVE PROJECT LOCATED AT
100 EAST D STREET, 0 EAST D STREET, AND 0 COPELAND STREET
ASSESSOR PARCEL NUMBERS: 007-700-006, 007-700-003, 007-700-005
FILE NO. PLSM-2022-0002**

WHEREAS, Joseph Scott Ward of Oyster Cove, LLC, on behalf of the property owner Lind Family Trust, submitted a General Plan Map Amendment application to change the land use designation of an approximately 1.86-acre portion of the 3.86-acre parcel addressed as 100 E D Street (Assessor Parcel Number 007-700-006) from River Dependent Industrial (RDI) to Mixed Use, a Zoning Map Amendment application to change the SmartCode Regulating Plan zoning on that same portion of the 3.86-acre parcel from River Dependent Industrial (D3) to Urban Center (T5), and a Tentative Map for Subdivision and Condominium Purposes (TSM) application and associated SmartCode warrant requests, for the Oyster Cove Mixed Use Neighborhood Project; and

WHEREAS, the Oyster Cove Mixed Use Neighborhood Project proposes to subdivide the three-parcel, 6.13-acre project site comprised of parcels located at 100 E D Street, 0 E D Street, and 0 Copeland Street (APNs 007-700-006, -003, and -005) (the "Project") into 22 lots with 132 airspace condominiums and approximately 9,000 SF of commercial space; and

WHEREAS, the discretionary Planning entitlement Site Plan and Architectural Review is required prior to the Project commencing construction, and application for this required entitlement will be submitted subsequent to City Council adoption of the requested General Plan and Zoning Map Amendments and approval of the Tentative Subdivision Map application and associated SmartCode warrant requests; and

WHEREAS, the City prepared an Initial Study for the Project consistent with California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15163, and determined that a Mitigated Negative Declaration (MND) was required to analyze the potential for new or additional significant environmental impacts of the Project beyond those identified in the General Plan EIR; and

WHEREAS, while the Initial Study/MND for the Project identified potentially significant impacts, all significant impacts are mitigated to a less than significant level, and therefore the Project would not result in any significant impacts to the environment; and

WHEREAS, on April 7, 2023, the City published the Notice of Availability (NOA) of an Initial Study/MND on the City Project webpage, in the Petaluma Argus, filed the NOA with the Sonoma County Clerk, posted the NOA to CEQAnet, and mailed the NOA to all residents and property owners within 1,000 feet of the Project providing for a 30-day public comment period commencing April 7, 2023, and ending May 8, 2023; and

WHEREAS, on April 28, 2023, the applicant installed required on-site signage to inform the public of this meeting with the Planning Commission, and pursuant to Section 24.100.B of the IZO, signage was at least 32 square feet in area and placed in a position most visible to the public along the East D Street frontage; and

WHEREAS, on April 28, 2023, public notice of the May 9, 2023, Planning Commission public hearing was published in the Petaluma Argus-Courier and mailed to residents and occupants within 1,000 feet of the site; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider the amendments on May 9, 2023; and

WHEREAS, the Planning Commission considered the staff report dated May 3, 2023, including the CEQA determination included therein; and

WHEREAS, the Planning Commission also considered a related resolution to change the General Plan classification from River Dependent Industrial (RDI) to Mixed Use (MU), to cover the same portion of the site as the Zoning Map Amendment; and

WHEREAS, the Planning Commission considered the amendment to change the zoning designation for approximately 1.86-acres of the 3.86-acre parcel located at 100 East D Street (Assessor Parcel Number 007-700-006) from D3 to T5, and

WHEREAS, a staff report, dated May 3, 2023, and incorporated herein by reference, described and analyzed the MND and the Project for the Planning Commission. The staff report reviewed conformity of the tentative subdivision map with General Plan 2025, the Central Petaluma Specific Plan ("CPSP"), the Petaluma SMART Rail Station Areas: TOD Master Plan and applicable zoning and other regulations, and recommended approval of the Project. The staff report is incorporated herein by reference and available for public review in the Planning Department at City Hall during normal business hours; and

WHEREAS the Planning Commission reviewed the staff report and the MND at a noticed public hearing on May 9, 2023, at which time all interested parties had the opportunity to be heard. Following the public hearing, the Planning Commission approved Resolution 2023-05 recommending the City Council adopt the MND, and Resolution 2023-06 recommending the City Council approve a General Plan Amendment, and Resolution 2023-07 recommending the City Council adopt a Zoning Map Amendment, which resolutions are incorporated herein by reference and available for public review in the Planning Department at City Hall during normal business hours; and

WHEREAS, the proposed Oyster Cove Mixed Use Neighborhood Project Tentative Subdivision Map for Condominium Purposes is subject to Title 20, Subdivisions, of the Municipal Code (Subdivision Ordinance) and the State Subdivision Map Act, which regulate the design and improvement of proposed subdivisions. As described in the staff report, the Oyster Cove Mixed Use tentative subdivision map proposes to subdivide the Project site into 22 lots with 132 residential townhome condominiums on 21 lots and pedestrian walkways, vehicle alleyways, common areas, and an existing building on a single lot; and,

WHEREAS, the proposed tentative map illustrates the overall site layout, proposed roadway improvements (roadway widths, future traffic signal, bike and pedestrian facilities), master utility plans (water, sewer, and wastewater), grading plans, and stormwater treatment plans, among other improvements. The Project is proposed to develop in a single phase, for which a Final Map will be recorded for the purposes of development in accordance with the CPSP; and

WHEREAS, as discussed in the staff report, the proposed tentative map is consistent with the Petaluma General Plan 2025, the CPSP, and with applicable provisions of the 2013 Amended SmartCode.

NOW, THEREFORE, BE IT RESOLVED that the Petaluma Planning Commission hereby recommends that the City Council find as follows regarding the Tentative Subdivision Map for Subdivision and Condominium Purposes for the Oyster Cove Mixed Use Development.

A. The proposed tentative map as conditioned together with provisions for its design and improvements, is consistent with the General Plan and the Central Petaluma Specific Plan, and will not

be detrimental to the public health, safety, or welfare in that adequate public facilities exist or will be installed, including roads, sidewalks, trail, water, sewer, storm drains, and other infrastructure.

B. The site is physically suitable for the density and the type of development proposed in that it a relatively flat, undeveloped lot within the Urban Growth Boundary that will serve to use land efficiently and promote infill at a residential density consistent with the vision of the SmartCode.

C. The design of the subdivision and the proposed improvements will not cause substantial environmental damage, and no substantial or avoidable injury will occur to fish or wildlife or their habitat in that the final MND provided mitigation measures to reduce identified potential impacts on environmental resources, including biological resources and their habitat, to less than significant levels. All identified mitigation measures are included as conditions of approval to ensure implementation through the Project.

D. The design of the subdivision and the types of improvements are not likely to cause serious public health problems in that the Project proposes a vibrant, walkable mixed-use neighborhood on approximately 6.13 acres with a mix of residential and commercial uses, as well a multi-use path providing access to the Petaluma River. No industrial uses are proposed and the MND identified no significant health impacts.

E. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision in that the project is proposing a grid network of alleyways that will connect to the City's existing street network, including provisions for public access and emergency vehicle access. Existing easements will be realigned to mesh with the subdivision design.

F. The Oyster Cove Mixed Use Development Tentative Subdivision Map proposes warrants pursuant to the CPSP and its implementing SmartCode to modify the following:

- Removal of required "Hopper Loop Road" described in SmartCode Section 5.10.100 – Thoroughfare Regulating Plan Central Petaluma Specific Plan Area
- Modification of minimum Ground Floor Ceiling height requirement for Residential Uses and All other uses from 10 feet and 14 feet, respectively, to a minimum of nine feet for all uses, if required (Urban Standards Table, Table 4.10.m)
- Modification of minimum Ground Floor Space Depth requirement of 30 feet, if required (Urban Standards Table, Table 4.10.n);
- Reduction in minimum Lot Size width from 18 feet to 16 feet, and depth from 80 feet to 36 feet, if required (Section 4.80.100.B);
- Modification of minimum Main Body Width requirement of 18 – 36 feet (maximum) to 16 – 34 feet (maximum), if required (Section 4.80.100.D);
- Elimination of the Private Open Space requirement for Townhouse building types (Section 4.80.100.H); and
- Modification to Parking Location requirements to allow parking in 2nd Layer (within first 20 feet of unit ground floors) (Urban Standards Table, Table 4.10.p).

These warrants are justified by the following SmartCode Intent provisions: The T-5 Transect Zone Description defines the zone as "consists of higher-density, predominately attached mixed-use buildings that accommodate retail, offices, rowhouses, and apartments. It has a tight network of streets, with wide sidewalks, steady street planting, and buildings set close to the sidewalks. Frontage types include shops, storefronts, and galleries with a typical building height of 3-4 stories.". It further states that the Zone description shall constitute the Intent with regard to the "general character" of the development. The removal of the required Hopper Loop Road allows the site design to facilitate walking and biking, as alternatives to automobile travel; and other modifications, including the elimination of Private Open Space facilitate development of a compact, pedestrian-oriented neighborhood. The requested warrants provide compliance with Fire Code requirements - all in accord with the Intent statement in the SmartCode.

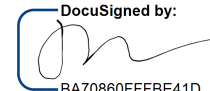
BE IT FURTHER RESOLVED that the Planning Commission hereby finds that the proposed Oyster Cove tentative subdivision map complies with the requirements of Chapter 20.16, Tentative Subdivision Map, of the Subdivision Ordinance and with the Subdivision Map Act as further described in the staff report.

BE IT FURTHER RESOLVED that the Petaluma Planning Commission hereby recommends that the City Council approve the Tentative Map for Subdivision and Condominium Purposes dated June 17, 2022, and on file in the Planning Department, including the requested warrants, based on the findings above and subject to the conditions of approval set forth in attached Exhibit 1, which is incorporated herein by reference.

ADOPTED this 9th day of May 2023, by the following vote:

Commission Member	Aye	No	Absent	Recuse
Councilmember Cader Thompson	X			
Chair Bauer	X			
Vice Chair Hooper				X
McErlane	X			
Potter	X			
Racusen	X			
Whisman	X			

DocuSigned by:



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Heidi Bauer, Chair

ATTEST:

DocuSigned by:



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Andrew Trippel, Planning Manager

APPROVED AS TO FORM:

DocuSigned by:



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Dylan Brady, Assistant City Attorney

EXHIBIT 1

**Oyster Cove Mixed-Use Development
Project File No. PLSM-2022-0002
May 9, 2023**

CONDITIONS OF APPROVAL

PLANNING DIVISION

1. Effective Date. The tentative subdivision map approval shall not be effective until the related zoning map amendments are adopted and effective.
2. The day following the 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. Contact the Clerk's office at (707) 944-5500 to confirm the sums.
3. All mitigation measures contained in the associated Mitigated Negative Declaration/Mitigation Monitoring and Reporting Program are included by reference and shall be satisfied consistent with the approved Mitigation Monitoring and Reporting Program.
4. The Final Subdivision Map shall be in substantial conformance with the Tentative Subdivision Map dated June 16, 2022, except as modified by the following conditions of approval.
5. Prior to approval of the Final Subdivision Map and Public Improvement Plans and prior to the issuance of subsequent development permits, the applicant shall add these Conditions of Approval and the Mitigation Measures as notes to the first sheets of those plans.
6. Prior to Public Improvement Plan approval, to the satisfaction of the City Engineer and the Planning Manager:
 - a. The plan set shall depict the River Trail and Promenade design details for review and approval. The River Trail should be designed for multiple uses (walking and bicycling) and shall be comprised of a minimum 10-foot-wide paved (concrete) surface with minimum 2-foot-wide shoulders (decomposed granite or approved equivalent natural surface) on each side. The pedestrian Promenade along the Petaluma River shall be comprised of a minimum 10-foot-wide paved (concrete) surface.
 - b. Solar LED path light bollards shall be installed along the River Trail and spaced appropriately to provide adequate lighting.
7. Prior to Public Improvement Plan approval, regarding street trees, the plan sets shall:
 - a. Note and depict structural soils under the sidewalks for a six-foot minimum distance inward from all tree wells, for a 24-inch minimum depth, and for a length of at least 8 feet centered on each street tree (SmartCode §4.60.040.C). At least one of these dimensions shall be increased; a continual band of structural soils under sidewalks (via the connection of the 8-foot minimum lengths within 15 feet of a street tree) is strongly recommended to improve the street trees' likelihood of success.
 - b. Note irrigation, walk-on mulch, and root barriers where appropriate (as specified at SmartCode §4.60.040).
8. Prior to Public Improvement Plan approval and building permit approval, soils testing of landscape areas should occur and the landscape architect shall add notes to the plan set to ensure that the

street trees and site landscaping are planted in the most appropriate soils. Final landscape plans shall be subject to staff review and approval.

9. No building permits shall be issued for any buildings on the site until the Final Subdivision Map has been approved by the City Council and recorded at the County.
10. No building permits shall be issued for any buildings on the site until Site Plan and Architectural Review (SPAR) has been reviewed and approved by the Planning Commission. The SPAR application shall include:
 - a. Detailing of Wayfinding signage,
 - b. Inclusion of e-bike chargers, and
 - c. Detailing bike parking type and location
11. During Site Plan and Architectural Review, the Planning Commission shall determine compliance with the Inclusionary Housing Ordinance, IZO Section §3.040, and implementing Housing Element Policy 4.3 (unless Alternative Compliance is requested of the City Council pursuant to IZO §3.040.D).
12. Consistent with Implementing Zoning Ordinance Section 3.040, the project shall provide at least 15 percent of the on-site dwelling units as inclusionary affordable units at the low- and moderate-income levels. Half of the required inclusionary must be low-income units, and the remaining half must be moderate-income units. The ownership covenants must stipulate that the inclusionary affordable units must be affordable for a period of 45 years. Inclusionary units must be constructed and occupied prior to or concurrent with the market-rate units and must be distributed throughout the project site to the fullest extent practicable. The design, appearance, and general quality must be comparable and compatible with the market-rate units.
13. The project's partnership with Sonoma County Land Trust to establish compliance with the City's inclusionary housing ordinance is anticipated. Compliance via another means would require further review and acceptance.
14. At time of Final Map recordation, the developer/applicant shall record in the Official Records Notification of Sonoma County the notice stated at SmartCode §4.70.050(A) "Note to all occupants and users - the surrounding area may be subject to noise, dust, fumes, or other effects associated with commercial and industrial uses and of river-dependent and/or agricultural support industrial operations nearby which may cause effects at higher levels than would be expected in residential areas."
15. Prior to final inspection and Certificate of Occupancy, compliant with SmartCode §4.70.050 and §4.70.020.E.1, the developer/owner shall provide evidence that the following notice shall be included in all sale, lease, or rental agreements concerning any portion of the property and that the language has been included in the project Covenants, Conditions, and Restrictions (CC&Rs):

"This document shall serve as a notification that you have purchased property, or you are leasing or renting premises in an area where river-dependent, agricultural support, commercial, and/or industrial operations are located, which may cause off-site effects including without limitation, noise, dust, fumes, smoke, light, and odors, and which may operate at any time of night or day. The nature and extent of such operations and their effects may vary in response to fluctuations in economic circumstances, business cycles, weather and tidal conditions, and other conditions. This statement is a notification that these off-site effects are a component of the industrial operations in the Central Petaluma Specific Plan area of the City of Petaluma, and you should be fully aware of this at the time of purchase, lease, or rental."
16. This Tentative Subdivision Map approval shall automatically expire 24 months after the effective date of the TSM approval unless the permit has been exercised or unless an extension of time is approved in compliance with Cal.Gov.Code §66452.6.

17. Prior to approval of the public improvement plans, approval shall be obtained from the Floodplain Administrator pursuant to IZO §6.070 for all the improvements.
18. Prior to building permit issuance, the project shall be compliant with the City's Visitability requirements (reference PMC Ch. 17.14).
19. Prior to building permit issuance, the project shall be compliant with the City's All Electric requirements (reference PMC Ch. 17.09).
20. Prior to building permit issuance of the live/work units, interior plans shall demonstrate that the units are designed to accommodate commercial or industrial uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvement of the type commonly found in exclusively commercial or industrial facilities used for the same work activity, and shall be compliant with applicable building and life safety/fire policies for such occupancies, pursuant to SmartCode §4.70.020.D.2 and 3.
21. Use of a Live/Work unit (in exceedance of the uses allowed via a home occupation permit) requires a Minor or Conditional Use Permit, as described at SmartCode §4.70.020.E.
22. Prior to building permit issuance, all development impact fees for the *commercial* component of the project (including the public art in-lieu fee if public art has not yet been approved), shall be paid. Fees for the *residential* component of the project are due prior to final inspection or certificate of occupancy.
23. If the applicant elects to install Public Art on-site, the proposed locations shall be incorporated into SPAR plans and shall be reviewed and approved by the Public Art Committee prior to installation.
24. Prior to final map approval, building permit issuance, and final inspection of building permits, all costs owed on the processing of this application shall be paid in full.
25. 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 portion of the project ahead of the other may be authorized by staff subject to a Construction Agreement. Modifications to the project, including but not limited to a major change in construction phasing, may require an amendment to this condition by the Planning Commission through the Site Plan and Architectural Review provided at IZO §24.010.
26. The applicant shall defend, indemnify, and hold harmless the City and its officials, boards, commissions, agents, officers and employees ("Indemnitees") from any claim, action or proceeding against Indemnitees to attack, set aside, void or annul any of the approvals of the project to the maximum extent permitted by Government Code section 66477.9. To the extent permitted by Government Code section 66477.9, the applicant's duty to defend, indemnify and hold harmless in accordance with this condition shall apply to any and all claims, actions or proceedings brought concerning the project, not just such claims, actions or proceedings brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the subdivider of any such claim, action or proceeding concerning the subdivision. The City shall cooperate fully in the defense. Nothing contained in this condition shall prohibit the City from participating in the defense of any claim, action, or proceeding, and if the City chooses to do so, applicant shall reimburse City for attorneys' fees and costs incurred by the City to the maximum extent permitted by Government Code section 66477.9.

BUILDING DIVISION

27. CBC 1803.1.1 requires each subdivision to have preliminary soils investigations prepared by a state-licensed civil engineer. Where soil hazards are identified, each lot shall have an investigation

indicating preparations, recommendations, and corrective actions to prevent structural defects for each dwelling.

28. 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.
29. 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. Current code adoption at the time of building permit application will govern construction requirements.
30. The City of Petaluma has adopted a Universal Access and Visitability Ordinance effective April 20, 2022. Visitability will require an accessible path from the public way to the main entry door, hallway, and bathroom for a building with 4 or fewer dwelling units. Universal access will require 30% of the new dwellings, in developments of 5 or more, to have specified access features. Be prepared to design to comply with this ordinance.
31. For building permit applications for reconstruction, rehabilitation, repair, alteration, addition, or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of CBC Section 1612.
32. The proposed project will require building permit application and construction plan 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 this code. The applicant will need to demonstrate compliance with the construction documents.

Full plan submittal is required as applicable to the project scope. Architectural, civil, structural, mechanical, electrical, and plumbing systems are to be prepared by state-licensed design professionals.

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. A preliminary building code analysis is recommended.

PUBLIC WORKS & UTILITIES (ENGINEERING DIVISION)

Section 20.16.420 of the Subdivision Ordinance specifies that the City Engineer shall prepare a written report of recommendations on the tentative map in relation to the public improvement requirements of the Subdivision Ordinance and the provisions of the Map Act. The following list of Engineering Division conditions constitutes the required report.

The following conditions shall be addressed at the time of the final map and improvement plan application.

33. Pursuant to the Petaluma Bicycle & Pedestrian Plan, all multi-use trails shall be designed to Class 1 bike path standards as contained in Chapter 1000 of the Highway Design Manual. The minimum width of the two-way concrete paths shall be a minimum of 10 feet, depending on location, expected usage, and site constraints. Both sides of the paths shall have a minimum of two-foot graded shoulders to provide clearance from poles, trees, walls, fences, guardrails, and other obstructions. The pathway shall include solar LED path light bollards spaced appropriately along the trail to provide adequate lighting. The final path design, including widths and surfacing materials, shall be completed on the

subdivision improvement plans prior to the recordation of the Final Map, subject to review and approval of the City Engineer and Planning Manager.

34. Prepare final map and improvement plans per the latest City policies, standards, codes, resolutions, and ordinances. Technical review deposits shall be required at the time of application submittal. The final map shall be approved by the City and shall be filed with the county Recorder's Office prior to issuance of grading/site improvement permit or building permit.
35. All public improvements shall be designed and constructed per City Standards as well as Caltrans and MUTCD standards as determined by the City Engineer.
36. All public improvements shall be ADA-accessible.
37. Traffic control plans are required for all stages of construction and shall be per the latest Manual on Uniform Traffic Control Devices (MUTCD) standards.
38. Landscaping in public utility easements shall be limited to ground cover and shallow-rooted, low-lying shrubs. Trees are not allowed.
39. Submit final, SCWA-approved construction-level hydrology calculations with the subdivision improvement plans and final parcel map applications per Sonoma County Water Agency standards. Sonoma County Water Agency review and approval is required prior to the start of construction to dedicate the necessary public right of way, public access, and utility easements to the City of Petaluma on the final map. Any public easements located outside the boundary of the subdivision shall be dedicated via grant deed with a legal description and plat.
40. All landscaping shall meet City Standards for low water use. The project site shall incorporate a connection for recycled water for landscape irrigation use and implement it when recycled water becomes available.
41. The trash enclosures with sanitary sewer drains shall be covered and not allow rainwater to enter the sanitary sewer system.
42. Overhead utilities along the street frontages, within the project site, or traversing the site shall be placed underground.
43. All existing unused water and sewer mains shall be identified on construction drawings and abandoned at the main per City standards.
44. Joint Trench plans shall be submitted and approved by the City prior to starting undergrounding of dry utilities. The project shall comply with the City of Petaluma Phase II Storm Water Management Plan, including attachment four post-construction requirements.
45. The on-site storm drain water treatment system shall be privately owned and maintained.
46. Prior to the issuance of a building permit, an operations and maintenance manual are required for the proposed stormwater treatment system and shall be submitted with the building permit application for review and approval by the City Engineer. The manual shall include an annual inspection, by a Civil Engineer registered in the State of California, to ensure the detention and treatment systems are operating as designed and constructed, as well as provisions to make any necessary repairs to the system. A signed and sealed copy of the report shall be provided annually to the Office of the City Engineer.
47. Prior to issuance of a building permit, the developer shall comply with the City's Phase II stormwater management plan and State of California NPDES requirements, including the submittal of a notice of intent and stormwater pollution prevention plan to the State and City.

48. All roads shall be privately owned and maintained except the portion of Copeland Street to the parking lot. Sewer mains, storm drains, and storm outfalls shall be privately owned and maintained. The water main shall be owned and maintained by the City of Petaluma with a public utility easement. Public path shall install and maintain the publicly owned and accessible trail, in perpetuity per 6-p-18 of the City of Petaluma 2025 General Plan
49. A construction-level geotechnical report is required with the subdivision improvement plan that is lot-specific.
50. A scanned copy of the recorded final parcel map shall be submitted in a format compatible with the City Graphic Information Systems. As-built drawings shall be submitted prior to acceptance of the improvements. The applicant shall submit 1:1 scale, electronic plans in .PDF format.
51. 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 any certificates of occupancy for the proposed home. All public improvement shall be completed prior to the issuance of the 80% of occupancy.
52. Comply with E12 post-construction stormwater treatment requirements. Submit a construction-level report and plans with the building permit applications for future homes demonstrating compliance with the E12 requirements. The applicant is required to enter into the City's standard operation and maintenance agreement for treating stormwater prior to acceptance of subdivision improvements. The executed Stormwater Facilities Maintenance Agreement shall be recorded prior to issuance of the first certificate of occupancy.
53. The project shall be designed to accommodate sea level rise. Provide a Sea Level Rise diagram.
54. All construction in the flood plain shall meet the applicable requirements of Chapter 6 of the Implementing Zoning Ordinance (IZO), "Floodway and Flood Plain Districts": <https://cityofpetaluma.org/documents/implementing-zoning-ordinance/>.
55. Streets shall be privately owned and maintained by an HOA. Draft CC&R shall be provided as part of the public improvement plan application.
56. Frontage improvements shall include a new 6-phase (wired for 8 phase) traffic signal at East D Street and Copeland Street that includes crosswalk on all legs and new striping, signal interconnect (Fiber optic) connecting the new signal to the intersection at D St and Lakeville as well as the D Street Bridge to accommodate future signal coordination and preemption from the SMART Train and the drawbridge. Signal shall consider protective permissive left turn phases as well as dedicated bicycle and pedestrian phases that do not overlap with conflicting vehicle turning movements. Signal layout shall be coordinated with future improvements related to adjacent development projects. Improvements shall also include a northbound, sidewalk-level Class IV protected bike lane from the drawbridge along the project frontage. The Class IV bike lane should be designed in accordance with Caltrans Design Information Bulletin 89-01, "Class IV Bikeway Guidance." Class IV bike lane transitions at either end of the project shall be coordinated with improvements by the City and/or adjacent development projects. The city will coordinate with the applicant to develop a cost reimbursement agreement to provide for fair share of costs for future adjacent projects for which there is nexus for signalization of the intersection of East D Street and Copeland Street.
57. The proposed water main system shall be public and have the capacity to deliver a continuous fire flow as designated by the Fire Marshal. Submit fire flow and pressure calculations for the existing and proposed extended water main with the subdivision improvement plans. The existing six-inch line may

be preserved if fire flow and pressure calculations meet City requirements, subject to approval by the Fire Marshal and Public Works and Utilities Department. A separate fire line permit is required at the time of construction through the fire marshal office.

58. Multi-story buildings (3 or more) without booster pumps can double-check backflows for residential and reduce pressure backflow for commercial (Muni Code 15.09). Multi-story buildings (3 or more) without booster pumps shall have a double detector check.
59. All easements and maintenance agreements for private utilities, surface drainage, and access, as well as ROW dedication, shall be recorded concurrently with the final map and prior to the approval of public improvement plans. Submit documents for review and approval as part of the final map application.
60. Applicant responsible for coordinating and scheduling hot tap and paying necessary fees.
61. Storm drain outfall shall have duckbills.
62. The applicant shall submit the required stormwater pollution prevention plan (SWPPP) and obtain a Notice of Intent (NOI) from the Regional Water Quality Control Board prior to any construction.
63. The intersection of Copeland Street and E D Street shall be repaved, including Copeland Street, within the project. The pavement design shall be designed to a 20-year design life and included in the geotechnical recommendation based on the existing site condition. The fire turnaround shall be approved turnaround for fire apparatus (CFC 503.2.5) and support the imposed load of a fire apparatus weighing up to 75,000 pounds.
64. Secondary fire emergency vehicle access (EVA) shall be provided with access to Hopper Street. The EVA shall be designed and constructed to accommodate the turning movements of a fire apparatus vehicle and support the imposed load of a fire apparatus weighing up to 75,000 pounds. The EVA shall include gated access that the Fire Marshall can approve. The final map shall include an EVA easement over City property that would be recorded with the final map.

FIRE MARSHAL

65. Multiple-family residential projects having more than fifty (50) dwelling units shall be provided with two (2) separate and approved fire apparatus access roads. PMC Chapter 17.20 Section D106.1.
66. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. California Fire Code Appendix Section D104.3.
67. Emergency Vehicle Access easements are not acceptable for required second means of access. A public roadway is required for the second fire apparatus access road.
68. If a public roadway cannot be installed, an alternate equivalent means of protection in accordance with CFC Section 104.10 shall be submitted for review and approval.
69. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, an approved aerial fire apparatus access road shall be provided. For the purpose of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater. CFC Appendix Section D105.1

70. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders in the immediate vicinity of the building or portion thereof. CFC Appendix Section D105.2
71. The fire code official shall determine the required turning radius of a fire apparatus access road.
72. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders. CFC Appendix Section D103.1
73. The number of fire hydrants available to a building shall be no less than the minimum specification in Table C 102.1. Footnotes (f) and (g) are added to read as follows: (f) For commercial, industrial, and multifamily residential dwellings, average spacing shall be no greater than three hundred feet (300'). (g) A fire hydrant shall be located within fifty feet (50') of FDC, or as approved by the Fire Code Official. PMC 17.20 Section C102.1
74. Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection where construction of new roadways allows passage by vehicles in accordance with section 505.2 of the CFC. CFC 501.4.
75. Prior to bringing combustible building products onsite; fire hydrants will need to be fully functional, and roads will need to be in good condition and able to support the weight of a fire engine in all weather conditions. Approval from the Fire Marshal and City Engineer will be required in advance of bringing combustibles onsite.
76. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. CFC Section 503.3
77. All required fire lanes will require either "No Parking Fire Lane" signs with locations to be determined as this project progresses.
78. Approved fire apparatus access road shall be provided for every facility, building, or portion of a building hereafter construction or move into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. CFC Section 503.1.1
79. When access to or within a structure or area is determined by the Fire Code Official to be unduly difficult because of secured openings (doors or gates) or due to the presence of hazardous materials or fire protection systems, a key box shall be required to be installed at an accessible location. The key box shall be an approved type and contain those keys necessary to gain access. PMC 17.20 Section 506.1
80. Knox key box locations are to be determined by the fire code official.
81. The Fire-flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under the horizontal projections of the roof of a building. CFC Appendix Section B104.3
82. Minimum fire flow for buildings shall be calculated as specified in the 2016 California Fire Code Appendix B, "Fire Flow Requirements for Buildings," as amended by Petaluma Municipal Code.

83. The type of fire line coming into this development will need to be reviewed by the City Engineer. We expect it will be a "looped" water line for this size of development.
84. An automatic sprinkler system shall be installed in all buildings. Sprinkler systems shall be in accordance with the CFC. Section 903.
85. Installation of the fire sprinkler system requires approved plans and permits from the Fire Prevention Bureau prior to work commencing. The owner/contractor shall submit a permit application with three (3) sets of plans, cut sheets, and calculations. This system must comply with NFPA 13 or other applicable code requirements at the discretion of the Fire Marshal.
86. Sprinkler monitoring and fire alarm systems shall be installed in accordance with CFC Section 907.
87. Installation of the fire alarm system must be conducted with approved plans and permits obtained from the Fire Prevention Bureau prior to work commencing. The fire alarm submittal shall include a permit application with three (3) sets of plans, cut sheets, and calculations for review. This system must comply with NFPA 72.
88. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with Health and Safety Code 13114.7. For connections to public waterworks systems, the water supply test used for the design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the fire code official. CFC Section 903.3.5
89. Installation of the fire service underground requires *separate* approved plans and permits from the Fire Prevention Bureau prior to work commencing. The owner/contractor shall submit a permit application with three (3) sets of plans, cut sheets, and calculations. This system must comply with NFPA 13 & 24.
90. Class I standpipes shall be installed in buildings three stories or over in height. Standpipes will be provided with approved outlets provided on each floor level, including the roof, when roof access is provided. PMC 17.20 Section 905.3.1
91. Installation of the standpipe system requires a *separate* approved plan and permit from the Fire Prevention Bureau prior to work commencing. Standpipe system submittal shall include a permit application with three (3) sets of plans, cut sheets, and calculations for review. These systems shall comply with NFPA 14.
92. It will be necessary to provide the Fire Prevention Bureau with copies of your Phase I & Phase Environmental Site Assessments (ESA) prior to the building plan submittal. This is necessary to document past use of the site and to evaluate whether any potentially hazardous materials impacts are expected during the construction phase.
93. Portable fire extinguishers shall be installed in accordance with CFC Section 906.
94. Portable extinguishers shall be installed and maintained in locations as required by the California Code of Regulations, Title 19, Division 1
95. New and existing buildings shall be provided with approved illuminated or other approved means of address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall not be spelled out. Character size and stroke shall be in accordance with Section 505.1.1 through 505.1.2. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response in accordance with this code

and Section 505.1.3. Where access is by means of a private road and the building cannot be viewed from the public way or when determined by the fire code official, a monument, pole, or other approved sign or means shall be used to identify the structure. Address identification shall be maintained. PMC 17.20 Section 505.1

96. Numbers for other than one-and two-family dwellings shall be a minimum of twelve inches (12") high with a minimum stroke width of one inch (1"). Suite and unit directional numbers shall be a minimum of six inches (6") in height with a minimum stroke width of .75 inches. Individual unit numbers shall be a minimum of four inches (4") in height with a minimum stroke width of one-half (1/2"). PMC 17.20 Section 505.1.2
97. Each address identification character shall not be less than twelve inches (12") high with a minimum stroke width of one inch (1"). Suite and unit directional numbers shall be not less than six inches (6") in height with a minimum stroke width of three-quarter inch (0.75"). Individual unit numbers shall not be less than four inches (4") in height with a minimum stroke width of one-half inch (1/2"). PMC 17.20 505.1.2
98. Where two (2) or more buildings cannot be viewed from the public way or when determined by the Fire Code Official, an approved illuminated complex directory, monument pole, or other approved sign or means shall be used to identify the structures at the main entrances to the property. PMC 17.20 505.1.3
99. Landscape plans shall not contain any pyrophytic (fire-prone) species in the Plant Legend. While there are many resources available, the UC Davis Extension and Fire Safe Marin are two resources that provide extensive information regarding fire resistant plants, and fire prone plants. It is recommended to choose fire resistant plants, as fire prone plants will not be accepted.

RESOLUTION 2023-09

CITY OF PETALUMA PLANNING COMMISSION

MAKING A GENERAL PLAN CONFORMITY DETERMINATION CONSISTENT WITH CALIFORNIA GOVERNMENT CODE SECTION 65402(a) FOR THE PURPOSE OF A LAND SWAP

BETWEEN THE CITY OF PETALUMA AND VULCAN LANDS INC.

ASSOCIATED WITH ASSESSOR PARCEL NUMBERS 007-163-008 AND 007-700-002

LOCATED BETWEEN THE MCNEAR CHANNEL AND HOPPER STREET,

AND RECOMMENDING THAT THE CITY COUNCIL APPROVE THE PROPOSED LAND SWAP

WHEREAS, the City of Petaluma and Vulcan Lands Inc. as owners of real property identified as Assessor Parcel Numbers 007-700-002 and 007-163-008, respectively, and located between the McNear Channel waterway and Hopper Street have requested approval of a land swap where the City of Petaluma would acquire an approximately 9,348 square foot (0.21 acres) portion of APN 007-163-008 from Vulcan Lands Inc. and Vulcan Lands Inc. would acquire an approximately 4,554 square foot (0.10 acres) portion of APN 007-700-002 from the City of Petaluma as shown in Exhibit A attached hereto; and

WHEREAS, Government Code section 65402(a) regulates government disposition and acquisition of real property, mandating that prior to disposing or acquiring real property, a jurisdiction's Planning Commission shall report on the conformity of that action with the jurisdiction's General Plan; and

WHEREAS, the property currently owned by Vulcan Land Inc. and to be acquired by the City of Petaluma is traversed by a Class 1 public trail providing non-vehicular access from Hopper Street to the Steamer Landing Park vista and public parking area at the terminus of Copeland Street, and the trail extends along the McNear Peninsula to the David Yearsley Heritage Center (the restored barn) and Petaluma River Park property; and

WHEREAS, the property currently owned by the City of Petaluma and to be acquired by Vulcan Lands Inc. is currently utilized by Vulcan Materials as part of its river-dependent industrial use as a concrete batch plant immediately adjacent to the City property; and

WHEREAS, the proposed land swap does not propose any change to the existing use of either property, and it does not propose a change to the General Plan land use designation; and

WHEREAS, the land exchange would support the implementation of the Petaluma General Plan 2025 in that it would allow for and legally formalize public access on the existing Class 1 path across APN 007-163-008 between Hopper Street and Steamer Landing Park at the terminus of McNear Peninsula; and

WHEREAS, the Class 1 multi-use path across APN 007-163-008 is consistent with General Plan Figure 5-2, shown as a proposed trail in the City's River Access and Enhancement Plan, and identified as an existing off-street path in the 2013 Petaluma SMART Station Area Master Plan; and

WHEREAS, the land swap is consistent with major objectives for the Central Petaluma Specific Plan planning sub-area as identified in the General Plan 2025 in that it supports ongoing connection to the Petaluma River through maintaining public access along the River while maintaining traditional industrial waterfront activities; and

WHEREAS, the land swap is in conformance with General Plan Policy 2-P-12, which calls for the establishment of pedestrian access to the Petaluma River; and

WHEREAS, the land swap is in conformance with General Plan Policy 5-P-15, which calls for the implementation of the bikeway system as outlined in the Bicycle and Pedestrian Plan (General Plan Exhibit 5-2) and expands and improves the bikeway system as the opportunity arose; and

WHEREAS, the land swap facilitates long-term City ownership and associated public access on the existing Class 1 path and supports the viability and public access to recreational opportunities that exist on the McNear Peninsula, including Steamer Landing and the Petaluma River Park, which are both identified in the General Plan 2025 as community parks; and

WHEREAS, the land swap supports associated General Plan Policy 6-P-2-A, which calls for the provision of public access and recreational opportunities along the length of the Petaluma River and its tributaries, to every extent possible; and

WHEREAS, the land swap supports the implementation of the Oyster Cove Mixed Use Project at 100 East D Street in that it provides the opportunity for the emergency vehicle access needed for the project based on existing fire code requirements for the scope of the project; and

WHEREAS, the Planning Commission recently approved a series of resolutions recommending City Council approval of the Oyster Cove project and found it consistent with the General Plan 2025 and including the recently adopted 2023-2031 Housing Element; and

WHEREAS, the Planning Commission of the City of Petaluma held a duly noticed public meeting at which time all interested parties were given full opportunity to be heard and to be present; and

WHEREAS, the City of Petaluma Planning Commission has reviewed the proposed land swap and has determined that the associated disposition and acquisition of real property conform to the General Plan 2025.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Petaluma hereby finds, based on substantial evidence in the record, that:

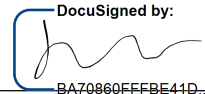
1. The foregoing recitals are true and accurate and are incorporated into this Resolution as findings.
2. That the proposed land swap, including the disposition and acquisition of real property as shown in Exhibit A attached hereto, is in general conformance with the City's General Plan 2025 because:
 - The land exchange would support the implementation of the Petaluma General Plan 2025 in that it would allow for and legally formalize the public access on the existing Class 1 path across APN 007-163-008 between Hopper Street and the Steamer Landing Park vista and public parking area at the terminus of McNear Peninsula.
 - The Class 1 path connection across APN 007-163-008 is consistent with General Plan Exhibit 5-2, shown as a proposed trail in the City's River Access and Enhancement Plan, and identified as an existing off-street path in the 2013 Petaluma SMART Station Area Master Plan.
 - The land swap is consistent with major objectives for the Central Petaluma Specific Plan planning sub-area as identified in the General Plan 2025 in that it supports ongoing connection to the Petaluma River through maintaining public access along the River while maintaining traditional industrial waterfront activities.
 - The land swap is in conformance with General Plan Policy 2-P-12, which calls for establishing pedestrian access to the Petaluma River.

- The land swap is in conformance with General Plan Policy 5-P-15, which calls for the implementation of the bikeway system as outlined in the Bicycle and Pedestrian Plan (General Plan Exhibit 5-2) and expands and improves the bikeway system as the opportunity arose.
 - The land swap facilitates long-term City ownership and associated public access on the existing Class 1 path and supports the viability and public access to recreational opportunities that exist on the McNear Peninsula, including Steamer Landing and the River Park, which are both identified in the General Plan 2025 as community parks.
 - The land swap supports the associated General Plan Policy 6-P-2-A, which calls for providing public access and recreational opportunities along the length of the Petaluma River and its tributaries, to every extent possible.
 - The Planning Commission recently approved a series of resolutions recommending City Council approval of the Oyster Cove project and found it consistent with the General Plan 2025, including the recently adopted 2023-2031 Housing Element.
 - The land swap supports the success of the Oyster Cover Mixed Use Project at 100 East D Street in that it provides an opportunity for the emergency vehicle access needed based on existing fire code requirements for the scope of the project.
3. The land swap does not include proposed changes to the existing use of either property nor any proposed change to the existing land use designation of either of the properties.
 4. The land swap is exempt from the California Environmental Quality Act under the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment and that there is no possible significant effect directly related to the land swap as proposed as there is no change in existing conditions with the exception of ownership.
 5. That no further action is required under CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines, and independently, the Project is categorically exempt (class 5) pursuant to Section 15305 of the State CEQA Guidelines (Minor Alterations in Land Use). None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2, apply to this project.

ADOPTED this 23rd day of May 2023, by the following vote:

Commission Member	Aye	No	Absent	Recuse
Councilmember Cader Thompson	X			
Chair Bauer	X			
Vice Chair Hooper				X
McErlane	X			
Potter			X	
Racusen	X			
Whisman	X			

DocuSigned by:



BA70860FFFB41D...

Heidi Bauer, Chair

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:



E46B369C8EDF404...

Andrew Trippel, Planning Manager

DocuSigned by:



25B8C556ED25412...

Dylan Brady, Assistant City Attorney

Exhibit 1

Land Swap Map

REVISIONS

BY

LOT LINE ADJUSTMENT APPLICATION EXHIBIT

LANDS OF CITY OF PETALUMA & VULCAN LANDS, LLC

6 COPELAND STREET & 400 HOPPER STREET EXTENSION

PETALUMA CALIFORNIA

APN 007-700-002 & 007-163-008

STEVEN J. LAFRANCHI & ASSOCIATES, INC.

CIVIL ENGINEERS - LAND SURVEYORS

LAND PLANNERS - LANDSCAPE ARCHITECTS

PETALUMA THEATRE SQUARE

140 SECOND STREET, SUITE 312

PETALUMA, CA 94952

(707) 762-3122 FAX (707) 762-2329

DATE: 2023.04.12

SCALE: 1"= 60'

DESIGN: JTG DJB

DRAWN: S.J.L.

CHECK: S.J.L.

JOB: Petaluma River Park Foundation

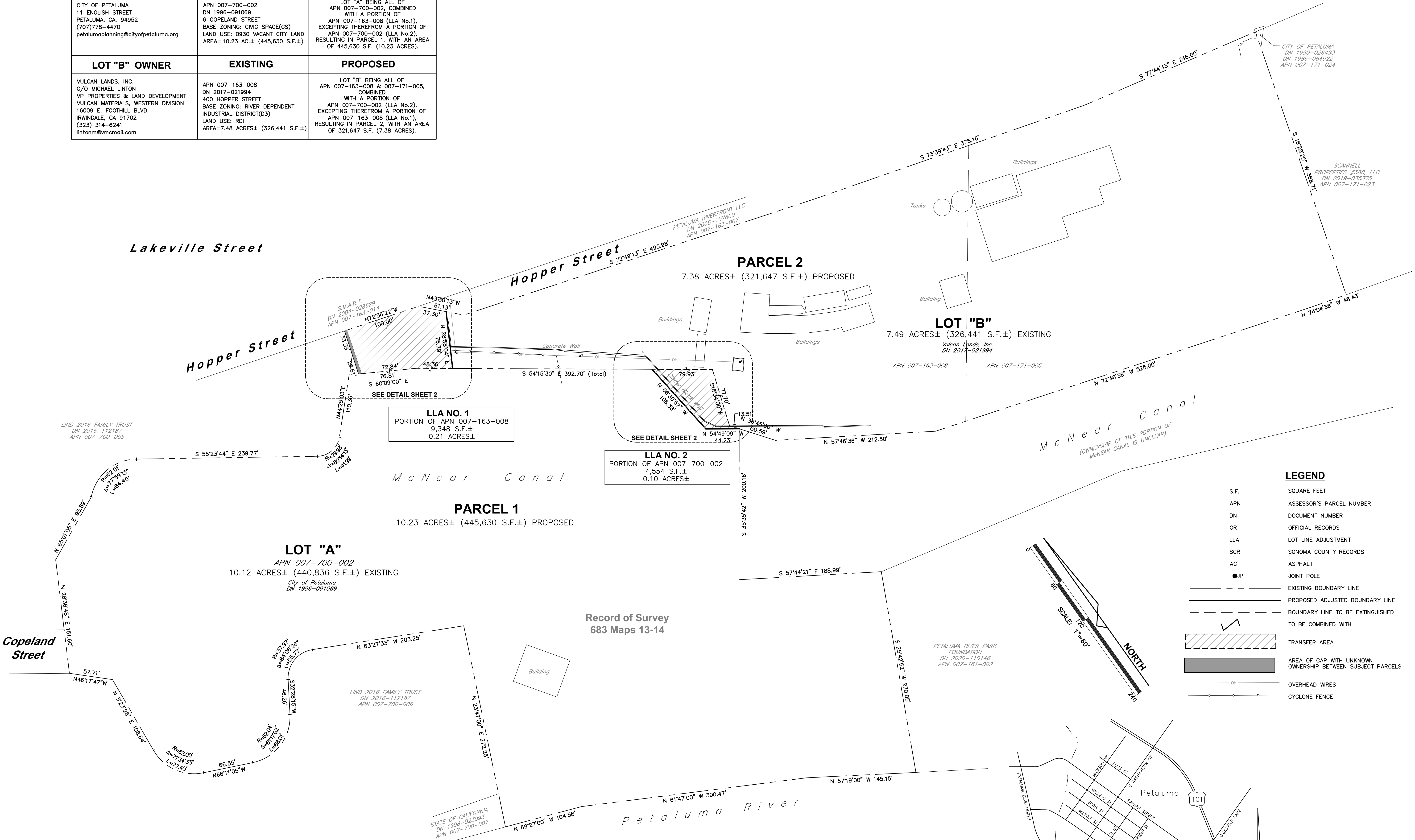
JOB No: 232366

SHEET

LLA-1

OF 1 SHEETS

LOT "A" OWNER	EXISTING	PROPOSED
CITY OF PETALUMA 111 ENGLISH STREET PETALUMA, CA 94952 (707)778-4470 petalumaplanning@cityofpetaluma.org	APN 007-700-002 DN 1996-091069 6 COPELAND STREET BASE ZONING: CMVC SPACE(CS) LAND USE: 0930 VACANT CITY LAND AREA=10.23 AC.± (445,630 S.F.±)	LOT "A" BEING ALL OF APN 007-700-002, COMBINED WITH A PORTION OF APN 007-163-008 (LLA No.1), EXCEPTING THEREFROM A PORTION OF APN 007-700-002 (LLA No.2), RESULTING IN PARCEL 1, WITH AN AREA OF 445,630 S.F. (10.23 ACRES).
LOT "B" OWNER	EXISTING	PROPOSED
VULCAN LANDS, INC. C/O MICHAEL LINTON VP PROPERTIES & LAND DEVELOPMENT VULCAN MATERIALS, WESTERN DIVISION 16009 E. Foothill Blvd. IRVINDALE, CA 91702 (323) 314-6241 lintonm@vmcmail.com	APN 007-163-008 DN 2017-021994 400 HOPPER STREET BASE ZONING: RIVER DEPENDENT INDUSTRIAL DISTRICT(D3) LAND USE: RDI AREA=7.48 ACRES± (326,441 S.F.±)	LOT "B" BEING ALL OF APN 007-163-008 & 007-171-005, COMBINED WITH A PORTION OF APN 007-700-002 (LLA No.2), EXCEPTING THEREFROM A PORTION OF APN 007-163-008 (LLA No.1), RESULTING IN PARCEL 2, WITH AN AREA OF 321,647 S.F. (7.38 ACRES).



SURVEY NOTES

- TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON A FIELD SURVEY PERFORMED BY STEVEN J. LAFRANCHI & ASSOCIATES, INC. IN MARCH 2023.
- HORIZONTAL DATUM: RECORD OF SURVEY FILED IN BOOK 683 OF MAPS, AT PAGES 13-14, SONOMA COUNTY RECORDS, AND A BOUNDARY RETRACEMENT SURVEY PERFORMED BY STEVEN J. LAFRANCHI & ASSOCIATES, INC. IN MARCH 2023. A RECORD OF SURVEY IS IN PROGRESS AND WILL BE SUBMITTED TO THE SONOMA COUNTY PERMIT AND RESOURCE DEPARTMENT FOR REVIEW.
- CONDITION OF TITLE GUARANTEE PREPARED BY OLD REPUBLIC NATIONAL TITLE COMPANY UNDER ORDER NUMBER 081202922-JJ, GUARANTEE NO. A04040-C16-144792 (APN 007-163-008 & 007-171-005), DATED MARCH 17, 2023, WAS REVIEWED IN CONJUNCTION WITH THIS MAPPING.

NOTES

- ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
- ALL TIES SHOWN HEREON ARE AT RIGHT ANGLES UNLESS OTHERWISE NOTED.
- MEASURED EQUALS RECORD UNLESS OTHERWISE SHOWN.



