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Planning Commission Minutes
May 14, 2002 – 7:00 PM

Commissioners: *Present:* Barrett, Dargie, Glass, O'Brien, Vouri
Absent: von Raesfeld

* Chair

Staff: Michael Moore, Community Development Director
Jane Thomson, Code Enforcement Officer
Jayni Allsep, Project Planner
Anne Windsor, Secretary

ROLL CALL:

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: Minutes of April 23, 2002 will be presented at the meeting of May 28, 2002.

PUBLIC COMMENT: Ken Burman H Street. Re PUD Sonoma Glen. Met with planner to use guidelines for the project. Recently had a project denied re: PUD guidelines. Only a resolution for Final Map and no guidelines for 1 or 2 stories. Asked to review PUD map, resolution and final map.

Mike Moore suggested Mr. Berman appeal the Community Development interpretation. Geoff Cartwright, 56 Rocca Drive: Article 16 – read from the article regarding development in the flood plain.

DIRECTOR'S REPORT:

COMMISSIONER'S REPORT: CORRESPONDENCE:

APPEAL STATEMENT: Was read.

LEGAL RECOURSE STATEMENT: Was noted on the agenda.

OLD BUSINESS:

CONTINUED PUBLIC HEARING:

I. NESSCO, INC., APPEAL, 110 Baylis Street.

1 **AP No's 005-122-003 and 007-122-004.**
2 **File No's CUP01011, APL01002**
3 **Project Planner: Jane Thomson**
4

5 Appeal by the applicant of four conditions of the Conditional Use Permit issued to
6 Nessco, Inc., on November 8, 2001 relating to duration of permit (5 years),
7 required installation of fencing and landscaping, required striping of a bike lane,
8 and required installation of a bench.
9

10 **Continued from the Planning Commission meetings of January 22 and March 26,**
11 **2002.**
12

13 Jane Thomson presented the staff report.
14

15 Commissioner Glass: Would like to see a condition that the City can recoup business
16 license tax if they were operating from two locations.
17

18 Irv Petrokowski, Have always had a business license and paid in full. Regarding
19 continuance – did not receive staff report until Thursday and did not have time to respond
20 and to research assertions made in the staff report. Regarding the merits of the case –
21 found nothing in Bike Plan requiring private property for public use. Asked to remove
22 the conditions.
23

24 Commissioner O'Brien: Asked that this go back to the City attorney re: the use permit
25 and vacating the property, private property rights.
26

27 Jane Thomson: Regarding the condition – the vacating is simply the open storage area,
28 not the business. The fencing and landscaping is a condition that happens to every
29 applicant. Regarding the bike lane, it is just striping on the street.
30

31 Commissioner O'Brien: Stated that the property owner may not agree to move the fence
32 and do the landscaping.
33

34 Commissioner Barrett: Was continued to a date certain – do not know why the applicant
35 was not prepared. Feel applicant is trying to intimidate the process.
36

37 M/S Barrett/Vouri to uphold staff's decision. Vouri seconded for discussion.
38

39 Commissioner Vouri: In this case can we stipulate that public use of a bench on this
40 property?
41

42 Mike Moore: Commission has discretion as to decide if the conditions are appropriate.
43 In exchange for the Condition Use Permit, the commission is agreeing to the conditions
44 of approval.
45

46 Commissioner O'Brien: This applicant is the tenant of the property and not the property
47 owner.

1
2 Commissioner Dargie: We are looking for a legal opinion here so why not avoid doing
3 that twice and continue the item.

4
5 Commissioner Vouri: Recalled his motion.

6
7 Commissioner O'Brien: Clarified what needed to be reviewed by the City Attorney: Can
8 the City impose conditions on tenant who is an existing business and not property owner,
9 can the City require that the tenant vacate property within a certain amount of time? Is
10 there any liability the City would incur using private property for public use (is it a
11 taking?).

12
13 M/S O'Brien/Dargie continue to May 28, 2002

14
15 All in favor:

16	Commissioner O'Brien:	Yes
17	Commissioner Dargie:	Yes
18	Commissioner von Raesfeld:	Absent
19	Chair Glass:	Yes
20	Commissioner Barrett:	No
21	Commissioner Vouri:	Yes

22
23
24 **NEW BUSINESS:**
25 **PUBLIC HEARING**

26
27 **II. REDWOOD TECHNOLOGY CENTER – FINAL ENVIRONMENTAL**
28 **IMPACT REPORT, GENERAL PLAN AMENDMENT (GPA00001)**
29 **AND REZONING (REZ00001); LOCATED AT THE SOUTHWEST**
30 **CORNER OF OLD REDWOOD HIGHWAY AND NORTH**
31 **MCDOWELL BOULEVARD; AP NO'S 007-411-007, 009, 011 AND 019.**

32
33 Planning Commission recommendation to City Council regarding:

- 34
35 1. Certification of the Final Environmental Impact Report (EIR)
36 2. Request to amend the General plan land Use Designation from Special
37 Commercial to Special Industrial/Office Park
38 3. Request to rezone the subject property from highway Commercial (CH)
39 District and Light Industrial (ML) District to Planned Unit District (PUD)
40 including a Unit Development Plan.

41
42 Jayni Allsep presented the staff report.

43
44 Commissioner Dargie: Asked for clarification of Table 3 on pg. 94 of Volume 1
45 of Final EIR.

1 Steve Weinberger: Clarified numbers for the Commission. The higher the speed,
2 the better the LOS.

3
4 Commissioner Glass: Asked what traffic mitigation measures would be vulnerable
5 in terms of complete financing not being available to complete the improvements?
6 Previously asked about financial information regarding the mitigations.

7
8 Jayni Allsep: Referred to Mitigation CIR-3 on pg. 121, volume 1 – Old Redwood
9 Highway is a regional facility so the ability to collect fees from this applicant for
10 the needed improvements is not feasible. The other mitigations are primarily
11 related to the specific projects on each parcel.

12
13 Vin Smith: Referred to pg. 120, line 1, CIR-1 referring to Table 7 on pg. 125 and
14 CIR-2 on pg. 121, referring to Table 7, gives the breakdown of percentages.
15 Capital Improvements has #1 from table 7 on it. The Old Redwood Highway
16 overpass is the biggest ticket item.

17
18 Commissioner Vouri: Asked how the cumulative impacts are affected for the
19 specific intersections at Penngrove and 101?

20
21 Steve Weinberger: Addressed Highway 101 and the Penngrove intersections and
22 the mitigations.

23
24 Vin Smith: Complemented staff and Design, Community & Environment for
25 collating and analyzing all the information. Reiterated that Basin Street is
26 committed to working with Mr. Savel and his committee regarding the Penngrove
27 intersections. Concern with language in the EIR and the fair share contributions.
28 Believe Table 7 overstates the calculations of what our share should be – would
29 like that to be reevaluated. Support the recommendation from staff.

30
31 Public comment opened:

32
33 Richard Braun, 141 Grevillia: Process is not producing results that I would like to
34 see as a citizen. There is a conflict of rights of property owners and rights of
35 neighbors. Looking for balance – there is a serious problem with a lack of
36 standards. No one is benefiting according to the 1984 General Plan. Where are
37 objective standards to knowing what is acceptable? Identify City policies and then
38 measure standards. Reported outright errors in the EIR, for example, Denman
39 Flats only being west of Hwy. 101. States that the project does not have
40 significant impact on the police and fire services. Mitigation is a series of
41 promises and no one is being held accountable. This way of doing business does
42 not serve either the developer or the citizens of Petaluma. Hope the commission
43 will not recommend the FEIR go forward and wait until the new General Plan and
44 there are standards.

45
46 Pat McShane, 34 Myrtle Court: Represent myself and those who live in the flood
47 plain area. I am fighting for the area in which I live and that we do not flood

1 again. Why are we building in the flood plain and where there are traffic
2 problems – presently there is a vacancy rate in Petaluma for this type of
3 development – why do this now? Hope you will keep those of us in the Payran
4 area in mind.

5
6 Diane Reilly Torres, Rainer Avenue: Disappointed in the whole process. Wish
7 there was a public forum to discuss the project with Mr. White. This project will
8 affect all of us. Related to the findings necessary to approve the PCD rezoning,
9 would like to know how this project is in the publics' interest? Want to know how
10 the Community Development Department will be able to monitor the proposed
11 mitigations. Addressed the mixed-use issue.

12
13 John Cheney, 55 Rocca Drive: The question of flooding and traffic are ridiculous.
14 Passed out some pictures to the Commission regarding the pipe referred to by Mr.
15 Smith at Corona Road, which would handle the water from the project site.
16 Suggested stopping here.

17
18 Geoff Cartwright, 56 Rocca Drive: Parcel C has its own EIR – has conditions
19 which are not identified in the EIR. Penngrove traffic is being increased which is a
20 cumulative impact. Read earlier from Article 16 of the City's Zoning Ordinance.
21 The applicant says they will flood their project – who else will they flood? Think
22 the EIR is inadequate. There are unfeasible mitigation proposals – referred to
23 Rockridge, Traditions, Petaluma Factory Outlet Expansion – these will all have
24 cumulative impacts. Read his letter passed out to the Commissioners. Asked that
25 the FEIR not be certified at this time.

26
27 Patricia Tuttle Brown, 513 Petaluma Boulevard South: Bike committee made 5
28 comments and 4 were responded to, including the comment requesting bike turn
29 lanes at the intersection of Old Redwood Highway and North McDowell.
30 Comment not responded to concerning pedestrian friendliness –the comment was
31 considered to be related to the merits of the project and not the FEIR, so it was not
32 addressed. Would like to see mixed-use here to alleviate traffic and address some
33 housing needs.

34
35 Public comment closed.

36
37 Bill White, Basin Street Properties: Regarding mixed-use – we are in favor of this
38 type of development, however, this is not a viable option for this area since it is in
39 a flood plain area. We are proposing a two-story garage to mitigate some flooding
40 and flood storage. Regarding traffic – we will be making a fair share contribution
41 and approximately \$750,000 in traffic mitigation fees. Have paid over 2 million in
42 traffic fees which was slated to be for the Old Redwood Highway overpass and
43 that not has happened.

44
45 Hydrology Issues:
46

1 Betty Andrews, PWA: Addressed some of the hydrology issues brought up during
2 the public comment. The 84-inch pipe brought up by Mr. Cheney was factored
3 into the analysis. The 36-inch pipe is at Industrial Boulevard. The assertion here
4 is that the 84-inch culvert extends all the way to the river, and this is the first that I
5 have heard of this. If there is an 84-inch culvert that flows to the river, it would be
6 prudent to put this information into our modeling.

7
8 Commissioner O'Brien: Asked for clarification regarding the water flowing from
9 the site referred to on Pg. 3 and 4 of the staff report.

10
11 Betty Andrews: The project itself has very little runoff and is allowing existing
12 over-bank flow conditions to exist.

13
14 Commissioner Barrett: Asked about the cumulative affect of other projects such as
15 Rockridge and Traditions, which was brought up during the public comments.

16
17 Bill White, Basin Street Project: At the point that water goes off the site there is a
18 backup at Corona road whether this is an 84 or a 36 inch pipe.

19
20 Betty Andrews: Do not believe these were factored into the model. Do not think a
21 project near Marin Creek would affect this project, and it was not looked at for this
22 EIR.

23
24 Commissioner Glass: Brought up the idea of telecommuting as part of a traffic
25 mitigation program.

26
27 Commissioner Barrett: Asked how 1,300 daily trips would be reduced that is
28 proposed in the Mitigation Measure AIR-2c.

29
30 Bill White: Trips would be reduced by telecommuting, 4-day workweeks or
31 elimination of some square footage if that is necessary to reduce the trips to 1,300.

32
33 Jayni Allsep: Suggested that when the Commission makes their recommendation
34 to the City Council, they could request that the hydrology consultant reexamine
35 and confirm the size and location of the pipes and culverts in question, and if
36 necessary, make any necessary changes to the hydrology study.

37 Comments from the Commission:

38
39 Commissioner O'Brien: Find it adequate at this time.

40
41 Commissioner Dargie: Find the document adequate – would like the hydrologist
42 to look at the culvert and the pipe identified. How can we as a Commission be
43 assured that these mitigation measures would be put into place.

44
45 Commissioner Barrett: Have some problems with traffic – CEQA requires that the
46 mitigations are carried out for specific purposes – do not think we can move
47 forward with this because it is irresponsible and against the public good. The EIR

1 is based on a General Plan amendment that would cost sales tax dollars that we
2 cannot afford at this time. Do not think this is in the interest of the city and the
3 public. Have problems with a private party being responsible for flood evacuation
4 – no monitoring of this affect. The responsible person will not be there 24-hours.
5 Have difficulty with infrastructure and community issues. In the Mitigation
6 Monitoring Program, Hydro 3-b – does this only need to be done once. Do not
7 think the monitoring is adequate for this EIR. Air 2a – think it should be more
8 aggressive than that to meet and beat the air quality issues. Air 2c – do not think
9 that is sufficient or the monitoring is sufficient as well. Referred to pg. 137
10 regarding the impact of the water supply.

11
12 Commissioner Vouri: Regarding the adequacy of the EIR I have a few comments.
13 CIR-1 – the fair share impacts are large capital improvements are well beyond the
14 scope of a single applicant, however, CIR-1b and 1c are pretty standard for any
15 project – do not know why they are only paying fair share – applicant should be
16 paying for both of these since they are adjacent to the project. CIR-1a – can see
17 how other applicants would be involved in those. Table 6a on pg. 112 – this
18 mitigation is 100% on this project – I do not find CIR 1b and c adequate unless it
19 requires the applicant to fund 100% of improvements. The flood modeling needs
20 to be redone on what is actually out there and why the conflict. The housing
21 chapter of this document says there may be need for 1,000 additional residences –
22 do not agree that 500 houses that the City permits to be built annually is adequate.
23 Alternative D in the EIR does begin to deliver on the changes that I think are
24 necessary and is the most environmentally friendly – happens to be the same page
25 that refers to mixed-use not being considered because parcels have different
26 owners. Believe that mixed-use is a viable option here, particularly on the third
27 floor where flooding would not be an issue.

28
29 Commissioner Glass: Questioning why the buildings had to be 7 feet above grade
30 for the pedestrian friendly scenario. Do not see how this is pedestrian friendly.

31
32 Joshua Wolfe with DC&E: Referred to page 258 – the buildings could be raised,
33 thereby allowing parking underneath the buildings.

34
35 Commissioner Glass: Could find this adequate with some addendums. Want a
36 financial analysis for the fair share of traffic mitigation.

37
38 Jayni Allsep: Clarified how the mitigations and concerns of the Commission will
39 go forward as project conditions of approval rather than as stated in the EIR.

40
41 Commissioner Glass: How do we make these mitigations happen up front?

42
43 Mike Moore: Clarified what the adequacy issue is regarding the EIR.

44
45 Commissioner Vouri: Asked if the Commission had authority to make changes to
46 mitigations in the EIR or just as conditions of approval to the project.

47

1 Glass: Would like to entertain a motion that addressed the hydrology, childcare
2 services and traffic issues brought up by Mr. Vouri.

3
4 M/S Dargie/O'Brien to certify EIR with the stipulation that there will be a new field
5 study to determine the adequacy of the hydrology model.

6
7 All in favor:

8
9 Commissioner O'Brien: Yes
10 Commissioner Dargie: Yes
11 Commissioner Von Raesfeld: Absent
12 Chair Glass: Yes
13 Commissioner Barrett: No
14 Commissioner Vouri: No

15
16 General Plan Amendment

17
18 Commissioner Glass: Pg. 69 – am in favor of the General Plan amendment because it
19 would not compete with downtown.

20
21 Commissioner Vouri: No comment. Would be voting no on the General Plan
22 amendment.

23
24 Commissioner Barrett: Passed out an article from the Press Democrat on May 8, 2002 –
25 quoting the article do not believe commercial use should be considered here. Do not
26 think this amendment would be a benefit to the City.

27
28 Commissioner Dargie: No comment.

29
30 Commissioner O'Brien: No comment.

31
32 M/S O'Brien/Dargie to amend the General Plan Land Use Designation.

33
34 3/2 vote – Barrett/Vouri- no

35
36 Rezoning

37
38 Commissioner Barrett: Referred to page 6 of the staff report.

39
40 Commissioner Vouri: Mitigations – circulations 1b and c at time of project
41 implementation. Pedestrian friendly alternative is used

42
43 Consensus of committee to require applicant to construct improvements identified in
44 Mitigation Measure CIR-1b and c, with the provision for a reimbursement agreement.

45
46 Commissioners Dargie and O'Brien do not agree with the pedestrian friendly alternative.
47 Glass agreed with pedestrian friendly alternative as did Commissioner Barrett.

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3/2 vote majority to recommend that the the pedestrian friendly site plan (Alternative D) be considered, along with any resulting hydrology impacts.

Commissioner Barrett: Wants on-site daycare. This was the consensus of the committee. Want clear a condition of approval that water going into the Petaluma river is filtered and that it be monitored.

Commissioner Dargie: Fix maximum height of the buildings to be consistent with buildings nearby – 55’.

Commissioner Barrett: Eliminate jail facilities as one of the conditionally permitted uses.

Consensus on 55 foot building height limit.

Commissioner Glass: Wanted to put on the record regarding funding sources and bonding capabilities to widen the Old Redwood Highway overpass.

All commissioners support the above.

M/S Vouri/O’Brien to support the rezoning, with the above recommendations.
4/1 – Barrett – no

V. LIAISON REPORTS:

- **City Council:** None
- **SPARC:** None
- **Petaluma Bicycle Advisory Committee:** None
- **Tree Advisory Committee:** None

Adjournment: 12:15 p.m.