



City of Petaluma, California
City Council Chambers
City Hall, 11 English Street
Petaluma, CA 94952

Telephone 707/778-4301 / Fax 707/778-4498
E-Mail planning@ci.petaluma.ca.us
Web Page <http://www.ci.petaluma.ca.us>

1
2 **Planning Commission Minutes**
3 **May 28, 2002 – 7:00 PM**

4
5 Commissioners: *Present:* Barrett, Dargie, Glass, McAllister, O'Brien, von Raesfeld
6 *Absent:* Vouri

7 * Chair

8
9 Staff: George White, Planning Manager
10 Jane Thomson, Code Enforcement Officer
11 Tiffany Robbe, Assistant Planner
12 Anne Windsor, Secretary
13

14
15 **ROLL CALL:**

16 **PLEDGE OF ALLEGIANCE:**

17 **APPROVAL OF MINUTES:** Minutes of April 23, 2002 approved as presented. M/S
18 Barrett/Dargie, O'Brien abstained. Minutes of May 14, 2002 approved as presented. M/S
19 O'Brien/Dargie. McAllister, von Raesfeld abstained.

20 **PUBLIC COMMENT:** None

21 **DIRECTOR'S REPORT:** Special joint meeting on June 25, 2002 with the SPARC
22 Committee to discuss the Draft Central Petaluma Specific Plan.

23 **COMMISSIONER'S REPORT:** None

24 **CORRESPONDENCE:** Letters re: Water Street and Paula Lane Development.

25 **APPEAL STATEMENT:** Was read.

26 **LEGAL RECOURSE STATEMENT:** Was noted on the agenda.
27

28
29 **OLD BUSINESS:**

30 **CONTINUED PUBLIC HEARING:**

- 31
32 **I. NESSCO CONSTRUCTION, INC., APPEAL, 110 Baylis Street.**
33 **AP No's 005-122-003 and 007-122-004.**
34 **File No's CUP01011, APL01002**
35 **Project Planner: Jane Thomson**
36

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

5

6 **Continued from the Planning Commission meetings of January 22, March 26, 2002**
7 **and May 14, 2002.**

8

9 Jane Thomson presented the staff report.

10

11 Commissioner McAllister recused herself since she had not served as a commissioner
12 during the previous hearing on the project.

13

14 Angelina Nessinger, owner: Reexamined position that Nessco's use is continuous.
15 Spoke regarding the uses on the property next door at 101 East Washington Street. Noted
16 that it was first Camm and Hedges, and then Diamond National, becoming a non-
17 conforming use. In 1950's Diamond National used all three parcels, 101 East
18 Washington Street, 110 Baylis and 201 East Washington. In 1987 the C-H zoning was
19 amended requiring a CUP for open storage, which was not applicable to Diamond
20 National. Camm and Hedges, Diamond and Meade Clark – the three properties were not
21 independent of one another. Went over CUP for Nessco at East Washington. First time
22 CUP was required when Nessco moved operation from 101 East Washington
23 Street/current Shamrock property. (May 1999) Jim McCann, Planning Director in 1997
24 determined that a CUP was not necessary for 101 East Washington Street. From 1906 to
25 May 10, 1990 all three properties were considered one property - has been used for
26 storage of landscape products. June 1990 Meade Clark conducted business at 101 E.
27 Washington and 201 E. Washington. Lot was active part of yard. 2/96 to 5/97 Meade
28 Clark consolidated and moved to Santa Rosa. DeCarli used lot as open storage from 2/96
29 to 5/97 and rented barn to a dog trainer. 5/97 Nessco takes over operating retail landscape
30 supply – operating at 101 East Washington and Baylis. Nessco moves over to Baylis
31 property only. Nessco's position is that the parcel has been in continuous use since 1906.
32 Also, went over business tax records – Nessco is in compliance; has a business tax
33 certificate. May 10, 1990 Meade Clark took over – first time it had own designated
34 address. Old 211 East Washington Street.

35

36 Irv Piotrokowski: Do not believe a CUP is required and that conditions #1, # 4, #15, #16
37 can be imposed – quoted government code 65909. Agrees with the memo written by the
38 City Attorney. Open storage could be terminated, however, should not have to vacate
39 property, or CUP should not have a time limit. Just asking to continue to use the
40 building. Do not think you can make findings to vacate property and ask for public bike
41 path and bench – taking private property for public use.

42

43 Commissioner Glass: Wanted clarification regarding the bike path being striping on the
44 street.

45

46 George White: A Class II bike lane is just paint on the street.

47

1 Irv Piotrkowski: Would be happy to put striping on East Washington.

2

3 Commissioner O'Brien: A bike lane is not within the confines of the business.

4

5 Commissioner Glass: The condition can be appealed to Council. Let's talk about the
6 conditions.

7

8 George White: Clarified what Commission is being asked – is there a need for a use
9 permit, and if so what conditions should apply?

10

11 Commission Comments:

12

13 Commissioner von Raesfeld: Believes there is reason and need for a CUP. There are
14 now two distinct enterprises with no relationship at all, so it is a new and separate use.
15 Can find no nexus for a bench, however, striping would be ok. Would not support
16 additional requirements.

17

18 Commissioner Barrett: Agree there is a need for CUP since the severing of 101 E.
19 Washington and 211 East Washington, this is a new use on the site. Do think it should be
20 limited. Support Bike Committee's requests.

21

22 Commissioner Dargie: Believe CUP is required – history is unclear. Re: conditions –
23 think 5 year is appropriate. Not convinced they need to vacate if they are discontinuing
24 the use. Sorry that applicant would not agree to landscaping, think striping is appropriate
25 for a bike path.

26

27 Commissioner O'Brien: Do not believe a CUP is required; the outdoor storage is a
28 continuous use. Does not understand the striping would be a bike path to nowhere.
29 Understands that that staff had to forward the bike committee recommendations, but his
30 is a liability for both the landowner and the city. Do not see the point of extra liability for
31 the landowner by requiring a bench.

32

33 Commissioner Glass: In favor of CUP with a time limit. the land will be desirable in the
34 future, since the property is at the heart of the Central Petaluma Specific plan. A five-
35 year limitation is fine since market forces will most likely dictate the future use of this
36 property.

37

38 Irv Piotrkowski: Property owner does not want to lose any property. The open storage is
39 only under discussion.

40

41 Angelina Nessinger: Pointed out the on page 30 of the Central Petaluma Specific Plan, it
42 states: "don't compromise existing uses".

43

44 Public comment opened:

45

1 John Mills, 1315 D Street: When the Eden Housing Project is built and striping goes in
2 from the Boulevard toward the freeway, each business can then contribute striping for a
3 bike path. Market forces will determine the use.

4
5 Public comment closed:

6
7 Consensus to do bike path once other businesses begin.

8
9 Majority supports CUP with 5-year time limit that can be continued, revoked or
10 discontinued at that time.

11
12 Commissioner Dargie: No open storage after 5 years, however, do not have to vacate
13 entire property.

14
15 Commissioner O'Brien: Could go along with CUP without a time limit because the
16 CPSP will determine the use.

17
18 Commissioner Barrett: Conditions 4 and 16 needs to be dealt with yet.

19
20 Majority does not support the bench.

21
22 Commissioner von Raesfeld: Do not think we can require that they move the fence,
23 however, it should be maintained in good condition.

24
25 Commissioner Barrett: Want the fence required.

26
27 Commissioner Dargie: Do not think we have the authority.

28
29 Commissioner O'Brien: Do not think we have authority.

30
31 Commissioner von Raesfeld: Expires in 5 years and can reapply if that is the consensus
32 of the commission.

33
34 Commissioner Barrett: Add that implementation of Condition 15 will be when Eden
35 Housing stripes in front of their property.

36
37 M/S Dargie/von Raesfeld approving a modified CUP for 5-year period which can be
38 renewed. If the subsequent use permit is not for open storage, the open storage of
39 vehicles, equipment and materials must be vacated. Owner shall provide Class II bike
40 path at the appropriate time.

41
42 All in favor:

43 Commissioner O'Brien: Yes

44 Commissioner McAllister: Recused

45 Commissioner Dargie: Yes

46 Commissioner Barrett: No

47 Commissioner Glass: Yes

1 Commissioner von Raesfeld: Yes
2 Commissioner Vouri: Absent
3

4
5 **NEW BUSINESS:**
6 **PUBLIC HEARING**
7

8 **II. ZEBULON'S LOUNGE, 21 – 4TH Street.**
9 **AP No: 008-053-008**
10 **File No: CUP #02012 and PCN #02001**
11 **Project Planner: Jane Thomson**
12

13 The applicant is requesting approval of a Conditional Use Permit to authorize the
14 operation of an Alcoholic Beverage Establishment with Live Entertainment; also
15 that a determination be made and the findings forwarded to the State of California
16 Alcoholic Beverage Control (ABC) that public convenience or necessity would be
17 served by the issuance of an ABC Type 42 license (on-sale beer and wine) to
18 allow the sale of alcohol at 21 – 4th Street.
19

20 Commissioner McAllister rejoined the meeting.
21

22 Jane Thomson presented the staff report.
23

24 The applicants Trevor Cole gave a brief presentation on the proposed project.
25

26 Public hearing opened:
27

28 Catherine Gutfreund, 813 Wright Street, Santa Rosa, CA 95405: Spoke in favor of the
29 lounge.
30

31 Bonnie Mioduchaski, 4390 Bodege Avenue: Looking forward to a venue that is not
32 typical of Petaluma yet beneficial to downtown and the community at large.
33

34 Kate Timbers, 1714 Capella Court: Would like to see Petaluma downtown be a
35 destination and this will help.
36

37 Public hearing closed.
38

39 Commissioner Comments:
40

41 Commissioner von Raesfeld: wanted to see the Zoning Ordinance performance standards
42 as it relates to sound, referenced in the conditions of approval.
43

44 M/S von Raesfeld/O'Brien to determine that public convenience and necessity would be
45 served by the issuance of an AC Type 42 alcohol license to Zebulon's Lounge:
46
47

1 All in favor:

- 2 Commissioner O'Brien: Yes
- 3 Commissioner McAllister: Yes
- 4 Commissioner: Dargie: Yes
- 5 Commissioner Barrett: Yes
- 6 Commissioner Glass: Yes
- 7 Commissioner von Raesfeld: Yes
- 8 Commissioner Vouri: Absent

9
10 M/S von Raesfeld/Barrett to approve a Conditional Use Permit with an amended
11 condition to reference the Zoning Ordinance Performance Standards.

12
13 All in favor:

- 14 Commissioner O'Brien: Yes
- 15 Commissioner McAllister: Yes
- 16 Commissioner: Dargie: Yes
- 17 Commissioner Barrett: Yes
- 18 Commissioner Glass: Yes
- 19 Commissioner von Raesfeld: Yes
- 20 Commissioner Vouri: Absent

21
22 **Findings for the Conditional Use Permit:**

- 23
- 24 1. That the project, as conditioned, will conform to the requirements and the intent
25 of the Zoning Ordinance and the General Plan, as the use is appropriate for the
26 zoning district in which it is proposed to be located, and is a small business as
27 encouraged by the General Plan.
- 28
- 29 2. That the use, as conditioned, will not constitute a nuisance or be detrimental to the
30 public welfare of the community, as the lounge will employ a full-time
31 doorman/bouncer, has an operative security plan, and the live entertainment will
32 be non-amplified.
- 33
- 34 3. That the record of proceedings of the decision on the project is available for
35 public review at the City of Petaluma Planning Division, City Hall, 11 English
36 Street, Petaluma, California.

37
38 **Findings for the Determination of Public Convenience or Necessity:**

- 39
- 40 1. The proposed use is within a census tract which, pursuant to State Assembly Bill
41 2897 which amended Section 23958 of the Business and Professions Code, is
42 considered to have an undue concentration of retail liquor licenses. The Planning
43 Commission finds that, pursuant to Section 23958.4(b)(2), this license should be
44 issued to Zebulon's Lounge because:
 - 45
 - 46 a. The sale of beer and wine in the lounge will provide a convenience to the
47 general public;

- 1
2 b. The sale of beer and wine and liquor in the lounge to patrons is necessary
3 to ensure the economic viability of the business;
4
5 c. Although Zebulon's Lounge proposes to be located within a census tract
6 which experiences an undue concentration of retail alcohol licenses, the
7 sale of alcohol will not create a nuisance or be detrimental to the public
8 health or welfare, as the limitation of operating hours, the employment of
9 security, and the limited square footage of the facility will limit the
10 potential for nuisances.

11
12 **CONDITIONS OF APPROVAL**

13
14 **From the Community Development Department:**

15
16 Planning Division:

- 17
18 1. This conditional use permit authorizes Zebulon's LLC to operate an Alcoholic
19 Beverage Establishment with Live Entertainment at 21 – 4th Street, Assessor's
20 Parcel No. 008-053-008.
21
22 2. Per Zoning Ordinance Section 21-430.16(A) and (B), this conditional use permit
23 is issued to Zebulon's LLC, and may not be assigned or transferred without
24 notification to the Community Development Director. Additionally, notification
25 of a transfer of a conditional use permit shall be required prior to any change in an
26 interest in a partnership or ownership of ten percent (10%) or more of the stock of
27 a corporation to any person not listed on the application filed April 1, 2002.
28
29 3. The hours of operation shall be limited, as proposed by the applicant to 4:00PM to
30 1:30 AM, 7 days per week, and/or by appointment.
31
32 4. The doors to the lounge shall remain closed during live entertainment offerings in
33 order to reduce any potential noise impact on the neighborhood. *During all times*
34 *when live entertainment is to be offered the business shall be in compliance with*
35 *the city's noise ordinance as outlined in the Performance Standards of the Zoning*
36 *Ordinance (Section 22-301).*
37
38 5. Any future use of amplification (with the exception of the permitted single
39 microphone for literary readings) for the live entertainment shall require an
40 amendment to this CUP prior to commencement of use. Any physical expansion
41 of the lounge, or expansion as to the nature of the business (type of ABC license,
42 etc.) shall require an amendment to this CUP.
43
44 6. Existing exterior lighting shall be maintained as necessary to adequately
45 illuminate the sidewalk or other public way in front of the business at closing
46 time. This lighting will insure the safety of patrons and discourage loitering in
47 front of the business.

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7. A conditional use permit for an alcoholic beverage establishment may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the commission may revoke the conditional use permit or add/modify conditions of approval.

8. The applicants/developers shall defend, indemnify, and hold harmless the City or any of its boards, commission, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the applicants/developers of any such claim, action, or proceeding. The City shall coordinate in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

Building Division:

- 9. Per CBC table 10-A the occupant load for the proposed use is limited to 49 persons (including employees).
- 10. Prior to occupancy, and due to the change in use (from office to lounge) the applicant shall comply with the California Building Code 1103.1.2 (Accessibility).

From the Police Department:

- 11. The operation of an alcoholic beverage establishment shall be the responsibility of the permittee personally (if an individual is the permittee) or a manager or designated responsible employee of the permittee at all times. The permittee shall designate the names of all such managers and designated responsible employees in the application and shall advise the Police Chief and Community Development Director in writing whenever any change is made.
- 12. The permittee personally (if an individual is the permittee) or a manager or a designated responsible employee shall be on the premises at all times during the conduct of business.
- 13. All employees shall complete a program recognized by the Department of Alcoholic Beverage Control (ABC) as a qualified Responsible Beverage Service Program prior to the commencement of a new business or within ninety (90) days of hire for new employees. The owner(s) and/or manager of an alcoholic beverage establishment shall maintain on the premises a file containing the certificates of training for all employees.

- 1 14. The alcoholic beverage establishment shall be operated in such a manner so that it
2 or its patrons at no time violate the Petaluma Municipal Code, the Zoning
3 Ordinance and/or the Penal Code standards regarding noise generation. Should
4 complaints be received regarding noise disruption the applicant shall take
5 reasonable and practical steps as directed by the Police Chief and Community
6 Development Director to reduce the intensity, number and/or occurrences of these
7 disruptions.
8
- 9 15. Prior to commencement of use, the business owner shall submit to the Chief of
10 Police and Community Development Director a detailed security plan for review
11 and approval. The plan shall include, but not be limited to, the periods of time
12 and staffing levels for security personnel, duties, responsibilities and
13 qualifications of security staff. Such plan shall be amended prior to any change
14 in operations including, but not limited to, the periods of time and staffing levels
15 for security personnel, duties, responsibilities and qualifications of security staff
16 for review and approval by the Chief of Police within 14 days of the change in
17 business operations.
18
- 19 16. Bar personnel shall check identification (I.D.) at the front door to insure patrons
20 are of legal age to enter.
21
- 22 17. At closing time or during special events, crowd control by qualified security
23 personnel shall be provided to insure safety and orderly conduct in front of the
24 premises. Sidewalks shall be kept open for pedestrian traffic at all times.
25
- 26 18. The Chief of Police and the Community Development Director shall be notified
27 by the first day of each month (by mail, e-mail and/or fax) of the live
28 entertainment calendar, so as to be aware of the nights live entertainment is to be
29 offered. The Chief of Police may require, and the owner/operator shall provide
30 additional qualified security personnel on site to provide adequate crowd control.
31
- 32 19. The applicant shall comply with Alcoholic Beverage Control (ABC) laws and
33 regulations. Suspension of the applicant's license by the ABC will constitute
34 sufficient cause or basis for review and possible revocation of a conditional use
35 permit.
36

37 **From the County of Sonoma Department of Health Services:**

- 39 20. Prior to commencement of operations the applicant shall submit plans for plan
40 check review.
41
- 42 21. A food industry health permit shall be required for the proposed bar upon
43 completion of construction/remodel.
44
45

46
47 **III. DORAN TENTATIVE PARCEL MAP APPEAL, 511 South McDowell Blvd.**
48 **AP No: 007-301-031**
49 **File Nos: TPM01005; APL02004**
50 **Project Planner: Tiffany Robbe**

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Applicant is appealing a decision of the Community Development Director and the City Engineer to approve the Tentative Parcel Map at 511 South McDowell Boulevard.

Tiffany Robbe presented the staff report.

Scott Kirk, Attorney for the appellant. Two main issues: boundary dispute and drainage problems between houses. Suggested continuing the hearing. The boundary dispute is significant at two-feet – think that is a dispute the Commission does not need to deal with. Drainage occurs in the two-foot disputed area. Present drainage would be dug up. Application does not address the issue of the length of parcel being twice the width (quoted from the subdivision ordinance).

Multitude of cars at the Doran property will be a significant problem. Presented letters regarding traffic problems.

Made allegations that markers were moved prior to survey and just after.

Steve Lafranchi: Addressed the depth, width of the lots. Moving the garage and creating two driveways became the only way to create an additional lot. Does not think this is the venue to address the boundary dispute (civil issue).

Martin Doren: Addressed health and safety issues. Regarding the boundary dispute, the appellant had 17 weeks to address or hire another surveyor and did not do so.

Public hearing opened:

Dick Silver, 1313 Kreskie Way: Opposed to more traffic on McDowell and more driveways that will create traffic.

Amos: There is a boundary dispute.

Shirley Halvorsen: Stated her issues regarding the boundary dispute.

Dave Adams: Neighbor of the both parties. Think there is too much traffic and do not want to add another driveway.

Tammy Regan: Discussed traffic problems created by adding another driveway.

Scott Kirk: Public safety issues have been addressed. Need to seek other alternatives. Again, suggested continuing the hearing or denying the Parcel Map.

Craig Spaulding: There are often fence and boundary issues. Appears to be a fence line dispute. Staff will ensure that the engineer for the project will take care of the drainage on the property. Feels that issues have been addressed.

Public hearing closed.

1 Commission comments:

2

3 Commissioner von Raesfeld: Suggested a common driveway. Needed to see the other
4 house in order to properly analyze the situation. Grant a variance for a single driveway.

5

6 George White: Subdivision Ordinance requires that a shared driveway be 20 feet wide
7 and then the two lots won't comply with the Zoning Ordinance in regards to width and/or
8 lot size.

9

10 Commissioner Barrett: Am not sure continuing would bring the parties closer to an
11 agreement. If there is a boundary issue and the two-feet belongs to the Halvorsens, there
12 is still 10-feet for a driveway. Drainage does not seem to be a problem. Is a very busy
13 street, however, I do not think this will significantly increase the traffic. Not concerned
14 with the lot depth being twice the width. Would support staff.

15

16 Commissioner Dargie: Think the most significant issue is the boundary dispute which
17 was recognized as early as February yet the appellants did not work to get another survey.
18 Also have traffic concerns, however, do not believe a single additional house will
19 significantly impact traffic. Think drainage has been adequately addressed. Don't think
20 it is unreasonable or inconsistent to approve lots of this configuration.

21

22 Commissioner McAllister: Don't sense there is a spirit of cooperation between the two
23 parties. Appellant could hire her own engineer to survey the property. Drainage seems
24 adequate. Know of many instances where these lot proportions exist. Do not think
25 traffic for a new SFD would create unnecessary traffic.

26

27 Commissioner O'Brien: Thought the staff report and the engineering report were very
28 well done. McDowell is not an unsafe street. Think the Halvorsen's had time to hire a
29 surveyor.

30

31 Commissioner Glass: An additional SFD would not create undue traffic on McDowell.
32 Think a shared driveway would be the best possible scenario. Wish the neighbors could
33 work things out.

34

35 Commissioner von Raesfeld: Boundary dispute is a civil issue. Has no issue with lot
36 depth. Would like a better architectural solution, but will support denial.

37

38 M/S Barret/Dargie to deny the appeal.

39

40 All in favor:

41 Commissioner O'Brien: Yes

42 Commissioner McAllister: Yes

43 Commissioner Dargie: Yes

44 Commissioner Barrett: Yes

45 Commissioner Glass: Yes

46 Commissioner von Raesfeld: Yes

47 Commissioner Vouri: Absent

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3 **Tentative Parcel Map Findings:**
4 **Doran Tentative Parcel Map**
5 **511 South McDowell Boulevard**
6 **APN 007-301-031**
7 **Project File No(s). TPM01005and APL02004**

- 8
9 1. The proposed project is exempt from the requirements of the California
10 Environmental Quality Act (CEQA) pursuant to Section 15315, Class 15, of the
11 CEQA Guidelines, which allows minor land divisions.
12
13 2. The proposed Tentative Parcel Map complies with the requirements of the
14 Municipal Code, Chapter 20.20, and the Subdivision Map Act.
15
16 3. The proposed Tentative Parcel Map complies with the requirements of the Zoning
17 Ordinance such as minimum lot size, width, depth, and setbacks.
18
19 4. The subdivision will create two separate residential lots, which are appropriate to
20 the surrounding area and with the existing surrounding uses. Access to the public
21 street (S. McDowell) currently exists from both parcels and vehicle turn around
22 space will be provided on each lot so that vehicles will front out onto the street in
23 order to increase the safety for exiting cars.
24
25 5. The Tentative Parcel Map is consistent with the General Plan in that existing
26 housing will be preserved and in that maximum density for infill properties is not
27 exceeded as specified by Chapter 4 Program 11.
28
29 6. The design of the subdivision and the types of improvements will not be
30 detrimental to the public health, safety or welfare. Adequate public facilities exist
31 or will be installed, including driveways and sidewalks, water, sewer, storm drain
32 and other infrastructure.

33
34 **CONDITIONS OF APPROVAL**
35 **Doran Tentative Parcel Map**
36 **511 South McDowell Boulevard**
37 **APN 007-301-031**
38 **Project File No(s). TPM01005and APL02004**

39
40 From the Planning Division (778-4301)

- 41
42 1. Public utility access and easement locations and widths shall be subject to the
43 approval of PG&E, Pacific Bell, the Sonoma County Water Agency, all other
44 applicable utility and service companies, as well as the City Engineer, and shall
45 be shown on the Parcel Map.
46

- 1 2. The proposed driveway for Parcel 1 and any future driveway for Parcel 2 shall
2 include sufficient turnaround area to enable vehicles to exit the site without
3 backing out onto South McDowell Boulevard.
4
- 5 3. The applicants shall defend, indemnify, and hold harmless the City or any of its
6 boards, commissions, agents, officers, and employees from any claim, action or
7 proceeding against the City, its boards, commissions, agents, officers, or
8 employees to attack, set aside, void, or annul, the approval of the project when
9 such claim or action is brought within the time period provided for in applicable
10 State and/or local statutes. The City shall promptly notify the applicants of any
11 such claim, action, or proceeding. The City shall coordinate in the defense.
12 Nothing contained in this condition shall prohibit the City from participating in a
13 defense of any claim, action, or proceeding if the City bears its own attorney's
14 fees and costs, and the City defends the action in good faith.
15

16 From the Engineering Section (778-4304):
17

- 18 4. A shared storm drain maintenance declaration is required for the proposed storm
19 drain system.
20
- 21 5. The portions of the existing garage to be removed shall be completed through
22 the building permit process prior to final parcel map approval.
23
- 24 6. City standard residential driveway approaches (21-feet wide) shall be installed
25 for both lots. An on-site vehicle turnaround facility is required for at least one of
26 the proposed parcels and encouraged for both parcels to avoid backing into
27 McDowell Blvd.
28
- 29 7. Separate water services and sewer laterals shall be installed for each lot.
- 30 8. All portions of broken, cracked, displaced, etc. sidewalk along the project
31 frontage shall be replaced.
32
- 33 9. All new utility services to the project shall be placed underground.
34
- 35 10. The applicant shall prepare a legal description and dedicate an easement to the
36 City of Petaluma for the existing street light located on proposed parcel one.
37
- 38 11. Lot to lot drainage shall not be created as a result of this subdivision.
39
- 40 12. Public utility easements are required if not existing along the project street
41 frontage. Letters from appropriate public utility companies indicating no need
42 for easements may be submitted in lieu of public utility easements.
43
- 44 13. An excavation permit is required for all work within the public right of way.
45
- 46 14. All easements affecting or created as a result of this project shall be shown on
47 the final parcel map.

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15. Final parcel map preparation shall be per the latest City of Petaluma policies, standards, codes, resolutions, and ordinances. The applicant shall submit a complete final parcel map application including all supporting documentation and required fees.

FUTURE AGENDA ITEMS: Elect a second v ice-chair.

IV. LIAISON REPORTS:

- **City Council:** None
- **SPARC: Preliminary Haystack, St. Vincent’s preliminary and Staples. Full hearing for McBrien, Kaiser, Airport Hangers.**
- **Petaluma Bicycle Advisory Committee:** Open for a new commissioner.
- **Tree Advisory Committee:** Updating pamphlets.

Adjournment: 9:45 p.m.