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Planning Commission Minutes
May 27, 2003 – 7:00 PM

Commissioners: *Present:* Asselmeier, Barrett*, Dargie, Healy, Imm, McAllister, von Raesfeld

* Chair

Staff: Mike Moore, Community Development Director
George White, Assistant Director, Community Development
Betsi Lewitter, Project Planner
Anne Windsor, Administrative Secretary

ROLL CALL:

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: Minutes of May 13, 2003 were approved as amended.
M/S von Raesfeld/Asselmeier, 6-0, Imm abstained

PUBLIC COMMENT: None

DIRECTOR'S REPORT: None

COMMISSIONER'S REPORT: None

CORRESPONDENCE: None

APPEAL STATEMENT: Was read.

LEGAL RECOURSE STATEMENT: Was noted on the agenda.

Public hearing began: @ 7:00

OLD BUSINESS:

- I. PETALUMA VILLAGE MARKETPLACE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, 2200 Petaluma Blvd. North**
AP No(s): 007-391-009 & 035; 007-401-043 & 044; and 048-080-033, 038 & 039
File No(s): REZ02001

1 **Planner: Betsi Lewitter**

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3 A. Request to reconsider April 22, 2003, recommendation to the City Council
4 to certify the Final Subsequent Environmental Impact Report (FSEIR) for
5 the proposed expansion of the Petaluma Village Marketplace.

6

7 B. If recommendation to reconsider passes, a Public Hearing to review and
8 recommend to City Council of the Petaluma Village Marketplace Final
9 Subsequent Environmental Impact Report (FSEIR).

10

11 Mike Moore gave background and history of the reconsideration.

12

13 Commissioner von Raesfeld: Absent on April 22, 2003, however, viewed all the tapes
14 and documents and is prepared to participate.

15

16 Mike Moore: Consulted with the City Attorney and it is appropriate for Commissioner
17 von Raesfeld to vote.

18

19 Commissioner Asselmeier: Asked if the Council could return the project to the Planning
20 Commission to review even if the Planning Commission did not recommend certification
21 of the EIR.

22

23 Mike Moore: Referred to the Rockridge Point Subdivision project which came back to
24 the Planning Commission.

25

26 Commissioner McAllister: If Planning Commission reconsidered, would there be
27 responses to the issues the commission felt were not adequate.

28

29 Mike Moore: Our recommendation that the EIR is adequate still stands. CEQA is
30 established for the public and the applicant. Any additional information that is
31 requested would be the responsibility of the applicant.

32

33 Commissioner McAllister: Then the flow chart in the City's environmental guidelines is
34 optional?

35

36 Mike Moore: Yes – CEQA states an EIR has to be a reasonable, good faith effort. Many
37 issues that have come up would be reviewed as part of the project review.

38

39 Commissioner Asselmeier: Is additional worth placed on the Conditions of Approval if
40 the questions are answered.

41

42 Mike Moore: Would carry equal weight.

43

44 Commissioner Barrett: What would the commission be voting on if they reconsidered.

45

46 Mike Moore: Ultimately the Planning Commission must decide to recommend or not
47 recommend certification of the EIR.

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Commissioner Dargie: In order to discuss Commissioner McAllister's memo, we must vote to reconsider?

Mike Moore: Yes

Commission Discussion:

Commissioner von Raesfeld: The applicant does not own the parcel which shows access to the site.

Mike Moore: Commission can require a secondary access as a condition of approval.

Commissioner von Raesfeld: Has there been discussion between staff and the applicant?

Mike Moore: Is up to the applicant, since access has been shown on plan, this access will need to be satisfied by the applicant.

Commissioner von Raesfeld: Pg. 383 – seemed to be a lack of analysis regarding new biological affects on access parcel. Who wrote that section? Was it based on facts.

Mike Moore: Was done by Lamphier and Gregory and their consultants. The determination was made by consultants, engineers, etc.

Commissioner von Raesfeld: Does the Planning Commission have discretion to modify mitigations.

Mike Moore: Planning Commission can recommend some mitigations – can look in more detail when reviewing the project.

Commissioner von Raesfeld: There were no deletions or additions of mitigations when viewing the tape.

Council Member Healy: Would be when reviewing the project.

Commissioner von Raesfeld: Have a question regarding mitigation 7.

Commissioner Imm: Commission decision is “was EIR adequate in providing information,” not necessarily adequate regarding the project.

Commissioner Asselmeier: Asked if any new mitigations were added. Believe the consultant said no.

Chair Barrett: Modifications of some existing mitigations, no new mitigations added.

Commissioner McAllister: Purpose of memo dated May 22, 2003 was to clarify procedural issues brought up by David Keller.

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M/S McAllister/Asselmeier to reconsider the April 22, 2003, recommendation to the City Council to certify the Final Subsequent Environmental Impact Report (FSEIR) for the proposed expansion of the Petaluma Village Marketplace.

Public comment opened:

Diane Reilly Torres, Rainer Avenue: Asked the Planning Commission to reconsider.

Stan Gold, 615 King Road: Felt commission was unhappy with the EIR, however, commissioners might not get to see the project. Felt commission was misled. Need to believe something is adequate – do not be pushed into the position of recommending certification..

Connie Madden, 215 Water Street: Asked to not accept the EIR – a lot of hesitation. Disturbing that the consultants were not at the meeting. Does not seem consistent with General Plan – need to support downtown first.

David Keller, I Street: CEQA process is do you have adequate information – does not seem as though the Commission felt as though there was adequate information provided. Lamphier Gregory is working for the city and not the applicant – is not the problem of the public. Have the right to recommend additional information. Zoning Ordinance does not state the Planning Commission relinquishes reviewing of project – Planning Commission can ask to review. View both the EIR and the project and make an informed decision.

John Cheney, 55 Rocca Drive: Do not recommend approving if you do not feel the document is adequate.

Jeanne Lewis, 344 Ridgeview Drive: Have been deprived of an Outlet Mall – agree questions need to be answered. We need the outlet mall – address the flood issues, however, move forward on the outlet mall. Read a statement from the Chamber of Commerce regarding misinformation being circulated.

Patricia Tuttle Brown, 513 Petaluma Boulevard South: Do support the factory outlets that are here. Would like the Planning Commission to reconsider. Is ok to vote against staff. Planning Commission needs to ask what the community as a whole thinks.

Hank Flum, 1721 Stonehenge Way: Concerns regarding citizens and community liability. Have seen the theater property under water. If project is approved, want the builder to hold the City of Petaluma harmless for faulty judgment by civic body.

Vince Landoff: Planning Commission was misled on April 22, 2003 – felt the commission did well questioning the document. Have been fighting flooding problems since 1981. Suggest the applicant make offers to purchase all the property in the Payran area. Do not be pushed into rash decisions that you will regret. Movie theater would

1 create traffic problems on Petaluma Boulevard North. Opposed to expansion in the
2 floodplain. Want the Planning Commission to reconsider.

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4 Vote to reconsider:

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6 Council Member Healy: No
7 Commissioner Dargie: No
8 Commissioner McAllister Yes
9 Chair Barrett: Yes
10 Commissioner von Raesfeld: No
11 Commissioner Asselmeier: Yes
12 Commissioner Imm: No

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14 Public hearing closed:

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16 Break at 8:30

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18 Resumed at 8:43
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22 **PUBLIC HEARING:**

23
24 **II. MODIFICATION OF RIVER OAKS/PETALUMA FACTORY OUTLET**
25 **VILLAGE MASTER PLAN FOR EXPANSION (PETALUMA VILLAGE**
26 **MARKETPLACE), 2200 Petaluma Blvd. North**

27 AP No(s): 007-391-009 & 035; 007-401-043 & 044; and 048-080-033, 038 &
28 039

29 **File No(s): REZ02001**

30 **Planner: Betsi Lewitter**

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32 The applicant is requesting approval to amend the previously approved Planned
33 Community District (PCD) Master Plan Program to expand the existing Petaluma Village
34 Marketplace on to adjoining parcels to the north and south of the existing center.

35
36 Continued from April 22, 2003.

37
38 Betsi Lewitter: Read into the record, communications received since the last public
39 hearing.

40
41 Brad Stipe, Chelsea Property Group: Continued presentation of the project. Submitted a
42 letter from the real estate broker regarding potential tenants – no competition with
43 downtown. City can accommodate another 70,000 square feet of retail – downtown is
44 not set up to handle 50,000 square foot use – large tenants want freeway access.

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46 Commissioner Imm: How can you state there is no competition if you do not have any
47 tenants, etc.

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Brad Stipe: Would be a different type tenant than downtown – tenant who requires more square footage than a typical downtown tenant.

Commissioner Imm: Approving 200,000 square foot of retail – have concerns you can break up into 5,000 sq. ft. stores or one large store.

Brad Stipe: Wouldn't make sense from a developer or retail standpoint – is not the intention.

Chair Barrett: Asked if Chelsea would withdraw the proposal for the theater if the downtown proposal was approved.

Brad Stipe: Will not fight the downtown theater if it can develop within the timeframe. Will work with the City.

Commissioner Dargie: If downtown developed more rapidly, what would you propose for the theater site.

Brad Stipe: Think the theater works best, possibly a smaller single box retail or a restaurant – would like flexibility on the space.

Commissioner McAllister: Regarding letter addressing retail competition – asked for clarification if use is not specified.

Brad Stipe: Is based on a use we are trying to market – downtown is a smaller, eclectic type of tenant.

Commissioner McAllister: Competition is leasing competition?

Brad Stipe: No, it addresses type of sales in downtown vs. the outlet mall.

Philip Vandertulen: Presented the landscape plan for the project.

Council Member Healy: River trail stops – how do we get across property lines to extend the river walk in the future?

Philip Vandertulen: Is addressed in the River Enhancement Plan. Do not know about adjacent properties.

Chair Barrett: Do you have any experience in moving mature trees?.

Philip Vandertulen: Have been involved in the past, however, would defer to a consultant – an arborist would need to make that determination.

Chair Barrett: What is feasibility of moving an 18” diameter oak when Village Drive is put in?

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Philip Vandertulen: Would consult with an arborist.

Commissioner von Raesfeld: Area south of building A – looks as if it does not meet 50’ setback.

Commissioner McAllister: Is addressed on page 8 of the staff report dated April 22, 2003.

Council Member Healy: Looking at River Access and Enhancement Plan – skirting wetland.

Michael Joslyn, Wetlands Research: Working with applicant – identified wetlands on the project and outlined the monitoring and mitigations outlined. Relocating wetlands successful. Notes other location ACOE requires no net loss. Parking set back 100’ from top of bank. Moving riverwalk further away from river per Fish & Game comments. RWQCB – use of vegetated swales, recommended as effective. Swale between riverwalk and river. Fish & Game – streambed alternative to allow bridge crossing. No pilings free standing. Impacts to riparian vegetation – more native vegetation to be provided.

Commissioner Imm: Fish & Game took riverwalk out of 100’ setback?

Michael Joslyn: Is still in the buffer area – would have to be mitigated other ways – usually ok if provide additional riparian vegetation. Would be part of agreement to be worked out with Fish and Game.

Chair Barrett: If Fish and Game requires – can that happen?

Michael Joslyn: Would look into if Fish and Game required.

Commissioner McAllister: Pg. 62 & 63 of Enhancement Plan – is not addressed in this plan.

Michael Joslyn: When the plan was being developed we looked at this buffer requirement in terms of wildlife, public access, etc. Intrusion can be avoided with a buffer of 35 to 60’ if you can do other mitigations. Benefits can be achieved with a smaller buffer.

Commissioner McAllister: Did not see exceptions to this plan.

Commissioner Asselmeier: How many acres of wetlands will be created.

Michael Joslyn: One to one - half an acre.

Commissioner Asselmeier: Activity at northern end - is that enhancement?

Planning Commission Minutes - May 27, 2003

1 Michael Joselyn: Enhancement not required.

2

3 Commissioner Asselmeier: Is there a requirement that the trail go along the river?

4

5 Michael Joselyn: Wetland area being created is within the 100 ft. buffer.

6

7 Commissioner Asselmeier: Does the River Enhancement Plan require a trail on the
8 river?

9

10 Michael Joslyn: Do not know.

11

12 Chair Barrett: What is setback of the path?

13

14 Michael Joselyn: Don't know exactly – have walked the path many times.

15

16 Philip Vandertulen: In order to minimize the impact on the wetlands, the path does not
17 go on the river.

18

19 Chair Barrett: What kind of screening are you proposing for the theater site on Parcel C.

20

21 Philip Vandertulen: Proposing windows and breaks in landscaping.

22

23 Michael Joselyn: Policy 13 on pg. 74 of River Enhancement plan answered
24 Commissioner McAllister's question.

25

26 Commissioner McAllister: How is the substantial evidence determination made – would
27 Fish and Game make that determination.

28

29 Michael Joselyn: Corps of Engineers and Fish and Game would probably weigh in.

30

31 Wayne Leach, CSW Stueber Strogh: Presented the drainage and grading for the project.

32

33 Commissioner McAllister: What is elevation on existing bridge?

34

35 Wayne Leach: Don't know what it is on the top of the bridge.

36

37 Commissioner McAllister: Given the new hydrology study, would access be blocked on
38 the bridge?

39

40 Wayne Leach: Can get that information – during the storm events we have record of, it
41 has not gone over the bridge.

42

43 Commissioner McAllister: Grades are changed under existing trees, south of Village
44 Drive and on Parcel C.

45

46 Wayne Leach: Grading in those areas would be fairly minimal – can modify those
47 grades, can have an arborist evaluate.

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2 Commissioner McAllister: In my experience it is a problem. If the grading was done
3 outside the canopy would you achieve your swale?

4
5 Wayne Leach: May be some alternatives.

6
7 Darrell Hebenstreet: Showed the drive surface profile from the freeway.

8
9 Chair Barrett: Asked if it could be provided for Parcel C.

10
11 Commissioner von Raesfeld: Would be viewing HVAC equipment on the roof of the
12 buildings.

13
14 Darrell Hebenstreet: Would be viewing roofs.

15
16 Commissioner von Raesfeld: Are there north and south elevations?

17
18 Darrell Hebenstreet: No, not at this time.

19
20 Public comment opened:

21
22 Maxine Durning, 198 Ely Road: Want to know if valley oaks are being removed. Will
23 be losing an oak savannah if project is approved. Is the only oak savannah that exists in
24 Petaluma. Artificial wetlands require maintenance and monitoring.

25
26 Heather Hupp: Concerns about the expansion and the inadequacies of the EIR. List of
27 items to be considered: impact on downtown and implementation of the CPSP, flooding
28 impacts and monies spent on flood project, outlet was flooded in 1998, traffic impacts to
29 Petaluma Boulevard North, parcel named future – how can parcel be included if impacts
30 were not considered. Want the project to be denied. Include for conditions: retail space
31 and not a theater, more information on future major tenant, minimum on number of
32 retail spaces in the buildings, minimum with 3 divisions – prefer Illuminations type
33 stores and not Home Depot and Target. Larger stores would impact downtown.

34
35 Stan Gold: Discussed the sales tax revenue implications – incremental costs overtake the
36 sales tax revenues. Look at net sales tax impact – downtown can turn into a ghost town
37 and property values decline. Value of theater in downtown is to maximize foot traffic –
38 will not happen at the outlet mall. Will be flooding in the parking lot. Heard about
39 Vacaville – do not want to give up our downtown. Traffic – there is no way to mitigate
40 the Petaluma Boulevard traffic. Hope you will deny the project.

41
42 Clayton Angstrom: Live across the street, am looking forward to the project. Let's do
43 what 70% of the public wants – make sure it's a good project.

44
45 Drew Washer: Am a storeowner downtown. Outlet malls are in the past – parents and
46 kids do not want to get dropped off at the outlet mall. Malls are successful because they

1 are predators and eat up downtowns. Need to protect our downtown. Why does the
2 developer think they will not harm our downtown?

3
4 Dianne Reilly Torres: How will Village Drive affect the people who currently live there.
5 Is not clear where this road is. Want assurance this will not affect our water supply.
6 Presented a map showing the Rainer overpass going into the proposed Village Drive.
7 Want to see what the changes are to the PCD. Hydrology report re: underground storage,
8 however, will not proposing – want clarification. Need to have a mitigation monitoring
9 program – have not seen one. Would have to have a general plan amendment to put in
10 Village Drive.

11
12 Murray Rockowitz, 418-8th Street: Am a downtown merchant. Oppose the project – am
13 fortunate to live and work in Petaluma. Concerned about the water and the wildlife.
14 Speaking regarding the quality of life here – want to maintain the quality we have. Have
15 a unique place that is a destination; enhance our river and our downtown. Asked to deny
16 the project and protect the uniqueness of our downtown.

17
18 Patricia Tuttle Brown: Referred to the trail on the river – do not want to eat up our
19 beautiful land - exchanging riparian habits and creating swales, exchanging marsh land
20 for flooding into parking lots. Is not similar to existing conditions – leave Parcel B as
21 open park space. Do not want Parcel B developed, honor downtown and do not have a
22 movie theater here. Conditions if Parcel B is developed: put a bridge to adjacent
23 property, get rid of parking lot, eliminate southernmost building, some open space that
24 Chelsea will maintain, have Chelsea maintain all the trails, make a pedestrian trail at the
25 railroad site, leave a right of way at the trolley tracks. Feel sad that this may develop.

26
27 David Keller, I Street: Owe it to the community to say why this is not a good project for
28 Petaluma. This is not more outlet stores – this is big box retail. Money does not get
29 reinvested in local businesses. Additional proposals for North McDowell (old theater
30 site), Deer Creek and Kenilworth for retail.

31
32 Jack Hay, 233 Keokuk: Spoke about the project from an aesthetic point of view. Outlet
33 malls all over – are ugly – please turn it down.

34
35 Hank Flum: Referred to sheet flow and collecting of water and maintaining existing
36 conditions – how can you maintain? At present outlet there is a detention basin – what
37 about slowing the flow into the river. One connection between parcel B and the existing
38 parcel – a footbridge – will have to drive to other parcels. Will create traffic on the
39 boulevard circulating from one parcel to another. Am concerned about the valley oaks.
40 Do not treat riparian aspects of the project lightly.

41
42 John Cheney, 55 Rocca: Disappointed in our form of government. Concerned about
43 flooding. What about the millions of dollars spent on our flood fix? Do not have the true
44 figures from FEMA. Please oppose this project.

45
46 Public comment will remain opened.

1 M/S Dargie/Asselmeier to continue to June 10, 2003, 7-0.
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4 **III. FUTURE AGENDA ITEMS**
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8 **IV. LIAISON REPORTS:**
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- 10 **a. City Council:** None
- 11 **b. SPARC:** Approved Phase I of Downtown Streetscape, preliminary look
12 at theater and the river row apartments, approved details for Eden
13 Housing, will begin construction in September.
- 14 **c. Petaluma Bicycle Advisory Committee:** Discussion re: Bike to Work
15 Week, Projects: Mary Isaac Center, Vineyards, Redwood Technology
16 Center.
- 17 **d. Tree Advisory Committee:** Met at Walnut Park

18
19 Commissioner Imm: Has conflicts for the next two meetings and this will be last
20 meeting.

21
22 Commissioner Asselmeier: Out of town June 24, 2003
23

24
25 **Adjournment:** 10:54
26
27
