DATE:          October 21, 2013

TO:             Honorable Mayor and Members of the City Council through City Manager

FROM:           Heather Hines, Planning Manager

SUBJECT:        Resolutions adopting a Mitigated Negative Declaration, approving a General Plan Amendment, and Introduction of an Ordinance to approve a Zoning Amendment for the Maria Drive Apartments Project located at 35 Maria Drive

RECOMMENDATION

Staff recommends that the City Council consider the staff report, hear from the applicant, conduct a public hearing, and take the following actions:

- Approve the attached Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the Maria Drive Apartments project located at 35 Maria Drive (Attachment 1);

- Approve the attached Resolution approving a General Plan Amendment to amend the General Plan land use designation from Mixed Use to High Density Residential for the property located at 35 Maria Drive (Attachment 2); and

- Introduce the attached Ordinance approving a Zoning Map Amendment to rezone the property located at 35 Maria Drive from PUD-Medical and Office to R-5 (Attachment 3).

BACKGROUND

The Planning Commission considered the proposed General Plan Amendment, Zoning Map Amendment, preliminary Site Plan and Architectural Review, and the associated environmental document for the Maria Drive Apartment project at a noticed public hearing on August 13, 2013. At this hearing, the Commission approved resolutions recommending the City Council adopt the Mitigated Negative Declaration, approve the General Plan Amendment, and adopt an Ordinance approving the Zoning Map Amendment for the project site.

The Planning Commission found the project site appropriate for residential development at the proposed density of 30 units per acre given the site's proximity to existing shopping, parks and
educational facilities. Additionally, the Planning Commission referenced the existing density of 30 units per acre allowed under the current Mixed Use land use designation and recognized that the requested general plan amendment and rezoning actually reduced total development potential and associated impacts to the surrounding neighborhood.

**Public Comment**
There was significant neighborhood opposition expressed at the Planning Commission hearing, with issues ranging from traffic, to loss of privacy, to litter in the creek. Comments relating directly to the environmental analysis were reviewed and responses are included below. No new impacts were identified.

**Mitigated Negative Declaration**
At the August 13, 2013, Planning Commission hearing, the Commission had an in depth discussion regarding the public’s concerns about the potential for increased traffic along Maria Drive. The Planning Commission concurred with the findings of the W-Trans Traffic Study and the Initial Study, which concluded that the Level of Service at the Washington Street and N. McDowell intersection would drop from LOS D to LOS E under baseline conditions regardless of whether or not the Maria Drive apartment project is constructed. The project’s contribution to delays at the intersection would be no more than 1.0 seconds compared to baseline conditions without the project. Therefore, the project itself would not result in a potentially significant impact.

After consideration, the Planning Commission approved resolution 2013-15 recommending approval of the Mitigation Negative Declaration and Mitigation Monitoring Program for the Maria Drive Apartments. A few corrections and clarifications were discussed and have been made to the document before the Council for consideration. Corrections are discussed in greater detail under the Environmental Review heading below.

**General Plan Amendment**
At the August 13, 2013 Planning Commission hearing, the Planning Commission, recommended approval of the proposed General Plan Amendment to change the land use designation of the approximately 5.85 acre project site from Mixed Use to High Density Residential. The Planning Commission had an in depth discussion adding a finding that requests the City Council to seek agreement from the applicant to implement the following:

- Maria Drive improvements
  Maria Drive is identified as a collector street and currently meets the required roadway width requirements for such a street. Maintenance and repair of existing roadway is not typically the responsibility of the applicant of a development project and therefore has not been conditioned as part of the project. However, the applicant will be required to repair and replace any broken curb, gutter, sidewalk along frontage as a standard condition of SPAR review.

- Washington Creek trail enhancements
  The Sonoma County Water Agency (SCWA) owns the Washington Creek corridor. Staff contacted the SWCA to seek comments on any needed improvements along this section of the Washington Creek corridor. SCWA stated that work on this segment of E. Washington Creek has been done in the past two years and that there was no need for additional work or additional landscape installation. Based on this, the addition of any specific trail enhancements to the trail or creek corridor may be infeasible. As
conditioned, the project will include enhancements along the property line that is adjacent to the creek corridor to include installation of an open wrought iron fence with pedestrian gate and landscape improvements that will further enhance the interface between the private property and the creek corridor.

- Greater green building elements to achieve a minimum of 100 points under the current Build It Green multi-family checklist.

The Planning Commission discussed the need to incorporate additional green building measures. The applicant stated their willingness to incorporate green building measures to their project and agreed to meet the minimum 100 points under the Build It Green for multi-family development. This voluntary condition will be added as a condition of approval for SPAR and verified at building permit review.

The above finding has been added to the list of findings for the City Council’s consideration. As outlined in the Planning Commission resolution (Attachment 6), the Commission’s recommendation for approval of the proposed General Plan Amendment to change the land use designation of the approximately 5.85 acre project site from Mixed Use to High Density Residential was based on the following findings:

- Modification of the land use designation to High Density Residential is consistent with General Plan policies, which promote a range of land uses at densities and intensities to serve the community needs within the Urban Growth Boundary (UGB) and to use land efficiently by promoting infill development, at equal or higher density and intensity than surrounding uses.

- The change in General Plan land use designation is compatible with the neighboring Medium Density Residential and Low Density Residential and would provide a mix of densities within proximity to each other. The project is also in proximity to shopping, park and educational facilities, and transit routes and stops, thereby promoting development in areas that facilitate alternate modes of travel.

- The General Plan amendment to change the land use designation to High Density residential will not contribute a significant increase in vehicle trips compared to what has been evaluated in the General Plan EIR, as maximum density under the Mixed Use designation and under the High Density Residential designation are both 30 units per acre.

- The City continues to face a high vacancy rate of approximately 25% for office space. The project site is currently developed as an office complex and has a vacancy rate of about 30%.

- The change of the land use designation to High Density Residential is consistent with policies of the Petaluma General Plan 2025, which promote residential development within the Urban Growth Boundary and encourage the development of housing on underutilized land.

- The public interest, public necessity, convenience and general welfare clearly permit and will be furthered by the proposed amendment because the proposed amendment will allow the conversion of highly vacant office complex into a high density residential
development within proximity to shopping, park and educational facilities, and transit routes. The site is currently developed with a medical/office complex (constructed in the mid 70’s) and associated site improvements, such as landscaping and parking lot improvements, which will be demolished/removed. The office complex has had a high vacancy rate for several years, currently at about 50 percent compared to the City’s overall office vacancy rate of approximately 25 percent. Absorbing the high vacancy rate for this site will be difficult given the condition of the buildings and vacancy rates for the City in general. According to the Economic Development Manager and documentation submitted by the applicant, vacancy rates for rental housing is currently at approximately 2 percent. In addition, memos prepared by BAE Urban Economics, dated July 25, 2013, and EFA dated July 26, 2013, demonstrate that because the site does not have direct access to major corridors and is not visible from existing shopping centers to occupy this site with retail or office uses is difficult.

- Government Code Section 65358 allows General Plan amendments when it is deemed in the public interest to do so. The proposed General Plan amendment would allow for development of the property at a density ranging from 18 to 30 units per acre, which is consistent with the density allowed under the existing land use designation. Residential development at this density would support the existing nearby shopping centers due to proximity of the site to these centers. Office vacancy rates within the city are currently at approximately 25 percent and over 50% for this office complex. By comparison vacancy rates for rental units are at approximately 2 percent. The proposed amendment will facilitate the conversion of highly vacant office complex into a high density residential development within proximity to retail shopping centers, park and educational facilities, and transit routes.

- State law limits the number of times a local agency can amend its general plan to no more than four times per year. No other General Plan Amendments have been approved for 2013.

- In the public interest associated with the proposed General Plan Amendment, the Planning Commission recommends that the City Council seek agreement from the applicant to incorporate Maria Drive improvements, Washington Creek trail enhancements, and greater green building elements to achieve a minimum of 100 points under the current Build It Green multi-family checklist (see previous discussion on these three items).

**Zoning Map Amendment**

As outlined in the Planning Commission resolution (Attachment 7), the Commission’s recommendation to approve the Zoning Map Amendment to change the zoning of the project site from PUD to R-5 was based on the following findings:

- The proposed zoning map amendment to Rezone the subject parcels from PUD-Planned Unit District (APN’s 007-280-078 & 077) to R-5 is consistent with and implements the proposed High Density Residential land use classification of the General Plan.

- The proposed rezoning to R-5 is consistent with the Petaluma General plan Housing Element policies which promote residential development within the Urban Growth
Boundary (Policy 11-P-1.1) and encourage the development of housing on underutilized land (Policy 11-P-1.2).

- The public necessity, convenience and general welfare clearly permit and will be furthered by the proposed amendment because the proposed amendment will allow the conversion of highly vacant office complex into a high density residential development within proximity to shopping, park and educational facilities, and transit routes. The proposed project would also require Site Plan & Architectural Review approval by the Planning Commission for the proposed residential development.

*Vacation of Easement*

Draft conditions of SPAR review include a requirement that the applicant vacate the public utility easements located on the property. The Planning Commission did not specifically discuss the abandonment of the public utility easement, but did review project plans, including utilities as shown on Sheets C1 through C4.

**DISCUSSION**

*Project Description*

The applicant is proposing a General Plan Amendment, Zoning Map Amendment, Vacation of Public Utility Easements, and Site Plan and Architectural Review to develop the property located at 35 Maria Drive as a high-density residential apartment project.

*General Plan Amendment*

The current General Plan land use designated for the site is Mixed Use, which is intended for a robust mix of uses including retail, residential, service commercial, and/or office, with an allowable density of up to 30 dwelling units per acre and a maximum floor area ratio of 2.5 (General Plan 2025). The applicant is requesting a General Plan Amendment to change the current land use to High Density Residential, which allows residential densities that range from 18.1 to 30.0 units per acre. The High Density Residential classification would permit a full range of housing types, but is intended for multi-family housing in specific areas where higher density is considered appropriate.

The site is currently developed with a medical/office complex (constructed in the mid 70’s), which is proposed for demolition as part of the project. The office complex has had a high vacancy rate for several years, currently at about 50 percent compared to the City’s overall office vacancy rate of approximately 25 percent. Absorbing this high office vacancy rate for this site will be difficult given the condition of the buildings and vacancy rates for the City in general and the location of the site away from a major arterial. By comparison, vacancy rates for rental housing are currently at approximately 2 percent, according to the City’s Economic Development Manager and documentation submitted by the applicant (Attachment 9).

The applicant has submitted a memo prepared by BAE Urban Economics, dated July 25, 2013 and EFA dated July 26, 2013 that outlines a number of reasons that retail and office space would be difficult to tenant at this location. The primary reason is that the site does not have direct access to major transportation corridors and is not visible from existing shopping centers. The Economic Development Manager relayed a similar conclusion during past discussion about the site.
The proposed General Plan amendment would facilitate development of the site with residential development that would support the nearby shopping centers. For example, to the west and southwest and within a 500-foot walking distance of the project site, is an existing shopping center known as Washington Square with frontage on N. McDowell Boulevard. This shopping center contains more than 220,000 square feet of retail uses serving the surrounding area. Additionally, on the other side of East Washington Street are the Plaza South and Plaza North shopping centers, which include over 300,000 square feet of additional commercial uses in the vicinity of the project.

Also within walking distance of the project site is McDowell Elementary School and McDowell Park.

The East Side Transit Center is located within 500 feet of the project site on N. McDowell Boulevard and Maria Drive, providing access to four existing bus routes within the City.

Because the requested General Plan Amendment would allow a density range that is currently permitted under the Mixed Use Designation, impacts associated with this amendment are similar to what has already been evaluated in the General Plan EIR.

Relevant General Plan Policies
The proposed amendment would not cause internal inconsistencies in the General Plan. The proposed residential densities are similar to what is permitted under the existing land use designation. General Plan policies that support the proposed amendment include the following:

1-P-1: Promote a range of land uses at densities and intensities to serve the community needs within the Urban Growth Boundary (UGB).
1-P-2: Use land efficiently by promoting infill development, at equal or higher density and intensity than surrounding uses.
11-P-1: Promote residential development within the Urban Growth Boundary.
11-P-1: Encourage the development of housing on underutilized land.

The proposed density range of 18.1 to 30 units per acre would provide a mix of densities in the immediate area and is consistent with the densities allowed under the existing Mixed Use land use designation. The project is located across the street from an existing apartment complex, which is currently developed at a density of approximately 12.5 units per acre. To the north across Washington Creek is an existing residential development, which has a Low Density land use designation, and is developed at a density of approximately 7 units per acre. The requested General Plan amendment would promote development of an underutilized infill site with high density residential uses near existing retail development and would provide an appropriate transition from the commercial retail development located south of the project site to the lower density residential densities located to the north of the site.

One example of how the above policies can be accomplished is through the applicant’s proposed development for a 144 unit residential development on a 5.85-acre parcel, which results in a density of 25 units per acre and is within the density range allowed under the current and proposed land use designation. The physical separation and proposed site layout provides a transition from single-family development on the other side of Washington Creek thereby minimizing potential privacy impacts as is demonstrated by the proposed development (Attachment 12). This land use pattern also concentrates multifamily development (Addison Ranch and Maria Drive Apartments)
near retail shopping and transit services and transitions into single-family development east of Washington Creek.

**Consistency with Government Code Section 65358**

Government Code Section 65358 allows General Plan amendments when it is deemed in the public interest to do so. The proposed General Plan amendment would allow for development of the property at a density ranging from 18 to 50 units per acre, which is consistent with the density allowed under the existing land use designation. Residential development at this density would support the existing nearby shopping centers due to proximity of the site to these centers. Office vacancy rates within the city are currently approximately 25 percent. By comparison, vacancy rates for rental units are at approximately 2 percent. Furthermore, the applicant reports a vacancy rate of over 50% for this office complex. The proposed amendment will facilitate the conversion of highly vacant office complex into a high-density residential development within proximity to retail shopping centers, park and educational facilities, and transit routes.

The Planning Commission recommended approval of the requested General Plan Amendment adding a finding which requests that the City Council seek agreement from the applicant to incorporate Maria Drive improvements, Washington Creek trail enhancements, and greater green building elements to achieve a minimum of 100 points under the current Build It Green multi-family checklist. The Planning Commission concluded that this added finding for the requested amendment was in the public interest pursuant to Government Code Section 65358. A summary of staff’s follow up on the three items discussed at the Planning Commission is outlined previously in this report for City Council consideration.

**SB18 Consultation**

SB 18 established responsibilities for local governments to contact, provide notice to, refer plans to and consult with local tribes prior to amending a general plan. The purpose of consultation is to ensure mitigation of cultural resource sites. Consultation is expected to be ongoing and can continue through City Council deliberation on the subject general plan amendment.

In compliance with SB18, the city made contact with the Federated Indians of Graton Rancheria and provided plans and relevant documents. In response to concerns raised by the tribe representative, mitigation measures were included in the initial study to address accidental discovery of cultural resources and human remains. The City provided a list of these measures to the tribe representative. No additional request for ongoing consultation has been received at this time.

**Zoning Map Amendment**

The project site is currently zoned PUD – Greenbriar Medical and Office. The applicant is requesting a Zoning Map Amendment to change the current zoning to R5. The R-5 zone is consistent with and implements the proposed High Density Residential land use designation. The R5 zoning district is applied to areas intended for the most urban housing types at densities ranging from 18.1 to 30.0 units per acre, but where lower density housing is considered conforming. The proposed project is consistent with the development standards for the R-5 zoning district including setbacks, parking requirements, and building height, as outlined in the Implementing Zoning Ordinance (Table 4.9).

The requested zoning map amendment complies with IZO Section 25.050.B., which requires the Planning Commission to make a finding that the public necessity, convenience and general
welfare clearly permit and will be furthered by the proposed amendment. The Planning Commission determined that this finding could be made for the following reasons:

- The amended zoning designation will result in uses that are appropriate and compatible with surrounding uses. A mix of high density and low-density residential development surrounds the project site. Existing community services in the immediate vicinity include the Washington Square Shopping center, McDowell Park including the little league ball field, and McDowell Elementary School and support high-density residential development at this location. Existing transit facilities along Maria Drive and N. McDowell Boulevard allow opportunities for alternate modes of travel to/from the project site.

- The project site has a high office vacancy rate of 50 percent, which is higher than the citywide office vacancy rate of approximately 25 percent. Allowable uses under the current PUD zoning are limited to office. The zoning map amendment would allow development of this site with rental housing.

- The project requires Site Plan and Architectural Review, a finding of consistency with SPAR guidelines, and final discretionary approval by the Planning Commission.

**Site Plan & Architectural Review**

The applicant is requesting approval of Site Plan and Architectural Review for the proposed 144-unit apartment complex and associated parking, landscaping and common recreational facilities. The site is currently developed with an existing medical/office complex, which would be demolished to accommodate the proposed development. The proposed 144-units would be comprised of 54 one-bedroom units (approximately 800 sq. ft.), 72 two-bedroom units (approximately 1,075 sq. ft.) and 18 three-bedroom units (approximately 1,275 sq. ft.) in 6 apartment buildings on the site. A total of 8 units would be ADA-accessible units, 37 units would be adaptable units and 3 would be designed for sensory impaired. The proposed development consists of two building types: building type - A (3 each) and building type - B (3 each) for a total of six (6) buildings. Both building types are proposed as three stories in height with a maximum building height of 38 feet. An approximately 3,517 square foot community building is proposed within the center of the complex.

**Architecture**

The two building types are different in the roof design, length of building, and minor variations to the exterior detailing, including window and balcony placement and color selection. A variety of colors and materials are proposed, including a mix of stucco, horizontal lap siding, and board & batten siding. Siding colors range in shades of tans, browns, greens and grays. In addition, stone veneer is proposed for the entry columns and at various locations on the lower level of the buildings.

The Community building is similar in design to the residential buildings and is a single story building that incorporates the same mix of materials— including stucco, horizontal lap siding, board & batten siding, and the same mix of colors.

**Site Design**

The project includes a realignment of the existing driveways for the office complex. Three of the buildings would be grouped along Maria Drive and oriented toward the street with the driveways located to the north and south of this grouping. The rest of the buildings would be
sited such that they wrap around a central community area. A mix of garages, carports, and uncovered parking would be located along rear and side property boundaries. A new wrought iron fence is proposed along the northern property line adjacent to Washington Creek and along the east property frontage. The residential buildings have been placed with generous setbacks from property lines to provide a buffer with adjacent development.

Access and Parking
The project includes 252 on-site parking spaces including 15 garage spaces, 134 carports spaces, and 103 standard uncovered spaces.

One hundred forty four (144) bicycle spaces are proposed within 18 racks located throughout the site, adjacent to the residential units, and near the community building and common areas.

Details of the proposed garage and carport buildings have not been provided and would be required as part of final Site Plan and Architectural Review. Draft conditions of approval require that proposed garage and carport structures comply with development standards outlined in the IZO and creek setback requirements of the General Plan.

Common Areas
Proposed common areas within the development include a 3,517 square foot community building, swimming pool/hot tub, picnic area, and playground area all located within the center of the complex.

Figure 2. Site Plan
Lighting
Lighting cut sheets have been provided which illustrate shielded lighting type of fixtures for the residential buildings and rectangular fixtures on 15 to 20 foot poles for the parking areas and around the pool and common areas. A photometric plan was also provided (Plan Sheets E1.0, E1.1 and E1.2).

Trash Enclosures
The locations for proposed trash enclosures is provided on the plans but the details for trash enclosures have not been provided and will be required as part of the final design review submittal. Trash enclosures shall be designed to be in conformance with the Site Plan and Architectural Review Guidelines. In addition, trash enclosures will need to comply with creek setback requirements of the General Plan.

Fence
An existing 6-foot high masonry wall located along the westerly and southwesterly property line will remain. A new 6-foot high wrought iron fence is proposed along Maria Drive and along the north side of the property adjacent to the existing pedestrian path. Fence details are provided on Plan Sheet A1.1. Draft conditions of project approval for SPAR require the applicant to revise plans to limit the front yard fence height to no more than 42 inches as required by the IZO and to incorporate breaks in the fence consistent with the breaks in the buildings to allow pedestrian access, and that pathways be extended through the project site to ease pedestrian and bicycle access between the three frontage buildings. In addition, a key entry for the gate along the northerly property line will be required as a condition of approval to allow bicycle and pedestrian access to the Washington Creek path.

Tree removal
There are 62 Eucalyptus trees and a variety of ornamental trees that will be removed as part of the proposed development. According to a tree report prepared by Robert W. Propos, a Board Certified Master Arborist, all trees that are proposed for removal are less than 30 inches in diameter, appear to be in fair to poor overall health, and are infested with an insect known as Lerp Psyllids. The trees also show drought symptoms with premature leaf drop and yellowing of the leaves. These trees are not protected trees or required to be preserved under Chapter 17. However, the applicant has submitted a landscape plan that proposes a mix of trees, shrubs, and ground cover along the property frontage, along the perimeter of the site and within the interior of the property.

The City of Petaluma's Site Plan & Architectural Review Procedures and Guidelines provide general standards to achieve a satisfactory quality of design in the individual building and its site, appropriateness of the building to its intended use, and the harmony of the development within its surroundings. SPAR approval by the Planning Commission would be required for the proposed development. The Planning Commission must make the findings as outlined in Section 24.010 of the IZO prior to approval of SPAR.

Lot Line Adjustment
The site currently consists of two lots. A condition of project approval would require the applicant to merge the two lots into a single lot through submittal of a Lot Line Adjustment prior to issuance of grading/building permits for the site.

Vacation of Public Utility Easements
The applicant has requested vacation of public utility easements that run through the property.
The existing public utility easements on the property have been used for City water mains serving the property, and for facilities maintained by other public utilities providing gas, power and telecommunications services to the property. The requested vacation was included in the Draft SPAR Conditions of Approval that were reviewed by the Planning Commission, but not specifically discussed or acted upon by the Planning Commission. However, the applicant has been interested in receiving approval from the City Council at this time to eliminate the need to return to the City Council for a decision on the vacation request at some future date. Staff generally supports the requested vacation of easements as it will not conflict with General Plan’s goal (GOAL 8-G-1) to provide a safe, reliable, high-quality, economical and sustainable source of water to meet the community’s needs because the property owner will be required to have private meters within the property line. It is proposed that all on-site water, sewer and storm drain utilities serving the proposed project will be privately owned and maintained, obviating the need for public utility easements located on the property for water services serving the project. However, it is necessary to adequately address issues related to other public utilities provided using the easements proposed for vacation before an agenda item on easement vacation is presented to the City Council.

The easement vacation proposed as part of the project may be approved by the City Council without submission to the Planning Commission for formal consideration and report because the proposed vacation does not involve acquisition of public property for street, square, park or other public purposes, disposal of public property, vacation or abandonment of a street, or construction of a public building or structure. (See Streets and Highways Code section 8313 and Government Code section 65402).

The existing public utility easements proposed for vacation are used not only for City water main facilities but also for public utilities providing gas, power, and telecommunications services. As a result of such other in-place, existing public utilities, it may be necessary for the proposed vacation of the existing public utility easements for City water mains to reserve necessary rights for the existing gas, power and telecommunication facilities, or for the requested vacation to await coordination with the affected other public utilities regarding establishment of new public utility easements for such services, if they will be relocated as part of the proposed project. Because of this, a vacation resolution is not included with this agenda item for action by the City Council at this time. Staff will be working with the applicant regarding needed coordination with other public utility agencies regarding the necessary relocation and/or preservation of utilities and the requested vacation. A vacation action item will return to the Council following resolution of issues related to other utilities and required noticing.

Environmental Review
Pursuant to the requirements of the California Environmental Quality Act (CEQA), an Initial Study of potential environmental impacts was prepared for this project. Environmental impacts considered to be “Less than significant with mitigation measures” were identified in the following categories: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology & Soils, Hydrology, Noise, and Traffic.

Mitigation measures have been proposed and agreed to by the applicant that will reduce potential impacts to less than significant levels and are incorporated into the Mitigation Monitoring and Reporting Program. There is no substantial evidence in light of the whole record that the project, as mitigated, would have a significant effect on the environment.
The Planning Commission recommended the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The categories of potential impact and proposed mitigation measures are summarized below (for full text please see Attachment 5).

**Aesthetics**
The Initial Study identified light and glare as a potentially significant impact. To mitigate this impact, the Initial Study incorporates Mitigation Measures VIS-1 and VIS-2 which limits exterior lighting to areas within the project site in such a way that there is no intrusion onto adjacent properties. In addition, lighting is required to be low intensity with the use of floodlights prohibited.

**Air Quality**
The project would result in emissions from construction activities including grading and vehicle/equipment use. Major sources of emissions during grading and site preparation include exhaust from construction vehicles; fugitive dust generated by construction vehicles and equipment traveling over exposed surfaces; and soil disturbances from grading and backfilling. The Initial Study concluded that incorporating Mitigation Measures AQ-1 through AQ-4 will minimize exposure of sensitive receptors to potentially substantial fugitive dust and exhaust emissions, and assures that temporary construction emissions do not exceed the Bay Area Air Quality Management District significance thresholds for community risk and hazard impacts. These measures include Basic Construction Mitigation Measures established by the BAAQMD, utilization of construction fleet that meets US EPA standards for reducing particulate matter and the installation of electrical power to facilitate use of electric powered equipment.

**Biology**
Due to the developed nature of the site, direct impacts on biological resources were not expected. Indirect impacts have been evaluated in the Hydrology Section. In compliance with the Migratory Bird Treaty, Mitigation Measures BIO-1 requires preconstruction surveys if tree removal is to occur during the breeding period.

**Cultural Resources**
Although cultural resources were not evident on the site the initial study concluded that there is always a chance for accidental discovery. The initial study incorporated Mitigation Measures CULT-1 through CULT-3 that addresses the potential for accidental discovery of cultural resources and human remains. The list of mitigation measures was done in consultation with representative from the Federated Indians of Graton Rancheria under SB18 Consultation.

**Geotechnical**
The Initial study concluded that the potential for geologic-related impacts related to liquefaction, erosion, and expansive soils would exist from the proposed project. Implementation of GEO-1 through GEO-8 which requires submittal of detailed geotechnical report and an erosion and sediment control plan would reduce impacts to less than significant levels.

**Hydrology**
The initial study concluded that Hydrology related impacts would be reduced to less than significant levels through implementation of Mitigation Measures HYDRO-1 through HYDRO-6 by requiring submittal of Storm water Pollution Prevention program, construction of an on-site detention system, and compliance with the City Phase II Stormwater Management Plan.
Noise

The California Building Code requires that future noise conditions be considered when determining a building's sound attenuation requirements. The Petaluma General Plan EIR shows existing and future (year 2025) noise levels for US 101. According to this data, it is calculated that noise levels at the site could increase by up to 2 dBA due to increased noise from distant traffic.

Based on the noise measurement program and consideration of little league noise, the project site is exposed to a Community Noise Equivalent Level of 60 to 62 dBA. With future increases in traffic volumes, the CNEL could increase to 62 to 64 dBA. This increase would not exceed applicable exterior noise standards. The State of California and the City of Petaluma require that interior noise levels be reduced to a CNEL of 45 dBA or less in habitable rooms. Since the exterior CNEL is up to 64 dBA, the required exterior-to-interior noise reduction is up to 19 dBA.

This can normally be accomplished with conventional construction. The Initial Study concluded that impacts could be reduced to less than significant through implementation of Mitigation Measure NOI-1, which requires submittal of a detailed acoustical analysis identifying which units will require an alternative ventilation system to meet the indoor noise standard per the State of California and the City of Petaluma requirement that interior noise levels be reduced to a CNEL of 45 dBA or less in habitable rooms. The Initial Study also concluded that noise impacts related to construction activity would be reduced to less than significant levels through implementation of Mitigation Measure NOI-2, which establishes construction activities as follows:

- Limited to the hours of 7:00 am to 6:00 pm Monday through Friday;
- Interior-only work may be conducted on Saturdays from 9:00 a.m. to 5:00 p.m.; and
- Prohibit construction activities on Sundays and all federal, state, and local holidays.

Traffic

The Initial Study identified potential impacts related to sight visibility and internal circulation. Implementation of Mitigation Measures CIRC-1, which requires that an appropriate sight distance be maintained and CIRC-2 through CIRC-4, which require bicycle and pedestrian signage and traffic calming measures, would reduce impacts to less than significant.

The initial study did not identify impacts associated with Level of Service or trip generation. A Traffic Impact Study was prepared by W-Trans on June 14, 2013. The traffic study evaluated the following intersections:

- East Washington Street/US 101 Southbound ramps
- East Washington Street/US 101 Northbound ramps
- East Washington/McDowell Boulevard
- East Washington/Maria Drive
- Marin Project Driveway/Maria Drive
- South McDowell Boulevard/Maria Drive

The Initial Study concluded the following:

- All study intersections currently operate at acceptably at LOS D or better and are expected to continue to do so under near-term baseline and cumulative conditions.
- Four of the study intersections have experienced a rate of collisions that is higher than the statewide average for similar facilities. The majority of these collisions are attributed to
congestion along East Washington Street, which is expected to be alleviated by the implementation of several planned City improvements, including the Rainier interchange and left turn phasing on E: Washington.

- The proposed project is expected to generate an average of 958 daily trips, of which 73 would occur during the morning peak hour and 89 would occur during the evening peak hour.
- Under near-term conditions, the project is expected to generate a total of 393 net new daily trips after accounting for demolition of existing office buildings on the site, including 51 trips during the a.m. peak hour, and 63 during the p.m. peak hour.
- When compared to the land use assumptions applied in the City's traffic model, the project would generate 782 net new daily trips. This results in an average of 48 net new trips during the a.m. peak hour, and 65 trips during the p.m. peak hour.
- Existing pedestrian, bicycle and transit access to the site is expected to adequately serve the project’s residents and guests.
- The project is likely to generate additional school-age pedestrian traffic to the intersection of Maria Drive/Park Lane.
- Clear sight lines exist on Maria Drive at both proposed driveways.
- Neither a right-turn nor left-turn lane is warranted at either of the project driveways.

To improve site area circulation, the Initial Study includes the following as Mitigation Measures CIRC-1 through CIRC-4:

- Maintaining 10-foot signage setback to ensure adequate line of sight.
- Yellow striped crosswalks should be added to the intersection of Maria Drive and Park lane.
- Traffic calming measures within the interior of the site.
- Installation of bicycle and pedestrian signage.
- The existing parking restrictions along Maria Drive at the project driveway should remain in place, and the existing red curbs repainted to clearly depict the parking restrictions.
- So the presence of landscaping does not impede upon a driver’s ability to clearly see approaching traffic at the project’s driveway, any landscaping immediately adjacent to the driveways should be no more than one foot in height.

**Site Access**

Access to the proposed apartment complex would be provided via a primary driveway constructed as a new north leg to the Maria Drive/Park lane intersection, which is stop-controlled on all approaches, as well as a secondary driveway at the northeast corner of the project. Both driveways would provide access to all parts of the project site. Internal circulation would include an outer drive aisle surrounding the residential buildings. This driveway would provide access to the parking that borders the property along the northerly and westerly property boundaries. Additionally, an internal drive aisle behind the buildings along Maria Drive, facilitate direct access to all parts of the site by emergency response vehicles. Conditions of approval require the applicant to demonstrate that the project can adequately accommodate emergency vehicle access.

**Sight Distance**

Sight distance along Maria Drive at the two project driveways was evaluated based on sight distance criteria in the Highway Design Manual published by Caltrans. The recommended sight distance for minor street approaches that are either a private road or a driveway are based on stopping sight distance, using the approach travel speeds as the basis for determining the
recommended sight distance. For the 25 mile per hour posted speed limit, a stopping sight distance of 150 feet is recommended. The available sight distance exceeds 200 feet in either direction at both project driveways, so it is considered to be acceptable. However, all monument signs for the proposed complex would need to be placed such that line of sight is not impacted. In addition, landscape within the line of sight area would need to be limited to low growing shrubs and groundcover.

Parking is currently prohibited on the west side of Maria Drive along the project frontage. This restriction helps to ensure clear sight lines for westbound drivers on the corridor. Therefore conditions of project approval require that the parking restriction remain in place and that plans demonstrate red curbing at this location.

**Turn Lane Warrants**
The need for left-turn lanes on Maria Drive was evaluated based on criteria contained in the Intersection Channelization Design Guide. Future peak hour volumes, including project-generated traffic, as well as safety criteria were reviewed in evaluating the need for turn lanes at the project driveway on Maria Drive. To ensure a conservative analysis, the warrant calculations assume that all project-generated traffic would obtain access via a single driveway. Under these future conditions, which represent a worst-case scenario, a left-turn lane is not warranted on Maria Drive at either driveway during either of these peak periods evaluated. Likewise, a right-turn lane is not warranted. Intersection LOS calculations also indicate efficient operation at the Maria Drive/Park Lane intersection upon the addition of the new project driveway, and no need to construct additional lanes.

As discussed in the IS/MND, the project site is already generating vehicle trips. The project will result in a modest net increase in trips. With the addition of project-generated traffic, all study intersections would continue to operate acceptably under existing, near-term baseline and future cumulative conditions.

**Corrections**
At the Planning Commission hearing staff brought to the attention of the Planning Commission the need for certain corrections to the Initial Study. These corrections did not change staff’s recommendations and did not result in the need to re-circulate the Initial Study. The corrections are as follows:

- On Page 7 of the Initial Study, the first sentence in the third paragraph was changed as follows:
  
- Across the street, east of the subject property is an existing 224 unit apartment complex, Addison Ranch (a.k.a.; Greenbriar Apartments) on approximately 17.2 9.76 acres (General Plan designation - Medium Density Residential 8.1-18.0 hu/ ac and zoned PUD).

- On Page 38 of the Initial Study, second paragraph was changed as follows:

  The Project is not in the immediate proximity to the Petaluma River, but is adjacent to Washington Creek, Capri Creek, which is a small tributary stream that drains to the Petaluma River. Capri Creek, Washington Creek runs from the northeast to southwest immediately east north of the proposed project site. The creek bisects suburban residential development and serves as public open space in conjunction with Sunrise
Park. The Regional Water Quality Control Board (RWQCB) does not consider Capri
tereek a major surface water.

Public Comments
Upon receipt of the proposed project/application (October 24, 2012) staff sent a notice of application (November 11, 2012) to all property owners and occupants within 500 feet of the subject property to inform them that the project proposal had been submitted and was available for review. On February 6, 2013, the project applicant held a neighborhood meeting at the McDowell Elementary School; approximately twelve (12) people attended the neighborhood meeting in addition to planning staff. A number of questions were asked about the development pertaining to if the land had been purchased, whether or not the development would be sold off, how many people the project would generate and the income levels associated with the project. Concerns were raised regarding privacy from the upper units looking into the backyards and windows of the adjacent existing single-family homes, traffic, and parking overflow into the existing neighborhoods. Neighbors suggested additional landscaping along the property boundary of the subject property and the pedestrian path. Residents were also concerned about access to the pedestrian path and expressed concerns with allowing access. The residents also suggested the complex have gated driveways. Concern regarding a potential loss of property value was also expressed. Concerns were raised regarding the height of the project and how dense the project appeared and that it appeared very tight and squeezed in and that more open space or openness to the site might be appropriate.

A Notice of Intent to Adopt a Mitigated Negative Declaration and a Notice of Public Hearing was published in the Argus Courier on June 27, 2013 (with a corrected notice posted on July 11, 2013) and mailed to all property owners and occupants within 500 feet of the subject property.

In response to the notice the City has received both written and verbal comments from neighbors related to potential increase in traffic, traffic-related noise, increased use of the creek path for inappropriate and illegal activity, and a general opposition to multi-family development near existing single-family development. Written comments received to date are attached and comments with staff responses in italics are summarized below:

1. A concern that the proposed project will cause traffic congestion at the intersection of Maria Drive and Washington and at the intersection of Maria Drive and N. McDowell Boulevard and at the intersection of Washington Street and N. McDowell Blvd.

A traffic study was prepared by W-Trans on June 14, 2013, and submitted to the City. This traffic study evaluated the Level of Service at the intersections noted above. The report concluded that under baseline plus project conditions (which includes all recently approved but not yet constructed projects) the intersection of E. Washington and McDowell Boulevard would operate at LOS E. However under Future plus Project conditions (which assumes construction of the Rainer Avenue interchange and a protected left turn phasing on the E. Washington approaches at Maria Drive) LOS at all the noted intersections would continue to operate at acceptable levels. The traffic report also states that while the intersection of E. Washington and McDowell Boulevard would operate at LOS E, the project would only contribute a 1 second delay at this intersection.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Existing LOS</th>
<th>Baseline</th>
<th>Baseline plus project</th>
<th>Future plus project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maria Drive/E.</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>D</td>
</tr>
</tbody>
</table>
2. When combined with other projects in the area such as the new shopping centers, and other proposed housing residential projects traffic congestion would be even worse.

Baseline conditions in the Traffic Study included projects that have been submitted or approved but not yet constructed at the time the traffic study was completed.

Projects included in the baseline conditions encompass the following:

- East Washington Place—approximately 377,951 square feet of retail/office on near Sonoma Marin fairgrounds
- Deer Creek Village—approximately 345,000 square feet of commercial on N. McDowell Blvd
- The Birches—a 21-lot single-family subdivision on Wood Sorrel Drive near N. McDowell Blvd
- Vintage Chateau II—a 68-unit senior apartment complex on N. McDowell Blvd near Lynch Creek Way
- Kelgren Senior Housing—a 50 unit senior housing project at 855 Wood Sorrel Drive
- OilStop—located at 1004 Lakeville Street
- Lindberg Circle—Nine residential units located at 890 Lakeville Street
- Park Square—Approximately 26,000 square foot commercial project at Lakeville and Casa Grande
- North River Landing—a mix of apartments, retail office and assisted living facility at 414 Petaluma Boulevard North
- Quarry Heights—274 unit residential development on Petaluma Boulevard South just west of US 101
- Sunnyslope II—a 22-lot subdivision on Sunnyslope Road
- Logan Place—a 66-unit affordable housing development at 1200 Petaluma Boulevard North
- Addison Ranch—100 unit increase in apartment units on Maria Drive

Therefore, Level of Service shown under Response to Comment 1 above reflects future projects.

3. That the project’s increase in vehicle trips will require increased traffic controls.

According to the traffic analysis, the proposed project would be expected to generate a total of 958 trips per day. However, the existing office use currently generates a total of 565 trips per day. Therefore, the total increase in trips would be 393. The traffic study concluded that traffic controls such as left turn and right turn lanes are not warranted. The study proposed the following improvements, which are included as mitigation measures for the project:

- Maintain 10-foot signage setback to ensure adequate line of sight;
- Yellow striped crosswalks should be added to the intersection of Maria Drive and Park Lane;
4. **Increased vehicle trips will increase pollution and result in health risks.**

The applicant has submitted Health Risk Analysis and Greenhouse Gas Emissions Assessment using the CalEEMod model, along with the project vehicle trip generation rates to predict annual emissions associated with operation of the fully-developed site under the proposed project. In 2015, net annual emissions resulting from the proposed project are predicted to be 639 MT of CO2e. These emissions would be below the BAAQMD threshold of 1,100 MT of CO2e/yr.

Also, the Initial Study concluded that incorporating Mitigation Measures AQ-1 through AQ-4 will minimize exposure of sensitive receptors to potentially substantial fugitive dust and exhaust emissions, and assures that temporary construction emissions do not exceed the BAAQMD significance thresholds for community risk and hazard impacts. These measures include Basic Construction Mitigation Measures established by the Bay Area Air Quality Management District, utilization of construction fleet that meets US EPA standards for reducing particulate matter and the installation of electrical power to facilitate use of electric powered equipment.

5. **Parking will become a problem along the Maria Drive in front of the project and continue to the single-family residential neighborhood to the north.**

The project includes 252 on-site parking spaces including 15 garage spaces and 134 carports spaces and the remaining are standard parking spaces. A total of eleven (11) spaces will be reserved as ADA accessible spaces throughout the site. In addition, a total of 144 covered and uncovered bicycle spaces are proposed. This parking proposal results in a parking ratio of 1.75 parking spaces per unit which exceeds the City of Petaluma automobile parking requirement of 1.5 spaces per unit. It also exceeds the minimum bicycle parking obligation, which requires a minimum of 10% of the automobile spaces. A total of 252 automobile parking spaces are required, requiring a total of 25 bicycle parking spaces. The applicant proposes a total of 144 covered and uncovered bicycle parking spaces. Therefore, parking-related impacts are not expected.

6. **That the proposed project would impact rear yard privacy for existing residents to the north.**

The applicant proposes six 3-story buildings. Due to site configuration, some windows would be directed to the north. However, an approximately 64-foot setback from the northerly property line to nearest residential building is proposed. In addition, the northerly site property line is at least 80-feet from the nearest property line across the creek to the north. This would create at least a 140-foot combined separation from the property lines of existing development to the nearest residential structure on the proposed project (see Attachment 13).
In addition, the applicant is proposing to install 19 trees along this property boundary (see Attachment 13- Sheet LI), creating an additional visual buffer between the proposed and existing development. Therefore, privacy impacts are not expected.

7. That the Mitigated Negative Declaration failed to acknowledge the existence of an adjacent significant riparian corridor along Washington Creek and its environs and failed to consider potential impacts to the corridor’s habitat and wildlife.

Page 24 of the Initial Study checklist, discussion Item 3.4b states that “The project site is located immediately south of East Washington Creek. The project design is consistent with the existing development onsite and provides for setbacks in buildings from the adjacent creek. The project will not adversely impact this nearby creek that may support biological resources. Therefore, there will be no impacts to natural communities due to development of the proposed Maria Drive project.” In addition, the MND concludes that there would be no indirect negative impacts on hydrology and water quality because the project proposes to incorporate biofiltration to reduce pollutants from runoff. In addition, Mitigation Measures Hydro-1 through Hydro-6 require preparation of Storm Water Pollution Prevent Plan, onsite detention, compliance with the City of Petaluma Phase II Water Management requirements, and properly identifying that storm drain inlets and catch basins drain to creeks by installing city approved signage. Therefore, the initial study has properly evaluated impacts on Biological Resources including resources related to the adjacent Washington Creek.

8. That the Traffic Study confirmed that the project would result in deterioration of Level of Service at the Washington Street and N. McDowell intersection from LOS D to an unacceptable LOS E. The letter states that although installation of the Rainier Interchange and installation of a protected left turn phasing on E. Washington would improve LOS back to D, the Initial Study does not identify mitigation measures in the event the Rainier Avenue Interchange and a protected left turn phasing on E. Washington would reduce LOS back to D the Initial Study does not identify mitigation measures in the short term or mitigation measures that would be needed if the above improvements are not constructed.

Level of Service at the mentioned intersection would drop from LOS D to LOS E under baseline conditions regardless of whether or not the Maria Drive apartment project is constructed. The project’s contribution to delays at the intersection would be no more than 1.0 seconds compared to baseline conditions without the project. Therefore, the project itself would not result in a potentially significant impact and no additional mitigation measures are required.

9. The Initial Study inaccurately describes the density for the Addison Ranch project as being 22 units per acre instead of the actual existing density, which is 12.5 units per acre.

The existing density is inaccurately stated in the Initial Study and in the staff report. Staff was made aware of this inaccuracy and promptly addressed it at the Planning Commission Meeting of August 13, 2013.

However in evaluating consistency with General Plan Policies and appropriateness of the requested amendments, the Initial Study relies on policies 1-P-1 and 1-P-2 which promote
densities and intensities that serve the community within the Urban Growth Boundary and
that are at equal to or higher densities than surrounding uses. Staff notes in the staff report
and in the initial study that the proposed residential densities for the site (18.1 to 30 units per
acre) are consistent with the densities (up to 30 units per acre) that are already permitted for
the property. In addition, the staff report notes the high vacancy rates for office and mixed
use retail space compared to low vacancy rates for rental housing and site's proximity to
retail, transit, and educational facilities making the site appropriate for high density
residential development.

Based on this information, staff did not change its recommendation and the Planning
Commission approved the resolutions noting the recommended changes to the initial study
and staff report.

Additional comments that are not related to the environmental document include concerns about
crime, illegal activity along the creek, low-income housing, and request that the project be
reduced to fewer units with more green spaces.

FINANCIAL IMPACTS

This is a cost recovery project with all costs of processing the application paid by the applicant.
The applicant has paid $48,316.58 in cost recovery fees to date.

ATTACHMENTS

1. Resolution Approving the Mitigated Negative Declaration.
   Exhibit A Mitigated Negative Declaration
   Exhibit B Mitigation Monitoring and Reporting Program
2. Resolution Approving General Plan Amendment
3. Ordinance for Zoning Map Amendment
4. Initial Study
5. Planning Commission Resolution 2013-15 recommending approval of the Mitigated Negative
   Declaration
   Amendment
7. Planning Commission Resolution 2013-17 recommending adoption of the Zoning Map
   Amendment.
8. Planning Commission meeting minutes, July 9, 2013
9. Background information submitted by applicant
10. Public Comments received after the Planning Commission hearing
11. Planning Commission Staff Report Packet
12. Project Plans
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETALUMA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE MARIA DRIVE APARTMENT COMPLEX LOCATED AT 35 MARIA DRIVE
APN 007-280-078 & 077
FILE NO. 12-GPA-0582

WHEREAS, JDA West LLC submitted an application to the City of Petaluma (File No. 12-GPA-0582) for a General Plan Amendment, Zoning Map Amendment, and Site Plan and Architectural Review for the Maria Drive Apartments located at 35 Maria Drive (APN 007-280-078 & 077) (“the Project” or the “proposed Project”); and

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

WHEREAS, in evaluating certain potential environmental effects of the Project in the Initial Study, the City relied on the program 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., which is 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 City prepared an Initial Study dated June 27, 2013 for the proposed Project consistent with CEQA Guidelines sections 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, on or before June 27, 2013, the city’s Notice of Intent to Adopt a Mitigated Negative Declaration based on the Initial Study, providing for a twenty (20) day public comment period commencing June 27, 2013 and ending July 17, 2013, and a Notice of Public Hearing to be held on August 13, 2013, before the City of Petaluma Planning Commission, was published and mailed to all residents and property owners within 500 feet of the Project, as well as all persons having requested special notice of said proceedings; and

WHEREAS, on or before July 11, 2013, the City issued a corrected Notice of Intent to Adopt a Mitigated Negative Declaration based on the Initial Study, providing for a corrected public comment period commencing July 11, 2013 and ending July 31, 2013, and a Notice of Public Hearing to be held on August 13, 2013, before the City of Petaluma Planning Commission, was published and mailed to all residents and property owners within 500 feet of the Project, as well as all persons having requested special notice of said proceedings; and

1-1
WHEREAS, pursuant to the analysis in the Initial Study/MND, the Project does not make a considerable contribution to the significant and unavoidable cumulative traffic and/or noise impacts identified in the general Plan 2025 EIR because of its small size; and

WHEREAS, pursuant to further analysis in the Initial Study/MND, including evaluation using the Bay Area Air Quality Management District (BAAQMD) adopted CEQA Guidelines and 2010 Clean Air Plan, the Project does not make a considerable contribution to cumulative air quality or greenhouse gas emissions impacts found to be significant and unavoidable in the General Plan 2025 EIR, because of the Project’s small size and lack of significant stationary sources of emissions; and

WHEREAS, the Planning Commission held a public hearing on August 13, 2013, during which the Commission considered the Project, the Initial Study/MND and supporting documentation referenced in the Initial Study, 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 hearing; and

WHEREAS, the Planning Commission recommended City Council adoption of the MND and Mitigation Monitoring Program with the following corrections:

- On Page 7 of the Initial Study, the first sentence in the third paragraph was changed as follows:

  Across the street, east of the subject property is an existing 224 unit apartment complex, Addison Ranch (a.k.a.; Greenbriar Apartments) on approximately 17.2 9.76 acres (General Plan designation - Medium Density Residential 8.1-18.0hu/ac and zoned PUD).

- On Page 38 of the Initial Study, second paragraph was changed as follows:

  The Project is not in the immediate proximity to the Petaluma River, but is adjacent to Washington Creek Capri Creek, which is a small tributary stream that drains to the Petaluma River. Capri Creek Washington Creek runs from the northeast to southwest immediately east north of the proposed project site. The creek bisects suburban residential development and serves as public open space in conjunction with Sunrise Park. The Regional Water Quality Control Board (RWQCB) does not consider Capri Creek a major surface water; and

WHEREAS, the City Council held a duly noticed public hearing on October 21, 2013, during which the Council considered the Project, the Initial Study/MND and supporting documentation referenced in the Initial Study, 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 hearing; and

WHEREAS, the Initial Study/MND and related project and environmental documents, including the General Plan 2025 EIR and all documents incorporated herein by reference, are
available for review in the City of Petaluma 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 proposed project, file No. 12-GPA-0582, is the City of Petaluma Community Development Department, 11 English Street, Petaluma, CA 94952, attn: Alicia Giudice, Senior Planner;

NOW THEREFORE BE IT RESOLVED THAT:

1. The foregoing recitals are true and correct and incorporated herein by reference.

2. Based on its review of the entire record herein, including the Initial Study/MND, all supporting, referenced and incorporated documents and all comments received, the City Council hereby finds that:

   a. Potential environmental impacts of the Project would be avoided or reduced to a level of insignificance by mitigation measures to be made conditions of approval of Project entitlements;
   b. There is no substantial evidence that the Project as mitigated will have a significant effect on the environment;
   c. The MND reflects the City’s independent judgment and analysis; and
   d. The Initial Study/MND and supporting documents provide an adequate description of the environmental impacts of the Project and comply with CEQA, the State CEQA Guidelines and the City of Petaluma Environmental Guidelines.

3. The Petaluma City Council hereby adopts the Mitigated Negative Declaration and Monitoring and Reporting Program for the Maria Drive Apartments located at 35 Maria Drive attached to and made a part of this resolution as Exhibits A and B.
City of Petaluma
MITIGATED NEGATIVE DECLARATION
Community Development Department
Planning Division
11 English Street, Petaluma, CA 94952

The City of Petaluma has prepared this Mitigated Negative Declaration for the following project:

To: Sonoma County Clerk
2300 County Center Drive
La Plaza, Building B, Suite 177
Santa Rosa, CA 95406

Return To: City of Petaluma
Planning Division
11 English Street
Petaluma, CA 94952

Project Title: Maria Drive Apartments

Contact Person: City of Petaluma, Alicia Giudice, Senior Planner

Telephone Number: (707) 778-4401

Project Location: 35 Maria Drive, APN 007-280-078 & -077, Petaluma, CA, Sonoma County

Project Applicant: JDA West, LLC:
505 Montgomery Street, 11th
San Francisco, CA 94111

Project Description: The project being requested is for General Plan Amendment, Zoning Map Amendment, and Site Plan and Architectural for construction of a 144-unit apartment complex on an approximately 5.85 acre site located at 35 Maria Drive (APN 007-280-077 and 078). The proposed project consists of demolition of the existing single-story medical/business office complex and construction of six 3-story apartment buildings and associated parking, landscaping, and circulation. The proposed development includes a mix of unit types including, 54 one-bedroom units, 72 two-bedroom units, and 18 3-bedroom units. A courtyard is proposed in the center of the development and includes amenities such as a community building, swimming pool/hot tub, picnic area, and playground.

FINDING: The City of Petaluma has reviewed the proposed project and has determined, based on the Initial Study and associated technical reports, that there is no substantial evidence that the project as mitigated will have a significant effect on the environment. The City of Petaluma finds that potentially significant impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, land use and planning, noise, Transportation/Traffic, and Utilities can be reduced to less than significant levels with implementation of mitigation measures as set forth below.
and described in the Initial Study. The Initial Study is available for review during normal business hours, at the City of Petaluma Community Development Department, 11 English Street, Petaluma, CA 94952; Attn: Alicia Giudice, Senior Planner.

MITIGATION MEASURES: The following mitigation measures will be incorporated into the project design or as conditions of approval, to ensure that any potential environmental impacts will be reduced to levels below significance.

VIS-1: In order to avoid light intrusion onto adjacent properties, all exterior lighting shall be directed onto the project site and access ways, and shielded to prevent glare and intrusion onto adjacent properties.

VIS-2: Only low-intensity light standards and/or wall mounted lights shall be used (no flood lights), and lights attached to buildings shall provide a "soft wash" of light against the wall and shall generate no direct glare.

AQ-1. In order to assure that potential impact to existing near by sensitive receptors are reduced to levels below significance, the applicant shall incorporate the Best Management Practices 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:

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 off-site 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 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 5-minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
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 condition prior to operation.
8. Equipment staging shall occur as far as possible from existing sensitive receptors.
9. Post a publicly visible sign 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.
10. The Developer shall designate a person with authority to require increased watering to monitor the dust and erosion control program and provide name and phone number to the City prior to issuance of grading permits. Post a publicly visible sign with the telephone number of designated person 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.

AQ-2. Diesel-powered off-road equipment larger than 50 horsepower and operating at the site more than two days that are used for demolition and mass grading/excavation shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or an equivalent measure such as the
use of alternate powered equipment, alternate fuels, and added exhaust devices. The applicant shall provide the City with a list of measures to be used along with an updated Health Risk Study that demonstrates effectiveness of such measures to reduce predicted cancer risks below thresholds of significance.

AQ-3. The contractor shall prepare a project schedule that minimizes the number of hours that equipment will operate and includes the provision of idling restrictions.

AQ-4. Line power shall be installed at the site as soon as possible after construction start and shall be used to power equipment to avoid use of diesel-powered generator engines.

BIO-1. To prevent impacts to nesting birds covered by State and federal law (California Department of Fish and Game Code and the MBTA), the applicant shall avoid the removal of trees, shrubs, or weedy vegetation between February 1 and August 31, during the bird nesting period. If no vegetation or tree removal is proposed during the nesting period, no surveys are required. If it is not feasible to avoid the nesting period, a pre-construction survey for nesting birds shall be conducted by a qualified wildlife biologist no earlier than 7 days prior to the removal of trees. Survey results shall be valid for the tree removals for 21 days following the survey. If the trees are not removed within the 21-day period, then a new survey shall be conducted. In the event that an active nest for a protected species of bird is discovered in the area to be cleared, clearing and construction shall be postponed for at least two weeks or until the biologist has determined that the young have fledged (left the nest). The nest is vacated, and there is no evidence of second nesting attempts, whichever is later.

CUL-1. Prior to excavation for the swimming pool, the applicant shall conduct test drilling to the depths expected for the pool. A City-approved archaeologist shall be present during test drilling and excavation for the swimming pool or for any work involving depths of more than 5 feet.

CUL-2. In the event that any cultural resources are uncovered during earthmoving activities, all construction excavation activities shall be suspended for a period to be determined by a City-approved archaeologist to allow for adequate inspection, recommendation and retrieval, if appropriate.

CUL-3. In the event that human remains are uncovered during earthmoving activities, all construction excavation activities shall be suspended and the following measures shall be undertaken:

   1. The Sonoma County Coroner shall be contacted.
   2. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours.
   3. The project sponsor shall retain a City-approved qualified archaeologist to provide adequate inspection, recommendations and retrieval, if appropriate.
   4. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American, and shall contact such descendant in accordance with state law.
   5. The project sponsor shall be responsible for ensuring that human remains and associated grave goods are reburied with appropriate dignity at a place and process suitable to the most likely descendent.

GEO-1. Prior to Submittal of Improvement Plans, the applicant shall submit an updated geotechnical report that identifies performance of supplemental exploration, defines the amount of expansive or weak soils to be removed from the amount and make up of engineered fill to be replaced, and specific recommendations for private and public improvements.

GEO-2. The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations, and structural components shall conform with the specifications and criteria contained in the geotechnical report (as updated to comply with GEO-1), as approved by the City Engineer and/or Chief Building Official. Foundation and structural design for buildings shall meet the Uniform
Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.).

GEO-3. The applicant shall obtain a geotechnical engineer to review the final project plans and specifications to determine if they are consistent with the recommendations as outlined in the report and observe grading, compaction, and foundation excavations to verify that conditions are as anticipated and to modify recommendations if warranted. A qualified geotechnical engineer shall sign the improvement plans and certify the design as conforming to geotechnical report specifications. A qualified geotechnical engineer shall inspect the construction work and shall certify to the City, prior to acceptance of the improvements or issuance of a certificate of occupancy that the improvements have been constructed in accordance with geotechnical report specifications.

GEO-4. Construction and improvement plans shall be reviewed for conformance with the geotechnical report specifications (as updated by GEO-1 above) by the Public Works Department and the Chief Building Official prior to issuance of grading or building permits. Additional soils information may be required by the Chief Building Inspector during the plan check of building plans in accordance with the Code.

GEO-5. All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Petaluma's Subdivision Ordinance (#1046, Title 20, Chapter 20.04 of the Petaluma Municipal Code) and Grading and Erosion Control Ordinance #1576, Title 17, Chapter 17.31 of the Petaluma Municipal Code).

GEO-6. The applicant shall submit an Erosion and Sediment Control Plan prepared by a registered professional engineer as an integral part of the grading plan. The Erosion and Sediment Control Plan shall be subject to review and approval of the Planning Division and Public Works Department, prior to issuance of a grading permit. The Plan shall include temporary erosion control measures to be used during excavation for foundations, and other grading operations at the site to prevent discharge of sediment and contaminants into the drainage system. The Erosion and Sediment Control Plan shall include that the material and equipment for implementation of erosion control measures shall be on-site by October 1st.

GEO-7. All construction activities shall meet the Uniform Building Code regulations for seismic safety. Foundation and structural design for buildings shall conform to the requirements of the Uniform Building Code, as well as state and local laws/ordinances. Construction plans shall be subject to review and approval by the Building Division prior to the issuance of a building permit. All work shall be subject to inspection by the Building Division and must conform to all applicable code requirements and approved improvement plans prior to issuance of a Certificate of Occupancy.

GEO-8. All public and private improvements shall be subject to inspection by City staff for compliance with the approved improvement plans, prior to their acceptance by the City.

HYDRO-1. The project shall prepare a SWPPP prior to the issuance of grading permits. The SWPPP shall be prepared pursuant to the requirements set by the State Water Resources Control Board (SWRCB), and implemented throughout project construction and operation. The Applicant shall complete and submit a Notice of Intent (NOI) and appropriate filing fee to the SWRCB. The Applicant shall file a Notice of Termination (NOT) with the SWRCB upon project completion. The SWPPP shall be submitted for review and approval by Public Works prior to approval of improvement plans or issuance of grading or building permits; City inspectors shall inspect the improvements and verify compliance prior to acceptance of improvements. The SWPPP shall comply with San Francisco Bay Area Regional Water Quality Control Board requirements.

HYDRO-2. In accordance with City of Petaluma General Plan 2025 Policy 8-P-36, the project shall include an on-site storm water detention system to limit post-construction storm water peak flows leaving the site to not exceed pre-project peak flows by detaining peak storm water runoff from the 100-year, 24 hour storm event. Final storm water calculations shall be designed in accordance with City of Petaluma and Sonoma County Water Agency requirements and shall be provided with the project construction drawings, subject to the review and approval by the City Engineer.
HYDRO-3. The developer shall be responsible for funding, through the project cost recovery account, all City required storm water quality inspections. The project conditions, covenants and restrictions shall establish and fund a mechanism to ensure long term maintenance, inspection and repair as needed of the storm water detention system and post construction storm water treatment measures and best management practices. The systems shall be inspected at least annually, prior to the onset of the rainy season, by a Civil Engineer licensed to practice in the State of California, to ensure the drainage systems are performing as designed and required in project approvals. The Civil Engineer shall prepare a signed and sealed report of the inspection including findings regarding the condition of the storm water detention and treatment systems, photo documentation, any necessary proposed modifications and a statement indicating that the system is operating as designed and required by project approvals. The annual report shall be submitted to the City of Petaluma Planning Department and Department of Public Works and Utilities no later than October 15th of each year.

HYDRO-4. The project shall comply with the City of Petaluma Phase II Storm Water Management Plan requirements.

HYDRO-5. All storm drain inlets and catch basins will be stenciled with prohibitive language (such as: “NO DUMPING-DRAINS TO OCEAN”) and/or graphical icons to discourage illegal dumping.

HYDRO-6. The applicant shall pay the applicable City’s Storm Drainage Impact Fees calculated at the time of building permit issuance and a fair share portion shall be paid for each residential unit prior to final inspection of issuance of a Certificate of Occupancy.

NOI-1. Due to the surrounding residential development and potentially intrusive noise generated by construction activities, construction hours shall be restricted the hours of 7:00 am to 6:00 pm Monday through Friday and interior-only work may be conducted on Saturdays from 9:00 a.m. to 5:00 p.m. Construction activities shall be prohibited on Sundays and all federal, state, and local holidays.

NOI-2. The project shall comply with interior noise standards of 45 dBA. To assure that interior noise standards are achieved, plans submitted for development permit shall include a detailed acoustical analysis that identifies required window sound ratings, if any. The analysis shall also identify which units will require an alternative ventilation system because the windows need to be in the closed position to meet the indoor noise standard per the State of California and the City of Petaluma requirement that interior noise levels be reduced to a CNEP of 45 dBA or less in habitable rooms.

CIRC-1. The proposed monument sign at the extension of Park Lane and Maria Drive shall be set back from the access driveway approximately 10 feet to assure sufficient line of sight.

CIRC-2. Traffic calming measures shall be employed to encourage low traveling vehicles on internal circulation including, crosswalks at corners, speed bumps, and colored pavement to visually identify pedestrian crossings.

CIRC-3. The intersection of Maria Drive and Park Lane shall be improved with yellow striping crosswalks to further enhance pedestrian safety at the project access driveway and assure safe crossing to the McDowell Elementary School to the southeast.

CIRC-4. The project applicant shall be responsible for the cost associated with the installation of signage along the frontage of the property at Maria Drive noting that Maria Drive is a Class III Bike route.

Prepared By: Alicia Giudice, Senior Planner
Community Development Department
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. This MMRP shall be adopted in conjunction with project approval, which relies upon a Mitigated Negative Declaration.

It is the intent of this MMRP 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 City of Petaluma’s Planning Commission has adopted those mitigation measures within its responsibility to implement as binding conditions of approval.

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.
<table>
<thead>
<tr>
<th>Mitigation Measure #</th>
<th>Mitigation Measure Description</th>
<th>Review Dept.</th>
<th>Timing</th>
<th>Date Completed</th>
<th>Staff Initials</th>
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<tbody>
<tr>
<td><strong>3.1 Aesthetics</strong></td>
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<tr>
<td>VIS-1</td>
<td>In order to avoid light intrusion onto adjacent properties, all exterior lighting shall be directed onto the project site and access ways, and shielded to prevent glare and intrusion onto adjacent properties</td>
<td>BLD/PD Contractor or Project Manager</td>
<td>CO</td>
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<td>VIS-2</td>
<td>Only low-intensity light standards and/or wall mounted lights shall be used (no flood lights), and lights attached to buildings shall provide a “soft wash” of light against the wall and shall generate no direct glare.</td>
<td>BLD/PD Contractor or Project Manager</td>
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<td><strong>3.3 Air Quality</strong></td>
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<td>AQ-1</td>
<td>In order to assure that potential impact to existing near by sensitive receptors are reduced to levels below significance, The applicant shall incorporate the Best Management Practices 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:</td>
<td>BLD/PD Contractor or Project Manager</td>
<td>GP</td>
<td>Ongoing</td>
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<td></td>
<td>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.</td>
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<td>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</td>
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<td>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.</td>
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<td>4. All vehicle speeds on unpaved roads shall be limited to 15</td>
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<td>5.</td>
<td>mph. All roadways, driveways, and sidewalks 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.</td>
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<td>6.</td>
<td>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.</td>
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<td>7.</td>
<td>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 condition prior to operation.</td>
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<td>8.</td>
<td>Equipment staging shall occur as far as possible from existing sensitive receptors.</td>
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<td>9.</td>
<td>Post a publicly visible sign 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.</td>
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<td>10.</td>
<td>The Developer shall designate a person with authority to require increased watering to monitor the dust and erosion control program and provide name and phone number to the City prior to issuance of grading permits. Post a publicly visible sign with the telephone number of designated person 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</td>
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<td>AQ-2</td>
<td>Diesel-powered off-road equipment larger than 50 horsepower and operating at the site more than two days that are used for demolition and mass grading/excavation shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or an equivalent measure such as the use of alternate powered equipment, alternate fuel, and added exhaust devices. The applicant shall provide the City with a list of measures to be used along with an updated Health Risk Study that demonstrates effectiveness of such measures to reduce predicted cancer risks below thresholds of significance.</td>
<td>BLD/PD Contractor or Project Manager</td>
<td>Ongoing</td>
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<td>AQ-3</td>
<td>The contractor shall prepare a project schedule that minimizes the number of hours that equipment will operate and includes the provision of idling restrictions.</td>
<td>Contractor or Project Manager PD</td>
<td>GP</td>
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<td>AQ-4</td>
<td>Line power shall be installed at the site as soon as possible after construction start and shall be used to power equipment to avoid use of diesel-powered generator engines.</td>
<td>BLD/PD Contractor or Project Manager</td>
<td>when grading starts</td>
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<td><strong>3.4 Biological Resources</strong></td>
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<td>BIO-1</td>
<td>To prevent impacts to nesting birds covered by State and federal law (California Department of Fish and Game Code and the MBTA), the applicant shall avoid the removal of trees, shrubs, or weedy vegetation between February 1 and August 31, during the bird nesting period. If no vegetation or tree removal is proposed during the nesting period, no surveys are required. If it is not feasible to avoid the nesting period, a pre-construction survey for nesting birds shall be conducted by a qualified wildlife biologist no earlier than seven days prior to the removal of trees. Survey results</td>
<td>PD Applicant</td>
<td>before construction ongoing</td>
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<td>shall be valid for the tree removals for 21 days following the survey. If the trees are not removed within the 21-day period, then a new survey shall be conducted. In the event that an active nest for a protected species of bird is discovered in the areas to be cleared, clearing and construction shall be postponed for at least two weeks or until the biologist has determined that the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts, whichever is later.</td>
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<td>CULT-1</td>
<td>Prior to excavation for the swimming pool, the applicant shall conduct test drilling to the depths expected for the pool. A City-approved archaeologist shall be present during test drilling and excavation for the swimming pool or for any work involving depths of more than 5 feet.</td>
<td>City Applicant Archaeologist</td>
<td>Prior to grading activities</td>
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<td>CULT-2</td>
<td>In the event that any cultural resources are uncovered during earthmoving activities, all construction excavation activities shall be suspended for a period to be determined by a City-approved archaeologist to allow for adequate inspection, recommendation and retrieval, if appropriate.</td>
<td>City Applicant Archaeologist</td>
<td>If resources are uncovered</td>
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<td>CULT-3</td>
<td>In the event that human remains are uncovered during earthmoving activities, all construction excavation activities shall be suspended and the following measures shall be undertaken:</td>
<td>Sonoma County Archaeologist</td>
<td>If human remains are encountered during ground disturbance</td>
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<td>1. The Sonoma County Coroner shall be contacted.</td>
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<td>2. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours.</td>
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<td>3. The project sponsor shall retain a City-approved qualified archaeologist to provide adequate</td>
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<td>GEO-1</td>
<td>Prior to Submittal of Improvement Plans, the applicant shall submit an updated geotechnical report that identifies performance of supplemental exploration, defines the amount of expansive or weak soils to be removed from the amount and make up of engineered fill to be replaced, and specific recommendations for private and public improvements.</td>
<td>Applicant EG</td>
<td>GP</td>
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<td>GEO-2</td>
<td>The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations, and structural components shall conform with the specifications and criteria contained in the geotechnical report (as updated to comply with GEO-1), as approved by the City Engineer and/or Chief Building Official. Foundation and structural design for buildings shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.).</td>
<td>Applicant EG</td>
<td>BP</td>
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<td>GEO-3</td>
<td>The applicant shall obtain a geotechnical engineer to review the final project plans and specifications to determine if they are consistent with the recommendations as outlined in the report and observe grading, compaction, and foundation excavations to verify that</td>
<td>Applicant EG</td>
<td>BP</td>
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<td>GEO-4</td>
<td>Construction and improvement plans shall be reviewed for conformance with the geotechnical report specifications (as updated by GEO-1 above) by the Public Works Department and the Chief Building Official prior to issuance of grading or building permits. Additional soils information may be required by the Chief Building Inspector during the plan check of building plans in accordance with the Code.</td>
<td>Applicant EG</td>
<td>BP</td>
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<td>GEO-5</td>
<td>All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Petaluma’s Subdivision Ordinance (#1046, Title 20, Chapter 20.04 of the Petaluma Municipal Code) and Grading and Erosion Control Ordinance #1576, Title 17, Chapter 17.31 of the Petaluma Municipal Code.</td>
<td>Contractor EG</td>
<td>GP</td>
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<td>CO</td>
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<td>GEO-6</td>
<td>The applicant shall submit an Erosion and Sediment Control Plan prepared by a registered professional engineer as an integral part of the grading plan. The Erosion and Sediment Control Plan shall be subject to review and approval of the Planning Division and Public Works Department, prior to issuance of a grading permit. The Plan shall include temporary erosion control measures to be used during excavation for foundations, and other grading operations at the site to prevent discharge of sediment and contaminants into the drainage system. The Erosion and Sediment Control Plan shall include that</td>
<td>Applicant PD</td>
<td>GP</td>
<td>ongoing</td>
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<td>GEO-7</td>
<td>All construction activities shall meet the Uniform Building Code regulations for seismic safety. Foundation and structural design for buildings shall conform to the requirements of the Uniform Building Code, as well as state and local laws/ordinances. Construction plans shall be subject to review and approval by the Building Division prior to the issuance of a building permit. All work shall be subject to inspection by the Building Division and must conform to all applicable code requirements and approved improvement plans prior to issuance of a Certificate of Occupancy. All public and private improvements shall be subject to inspection by City staff for compliance with the approved improvement plans, prior to their acceptance by the City.</td>
<td>Applicant BD</td>
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<td>EG</td>
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<td>BLD/ EG</td>
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<td>HYDRO-1</td>
<td>The project shall prepare a SWPPP prior to the issuance of grading permits. The SWPPP shall be prepared pursuant to the requirements set by the State Water Resources Control Board (SWRCB), and implemented throughout project construction and operation. The Applicant shall complete and submit a Notice of Intent (NOI) and appropriate filing fee to the SWRCB. The applicant shall file a Notice of Termination (NOT) with the SWRCB upon project completion. The SWPPP shall be submitted for review and approval by Public Works prior to approval of improvement plans or issuance of grading or building permits. City inspectors shall inspect the improvements and verify compliance prior to acceptance of improvements. The SWPPP shall comply with San Francisco Bay Area Regional Water Quality Control Board</td>
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<td>HYDRO-2</td>
<td>In accordance with City of Petaluma General Plan 2025 Policy 8-P-36, the project shall include an on-site storm water detention system to limit post-construction storm water peak flows leaving the site to not exceed pre-project peak flows by detaining peak storm water runoff from the 100-year, 24 hour storm event. Final storm water calculations shall be designed in accordance with City of Petaluma and Sonoma County Water Agency requirements and shall be provided with the project construction drawings, subject to the review and approval by the City Engineer.</td>
<td>Applicant EG</td>
<td>GP CO</td>
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<td>HYDRO-3</td>
<td>The developer shall be responsible for funding, through the project cost recovery account, all City required storm water quality inspections. The project conditions, covenants and restrictions shall establish and fund a mechanism to ensure long term maintenance, inspection and repair as needed of the storm water detention system and post construction storm water treatment measures and best management practices. The systems shall be inspected at least annually, prior to the onset of the rainy season, by a Civil Engineer licensed to practice in the State of California, to ensure the drainage systems are performing as designed and required in project approvals. The Civil Engineer shall prepare a signed and sealed report of the inspection including findings regarding the condition of the storm water detention and treatment systems, photo documentation, any necessary proposed modifications and a statement indicating that the system is operating as designed and required by project approvals. The annual report shall be submitted to the City of Petaluma Planning Department and Department of Public Works and Utilities no later than October 15th of each year.</td>
<td>Applicant EG</td>
<td>GP ongoing</td>
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<td>HYDRO-4</td>
<td>The project shall comply with the City of Petaluma Phase II Storm Water Management Plan requirements.</td>
<td>Applicant</td>
<td>GP and CO</td>
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<td>HYDRO-5</td>
<td>All storm drain inlets and catch basins will be stenciled with prohibitive language (such as: &quot;NO DUMPING-DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.</td>
<td>Applicant</td>
<td>BP, GP and CO</td>
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<tr>
<td>HYDRO-6</td>
<td>The applicant shall pay the applicable City's Storm Drainage Impact Fees calculated at the time of building permit issuance and a fair share portion shall be paid for each residential unit prior to final inspection of issuance of a Certificate of Occupancy</td>
<td>Applicant</td>
<td>BP and CO</td>
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### 3.12 NOISE

<table>
<thead>
<tr>
<th>NOI-1</th>
<th>Due to the surrounding residential development and potentially intrusive noise generated by construction activities, construction hours shall be restricted the hours of 7:00 am to 6:00 pm Monday through Friday and interior-only work may be conducted on Saturdays from 9:00 a.m. to 5:00 p.m. Construction activities shall be prohibited on Sundays and all federal, state, and local holidays.</th>
<th>Contractor Project Manager</th>
<th>During Construction</th>
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<tr>
<td>NOI-2</td>
<td>The project shall comply with interior noise standards of 45 dBA. To assure that interior noise standards are achieved plans submitted for development permit shall include a detailed acoustical analysis that identifies required window sound ratings, if any. The analysis shall also identify which units will require an alternative ventilation system because the windows need to be in the closed position to meet the indoor noise standard per the State of California and the City of Petaluma requirement that interior noise levels be reduced to a CNEL of 45 dBA or less in habitable rooms</td>
<td>PD Applicant</td>
<td>Notice on BP and CO</td>
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</table>

### 3.16 Transportation and Circulation

<table>
<thead>
<tr>
<th>CIRC-1</th>
<th>The proposed monument sign at the extension of Park Lane and Maria Drive shall be set back from the access driveway</th>
<th>BLD/ENG</th>
<th>BP and CO</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mitigation Measure #</td>
<td>Mitigation Measure Description</td>
<td>Review Dept.</td>
<td>Timing</td>
<td>Date Completed</td>
<td>Staff Initials</td>
</tr>
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<tr>
<td>CIRC-2</td>
<td>Traffic calming measures shall be employed to encourage low traveling vehicles on internal circulation including; crosswalks at corners, speed bumps; and colored pavement to visually identify pedestrian crossings.</td>
<td>Police</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>CIRC-3</td>
<td>The intersection of Maria Drive and Park Lane shall be improved with yellow striping crosswalks to further enhance pedestrian safety at the project access driveway and assure safe crossing to the McDowell Elementary School to the southeast.</td>
<td>Applicant EG</td>
<td>CO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CIRC-4</td>
<td>The project applicant shall be responsible for the cost associated with the installation of signage along the frontage of the property at Maria Drive noting that Maria Drive is a Class III Bike route.</td>
<td>Applicant EG</td>
<td>CO</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department</th>
<th>Required Prior to Issuance/Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>PD Planning Division</td>
<td>FM Final Map</td>
</tr>
<tr>
<td>FM Fire Marshal</td>
<td>GP Grading Permit</td>
</tr>
<tr>
<td>ENG Engineering Division</td>
<td>BP Building Permit</td>
</tr>
<tr>
<td>BLD Building Division</td>
<td>CO Certificate of Occupancy</td>
</tr>
<tr>
<td></td>
<td>SPAR Site Plan and Architectural Review</td>
</tr>
</tbody>
</table>
A RESOLUTION OF THE CITY OF PETALUMA CITY COUNCIL
APPROVING A GENERAL PLAN AMENDMENT TO MODIFY
THE LAND USE DESIGNATION OF THE PROPERTY LOCATED AT 35 MARIA
DRIVE FROM MIXED USE TO HIGH DENSITY RESIDENTIAL FOR
THE MARIA DRIVE APARTMENT PROJECT
APN’S 007-280-078 & 077
FILE NO. 12-GPA-0582

WHEREAS, JDA West LLC submitted an application for a General Plan Amendment to change the land use designation of the Maria Drive Apartments Project ("Project") site located at 35 Maria Drive (APN 007-280-078 & 077) from Mixed Use to High Density Residential; and

WHEREAS, the City’s Planning Commission held a duly noticed public hearing to consider the proposed General Plan amendment on August 13, 2013; and copy of the notice was published in the Argus Courier, provided to residents and occupants within 500 feet of the site in compliance with state and local law, and routed to appropriate agencies listed under Government Code Section 65352; and

WHEREAS, on August 13, 2013, the Planning Commission reviewed the CEQA documents prepared for the Project and approved a resolution recommending the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring Program, in accordance with the California Environmental Quality Act, the state CEQA Guidelines and the City of Petaluma Environmental Guidelines; and

WHEREAS, the Petaluma Planning Commission considered the application and related staff report and received and considered all written and oral public testimony submitted up to and at the time of the public hearing in accordance with the City of Petaluma General Plan and Implementing Zoning Ordinance; and

WHEREAS, on August 13, 2013, the Planning Commission recommended approval of the requested General Plan Amendment to modify the General Plan Land Use designation of the subject Project parcels (APN 007-280-078 & 077) from Mixed Use to High Density Residential; and

WHEREAS, on October 21, 2013 the City Council reviewed the CEQA evaluation for the Project and adopted the Mitigated Negative Declaration and Mitigation Monitoring Report for the Project, all in accordance with the California Environmental Quality Act and the City of Petaluma Environmental Guidelines; and

WHEREAS, on October 21, 2013, at a duly noticed public hearing, the Petaluma City Council considered the application and related staff report and received and considered all written and oral public testimony submitted up to and at the time of the public hearing regarding the requested General Plan Amendment.
NOW THEREFORE BE IT RESOLVED that the City Council of the City of Petaluma hereby approves a General Plan Amendment to modify the General Plan Land Use designation of the subject Project parcels (APN 007-280-078 & 077) from Mixed Use to High Density Residential based on the following findings:

1. Modification of the land use designation to High Density Residential is consistent with General Plan policies which promote a range of land uses at densities and intensities to serve the community needs within the Urban Growth Boundary (UGB) and to use land efficiently by promoting infill development, at equal or higher density and intensity than surrounding uses.

2. The change in General Plan land use designation is compatible with the neighboring Medium Density Residential and Low Density Residential designations and would provide a mix of densities within proximity to each other. The project is also in proximity to shopping, park and educational facilities, and transit routes and stops, thereby promoting development in areas that facilitate alternative modes of travel.

3. The General Plan amendment to change the land use designation to High Density residential will not contribute a significant increase in vehicle trips compared to what has been evaluated in the General Plan EIR, as maximum density under the Mixed Use designation and under the High Density Residential designation are both 30 units per acre.

4. The City continues to face a high vacancy rate of approximately 25% for office space. The project site is currently developed as an office complex and has a vacancy rate of about 50%.

5. The change of the land use designation to High Density Residential is consistent with policies of the Petaluma General Plan 2025, which promote residential development within the Urban Growth Boundary and encourage the development of housing on underutilized land.

6. The public interest, necessity, convenience and general welfare clearly permit and will be furthered by the proposed amendment because the proposed amendment will allow the conversion of a highly vacant office complex into a high density residential development within proximity to shopping, park and educational facilities, and transit routes. The site is currently developed with a medical/office complex (constructed in the mid 70's) which is proposed for demolition as part of the project. The office complex has had a high vacancy rate for several years, currently at about 50 percent compared to the City's overall office vacancy rate of approximately 25 percent. Without a change in land use designation, absorbing the high vacancy rate for this site would be difficult given the condition of the buildings and vacancy rates for the City in general. According to the City's Economic Development Manager and documentation submitted by the applicant, vacancy rates for rental housing are currently at approximately 2 percent. In addition, memos prepared by BAE Urban Economics, dated July 25, 2013, and EFA dated July 26, 2013, demonstrate that because the site does not have direct access to major corridors and is not visible from existing shopping centers, occupying this site with retail or office uses is difficult.
7. Government Code Section 65358 allows General Plan amendments when deemed in the public interest. The proposed General Plan amendment would allow for development of the property at a density ranging from 18 to 30 units per acre, which is consistent with the density allowed under the existing land use designation. Residential development at this density would support the existing nearby shopping centers due to proximity of the site to these centers. Office vacancy rates within the city are currently at approximately 25 percent and over 50% for this office complex. By comparison, vacancy rates for rental units are at approximately 2 percent. The proposed amendment will facilitate the conversion of highly vacant office complex into a high density residential development within proximity to retail shopping centers, park and educational facilities, and transit routes.

8. State law limits the number of times a local agency can amend a mandatory element of its general plan to no more than four times per year, subject to certain exceptions. No other General Plan Amendments have been approved for 2013.

9. In the public interest associated with the proposed General Plan Amendment, and consistent with the Planning Commission recommendation and applicant agreement, the project shall achieve a minimum of 100 points under the current Build It Green multi-family checklist.
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA AMENDING THE ZONING MAP CONTAINED IN THE IMPLEMENTING ZONING ORDINANCE, ORDINANCE NO. 2300 N.C.S., TO CHANGE THE ZONING OF THE PROPERTY LOCATED AT 35 MARIA DRIVE FROM PUD-MEDICAL OFFICE DISTRICT TO R-5 APNs 007-280-077 and 078

WHEREAS, JD West LLC submitted application to the City of Petaluma for a Zoning Map Amendment to change the zoning of the property located at 35 Maria Drive (APNs 007-280-077 and 078) from PUD-Medical Office to R-5 for the purposes of redeveloping the site with the Maria Drive Apartment project; and

WHEREAS, the City's Planning Commission, held a duly noticed public hearing to consider the proposed Zoning Map Amendment on August 13, 2013 and recommended City Council approval of said amendment; and,

WHEREAS, on October 21, 2013, the City Council held a duly noticed public hearing to consider the proposed Zoning Map Amendment; and,

WHEREAS, on October 21, 2013 the City Council reviewed the CEQA evaluation for the Project and adopted the Mitigated Negative Declaration and Mitigation Monitoring Report for the Project, all in accordance with the California Environmental Quality Act and the City of Petaluma Environmental Guidelines; and

WHEREAS, on October 21, 2013 the City Council approved a General Plan Amendment to change the land use designation of the property located at 35 Maria Drive to High Density Residential.

FINDINGS

1. The proposed zoning map amendment to Rezone the subject parcels from PUD-Planned Unit District (APN's 007-280-078 & 077) to R-5 is consistent with and implements the proposed High Density Residential land use classification of the General Plan 2025.

2. The proposed rezoning to R-5 is consistent with the Petaluma General Plan 2025 Housing Element policies which promote residential development within the Urban Growth Boundary (Policy 11-P-1.1) and encourage the development of housing on underutilized land (Policy 11-P-1.2).

3. The proposed amendment is also consistent with the General Plan policies as set forth in Resolution No. 2013-XXX N.C.S. amending the General Plan adopted herewith and incorporated herein by reference.

4. The public necessity, convenience and general welfare clearly permit and will be furthered by the proposed amendment because the proposed amendment will allow
the conversion of highly vacant office complex into a high density residential development within proximity to shopping, park and educational facilities, and transit routes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

Section 1: The Zoning Map contained in the Implementing Zoning Ordinance is hereby amended to modify the zoning district of the property located at 35 Maria Drive (APN 007-280-077 and -078) to R-5.

Section 2: The City Council finds that a Mitigated Negative Declaration and Mitigation Monitoring Plan for this project has been prepared, circulated and adopted by the City Council in accordance with State Law.

Section 3: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 4: This ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council.

Section 5: The City Clerk is hereby directed to publish or post this ordinance or a synopsis for the period and in the manner provided by the City Charter and any other applicable law.

INTRODUCED and ordered posted/published this 21st day of October, 2013.
ADOPTED this _______ day of __________, 2013 by the following vote: