



City of Petaluma, California

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Planning Commission Minutes
November 23, 2004 – 7:00 PM

Commissioners: *Present:* Asselmeier, Barrett, Dargie*, Harris, McAllister, Rose
von Raesfeld

* Chair

Staff: George White, Assistant Director, Community Development
Kim Gordon, Assistant Planner
Jayni Allsep, Project Planner
Anne Windsor, Administrative Secretary

ROLL CALL:

APPROVAL OF MINUTES: None

PUBLIC COMMENT: None

DIRECTOR'S REPORT: None

COMMISSIONER'S REPORT: None

CORRESPONDENCE: None

APPEAL STATEMENT: Was noted on the agenda.

LEGAL RECOURSE STATEMENT: Was noted on the agenda.

Public began at 7:00 p.m.

PUBLIC HEARING:

NEW BUSINESS:

II. WOODRIDGE SUBDIVISION, 804 6th Street

APN: 008-232-054

Project File No(s). : 03-TSM-0010

Planner: Kim Gordon

Applicant is requesting a recommendation to the City Council to Adopt a Mitigated Negative Declaration, Rezone the project site to the Woodridge

1 Planned Unit District, Adopt the Unit Development Plan, Adopt the
2 Development Standards, and Approve the Woodridge Tentative Subdivision
3 Map for the Woodridge Planned Unit District.

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5 Continued from October 26, 2004.

6
7 Kim Gordon presented the staff report.

8
9 Steven Lafranchi, 775 Baywood: Reviewed the changes to the project since the
10 Planning Commission meeting of September 28, 2004.

11
12 Commissioner Barrett: Asked Mr. Lafranchi if he would address some of the points
13 brought up by Ms. Gordon such as the height of the retaining walls and grading outside
14 of the building envelope.

15
16 Steven Lafranchi: I can address some of those issues and then I will have Shawn
17 Montoya address the rest.

18
19 Steven Lafranchi: There does need to be some grading outside of the building envelope
20 to have access for driveways. Allowing grading outside of the building envelope could
21 minimize grading, the need for retaining walls, and allow a more natural grade. We did
22 not want to limit ourselves by saying there is no grading outside the building envelope.
23 We were hoping to have some flexibility and have formal SPARC address this issue.

24
25 Shawn Montoya: We are trying to have as much flexibility as possible and still work
26 with the SPARC process.

27
28 Commissioner Barrett: Some of the other issues brought up in the staff report were the
29 height of the buildings and where the height is measured from the ground level. Can you
30 address that?

31
32 Shawn Montoya: I believe it is spelled out in the Development Standards under
33 Paragraph V, Lot Layouts, E “maximum permitted height for all primary structures shall
34 be twenty-six feet”. I just want to point out in the design guidelines it states that SPARC
35 review will include a view analysis prepared by a licensed architect or engineer. I think
36 that is the proper time to do the view analysis.

37
38 Commissioner Asselmeier: What is your response to the height not being clearly defined
39 in the PUD guidelines and the potential of a 3-story home? Could you address those
40 points?

41
42 Shawn Montoya: I don't see a 3-story home being possible on this property. I think 2 ½
43 stories would be the maximum.

44
45 Commissioner Asselmeier: In an effort to address staff's concern, it would be useful if
46 we could have a discussion for a potential revision to the PUD Guidelines that would be
47 consistent with staff's concern and consistent with what you envision there.

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Shawn Montoya: I have had this discussion with Kim Gordon and we are willing to use the City’s guidelines. Staff does not like the guidelines so this was our attempt to come up with something.

Commissioner Asselmeier: You do not have a concern about working with staff to work this out so that it is more clearly defined.

Shawn Montoya: Absolutely not.

Commissioner Asselmeier: Another statement has to do with the language in the Architectural Design section being permissive and not mandatory. Do you have concerns about staff going through here and in situations saying something like “shall” instead of “should” to make it mandatory and give direction?

Shawn Montoya: I am willing to work with staff on this. Would like some flexibility in guidelines to allow the designer *** **and address** concerns through the SPARC process.

Commissioner Asselmeier: Suggested a compromise such as “strongly encouraged” and something is preferred as opposed to should.

Commissioner Barrett: The Planning Commission has suggested story poles in the past. Would you be opposed to a condition of approval to install story poles as part of the SPARC process? This would be a benefit to the neighbors.

Shawn Montoya: No, I believe story poles are helpful.

M/S Asselmeier//Rose to reopen the public hearing. 7-0

Public hearing opened:

Rod Scaccalosi, 125 Olive Street: Discussed the Olive Street access for the project. I met with the applicant at the site. The owners put the fence 20 years ago and by doing so they implied dedication of use to our lot. We are not willing to give that up without a fight. Regarding function, the wall relocation makes some sense because it opens up the driveway. It does not solve the problem of an angled entry. The fence issue is not sensible in any way. If you are talking about screening, it would not make a big difference if moved a foot and a half. The real issue is noise and that has not been addressed. Our bedroom is 18 feet from the proposed driveway. Service vehicles coming up this grade and accelerating is not a pleasing sound. I suggest putting up an 8’ masonry wall from the driveway entrance to the rear corner of my property to alleviate noise. In addition to noise, there are issues such as: safety, excessive grade, access for emergency vehicles, pedestrian and bike access. We are not opposed to the project. We are looking for a better project. I have enclosed an alternative plan which you received in your packet. I hope you have had a chance to look at it. I believe it solves all of the issues. I have a petition signed by 41 neighbors and hopefully you have it in front of you.

1 Eric Koenigshofer, 703-2nd Street, Santa Rosa: Representing Bob and Ann Gilbert.
2 Believe Mr. Scaccalosi's request is constructive. Asked the Commission to make a
3 consider the findings they are required to make as required by the Zoning Ordinance. I
4 wanted to emphasis the strain of the access proposed due to steepness, awkwardness of
5 the turning movements onto Olive Street and the effect on Gilbert's and Scaccalosi's. Is
6 there a superior alternative? I believe Mr. Scaccalosi's proposal is far superior. The
7 neighborhood is not objecting to the density and the project, just asking for better ingress
8 and egress. The alternative provides bike, pedestrian and disabled access. That is most
9 noticeably illustrated. Want the Commission to look at the fundamental point in the
10 findings where you are asked that to determine that the project is not detrimental to the
11 public welfare. Asked the Commission to call for an amendment to the proposal.

12
13 Steven Lafranchi: This alternative is a different project. They are proposing to move a
14 house with out buildings. They are moving an access issue from one neighborhood to
15 another. The petition was not signed by anyone on 6th Street. There are numerous things
16 that need to be balanced in a project like this. Cannot create a condition that requires the
17 sale of property to neighbors. Cannot guarantee that an agreement could be reached.
18 Attempted to improve the situation for the Scaccalosi's by moving the fence. If they don't
19 want it moved, we don't need to. The project in front of you has been well thought out
20 and reviewed by staff. You cannot just amend this project with Mr. Scaccalosi's proposal
21 which has had no staff or environmental review. This is the project.

22
23 **Public hearing closed:**

24
25 **Committee Comments:**

26
27 Commissioner Asselmeier: Asked about excessive noise brought up by the neighbor.
28 Are there any other mitigation measures other than a masonry wall?

29
30 George White: We could ask for a noise study. A masonry wall could possibly provide
31 some noise attenuation.

32
33 Commissioner McAllister: If wall is built to accommodate the driveway, does it
34 necessitate moving the fence?

35
36 Steven Lafranchi: Fence does not need to be moved. Fence may need to be removed to
37 construct the retaining wall and then could be put back. Proposed moving the fence in
38 order to provide additional landscaping.

39
40 Commissioner von Raesfeld: The original home on the large parcel that is being
41 subdivided - were there any preexisting conditions of approval that staff could resurrect?

42
43 George White: No, not that we are aware of.

44
45 Commissioner Asselmeier: Based on the boundary lines, are there structures on 125
46 Olive that the potential relocation of the fence will go through.

1 Kim Gordon: There are no structures that relocating the fence would encroach upon. I
2 wanted to be clear about the residence Commissioner von Raesfeld was referring to. It is
3 the house in the center of the large parcel. There were restrictions on further subdivision.
4 Those restrictions expired in 1995 and no longer exist for the property as it exists today.

5
6 Council Member Harris: Are you advocating a potential condition regarding noise
7 mitigation and providing a list of options to the council.

8
9 Commissioner Asselmeier: I wanted us to examine possibilities that may turn into a
10 condition. I heard Mr. White say that he would be willing to look into that.

11
12 **Issues:**

13
14 **Olive Street Access:**

15
16 Commissioner Rose: The commission asked the applicant to widen the access and make
17 it safer and I believe the applicant has done this. The turning radius has been mitigated to
18 some degree. Don't believe this is as much of a traffic and safety concern as it is a noise
19 issue. Mr. Scaccalosi's proposal creates more problems with a mid block intersection on
20 a busier street that would be offset with J Street. It is a nice perpendicular intersection. I
21 do not think 6th street is an improvement.

22
23 Commissioner Asselmeier: I believe the main concern is to see if we can do something
24 to mitigate the impact on the two neighbors mostly affected. Don't think we have the
25 purview to ask the applicant to redo their project and ask for 6th Street access unless staff
26 feels Olive Street access is inadequate. The safety concerns seem to have been
27 addressed. I believe the issues of fire access have been thought through. Appears that
28 the Fire Marshal and City Engineer have reviewed the project. Biggest issue is to make
29 the project work for the neighbors. Want to see what we can do to make this project fit as
30 well as possible in the neighborhood.

31
32 Commissioner von Raesfeld: I too assume that staff looked at the challenge of the access
33 at 6th Street. It does have better grading but it is a different project. Involves the
34 neighbors buying the driveway. Olive Street is an awkward driveway; however, within
35 the constraints that they have, the applicant has done everything to improve as much as
36 they can. The 6th Street access is a different project with enough of its own questions that
37 cannot be addressed. However, it does appear that it may have some merits.

38
39 Commissioner Barrett: The new driveway offers the Gilbert's a better solution for the
40 ingress and egress if they take advantage of what is being offered. Appears to be the
41 Gilbert's main problem. I believe the Scaccalosi's are more negatively impacted due to
42 noise. Do not think there will be that much traffic though. The garbage trucks or trucks
43 with a backup beeper will be noisy. What Mr. Scaccalosi is proposing is not the project
44 before us. Modifications have been made on Olive Street to address the concerns of staff
45 and the planning commission.

1 Commissioner McAllister: Agree with the other Commissioners comments. I believe the
2 Gilbert's will be just as impacted by noise as the Scaccalosi's. I don't want to condition
3 the project with a sound barrier because it could reflect noise over to the Gilbert's
4 property. Perhaps a study could be done that would consider both neighbors. Gilbert's
5 can see the driveway from their residence.

6
7 Council Member Harris: I will defer to the Commission because I was not at the prior
8 meeting.

9
10 Chair Dargie: I am in agreement with the rest of the Commission on the specific points
11 that were raised. The alternative did have a simplistic elegance. However, it is not the
12 project before us. It is unclear what issues the 6th Street access would present. Regarding
13 the legal issues regarding the fence and the property line are civil issues between the two
14 property owners and not for Planning Commission.

15
16 **PUD guidelines/language:**

17
18 Commissioner Barrett: Asked if story poles would solve some of the issues that were
19 brought up?

20
21 George White: I believe story poles would help. I want to work with the applicant to
22 have a clearly defined way of measuring building heights. We need both a clearly
23 defined way of measuring building heights and story poles.

24
25 Commissioner McAllister: I want to talk about grading and the height limit. I was
26 trying to interpret your sections. Is the existing 26' height taken from the existing grade
27 line?

28
29 Shawn Montoya: Yes. We are not intending to put massive structures on this site. We
30 want to work with staff to come up with a formula that works for everyone. We do want
31 some flexibility for the design professionals.

32
33 Commissioner McAllister: If you are stepping up the hill, you can get a taller structure.
34 I would like to propose an average proposed grade between floor levels. Want to impose
35 some boundary so that it does not negatively impact the neighbors.

36
37 Shawn Montoya: We can state that nothing can be over 2 ½ stories high. We will work
38 with staff to find a balance that everyone is happy with.

39
40 Commissioner McAllister: I don't have an issue with some grading outside the building
41 envelope; however, I do not want to encourage major grading outside the building
42 envelope.

43
44 Commissioner Barrett: If the applicant wants to work with staff on further refining the
45 definitions in question, specifically the height of the buildings, how do we approve this
46 with these issues unresolved?

47

1 George White: It is a definition issue, we want to work it out and make it clear before
2 going to City Council.

3
4 Commissioner Barrett: There was a comment in the staff report about concern regarding
5 the undefined nature of the term “significant” grading. What are the implications of that?
6

7
8 George White: Significant can mean different things to different people. We don’t like
9 undefined terms. SPARC will use their discretion. It would be helpful to know going
10 into the design process what the expectation is. Again, it’s a definitional issue.

11
12 Commissioner Asselmeier: I feel comfortable asking staff to work this out with the
13 applicant.

14
15 Commissioner von Raesfeld: I believe it can be clarified between staff and the applicant.
16 Believe SPARC can ultimately deal with the height issue.

17
18 The Commission identified the following issues in the PUD Development Standards
19 which will be worked out between staff and the applicant before going to the City
20 Council:

21
22 Definition of:

- 23 ▪ “Significant” grading
- 24 ▪ Height of houses
- 25 ▪ Grading outside the building envelope
- 26 ▪ Use, height, and location of retaining walls
- 27 ▪ Revamping some architectural design language to be more enforceable in some
28 way
- 29 ▪ Requirement for story poles prior to SPARC

30
31 **Setback on Lot 5:**

32
33 Commissioner Barrett: Would like to see Lot 5 maintain a setback that is similar to the
34 existing neighborhood.

35
36 Commissioner von Raesfeld: Usually the intent is to use the average. It is more of an
37 issue to provide what is consistent with the neighborhood.

38
39 Commissioner Asselmeier: I think consistency is the issue. If an averaging is more
40 appropriate, I would defer to staff.

41
42 George White: There has to be some absolute setback that we can use because it will be
43 the zoning ordinance for these lots.

44
45 Commissioner Asselmeier: Would prefer to see it at 25 feet and make it clear.

46
47 Chair Dargie: I agree with Commissioner Asselmeier on 25 feet.

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Other commissioners concurred with the 25 foot setback.

George White: I want to revisit the noise issue. Is the Commission in agreement to have a noise study conducted before going to council? Staff will analyze and make a recommendation to the council.

Commissioner von Raesfeld: I think at the very least we need to define the impact.

Commissioner Barrett: Procedurally can we move it along before the study?

George White: I would not be comfortable with it as a condition after City Council action.

Commissioner Barrett: So perhaps we would be sending a recommendation to approve this project based on the outcome of the noise study?

George White: Partly. This may result in amending the Initial Study once the impact is understood.

Commissioner von Raesfeld: So our recommendation would be that the City not act until the study is done and we know how any potential noise impacts can be mitigated.

George White: That is correct.

Commissioner Asselmeier: If there is a mitigation measure, I want staff to analyze and incorporate it into the staff report.

Commissioner Barrett: Are you going to address the neighbor that wants closed fencing?

Chair Dargie: How will construction equipment access the site?

Steve Lafranchi: Only access will be from Olive Street. Will address request for closed fencing.

Commissioner Asselmeier: Should revise the initial study and conditions for construction hours to be 8 am to 5 pm.

Commissioner Barrett: Section II in the PUD Guidelines under prohibited uses references public and private swimming pools. Does this mean you can't have a swimming pool?

George White: Believe it refers to public swimming pools. It needs to be clarified.

Commissioner Asslemeier: The same section refers to horses, cattle, sheep, goats, etc. - does it really apply here?

1 George White: We may default to the existing zoning code.

2

3 Commissioner Barrett: Section IV discusses roofing materials – could someone put in a
4 green roof? Can we add that?

5

6 Shawn Montoya: Yes.

7

8 M/S Asselmeier/Barrett to forward a recommendation to the City Council to Adopt a
9 Mitigated Negative Declaration, Rezone the project site to the Woodridge Planned Unit
10 District, Adopt the Unit Development Plan, Adopt the Development Standards, and
11 Approve the Woodridge Tentative Subdivision Map for the Woodridge Planned Unit per
12 the revisions to the PUD Guidelines above.

13

14 Ended at 8:40

15

16

17 Hearing began at 8:50 p.m.

18

19 **NEW BUSINESS:**

20 **PUBLIC HEARING:**

21

22 **II. LOMAS RESIDENTIAL SUBDIVISION, 1500-1600 Petaluma Boulevard**
23 **South**

24 **APN: 019-210-010, 011, 038 and 039; 019-220-012 and 027**

25 **Project File No.: 03-GPA-0560-CR**

26 **Planner: Jayni Allsep**

27

28 Applicant is requesting a recommendation to the City Council of proposal for a
29 general plan amendment to the Urban Diversified Land Use designation,
30 rezoning to Planned Unit Development (PUD) and Planned Unit Development
31 Plan, a Vesting Tentative Subdivision Map, and annexation into the City of
32 Petaluma.

33

34 Jayni Allsep: Asked the Planning Commission for their recommendation from staff for a
35 continuance.

36

37 Council Member Harris: I want to move the process forward and hear from the public.

38

39 Commissioner Rose: I respectfully disagree with Council Member Harris. Do not think
40 we can give this consideration given the outstanding issues identified by staff. I believe
41 these are major issues and need to be resolved. Recommend following staff's
42 recommendation to continue the item.

43

44 Commissioner Asselmeier: I agree with Commissioner Rose. The peer review may
45 provide information that would alter the project. I believe it is premature move the
46 process forward.

47

1 Commissioner von Raesfeld: I am in concurrence with the other commissioners because
2 this is county property. My secondary issue is the southern crossing.

3
4 Commissioner Barrett: I concur. Between the letter from the county and the staff report,
5 it is too premature.

6
7 Commissioner McAllister: I am in general agreement, however, I am prepared to give
8 comments on the initial study.

9
10 Chair Dargie: It is possible that the initial study may change. If the initial study were to
11 change our comments could be different.

12
13 Commissioner McAllister: My comments are not necessarily on the specifics of the
14 initial study.

15
16 Council Member Harris: Asked staff to speak to the two issues; peer review of the
17 Geotechnical Report and the Southern Crossing..

18
19 Jayni Assep: Presented background of the site and addressed the issues of the county's
20 geotechnical peer review and the Southern Crossing.

21
22 George White: Our recommendation is to continue to a date uncertain. We are seeking
23 direction from the Commission as to whether they want to proceed.

24
25 Larry Lazar, Lomas Development: We want to present the project this evening. A
26 continuance to an undetermined date will not be acceptable. If the Commission continues
27 to an undetermined date, we would like the Planning Commission to make their
28 recommendation this evening.

29
30 Tom Grabiell, Lomas Development: Referenced a memo from Mike Moore which
31 addressed the Southern Crossing. I believe we can address the county's issue.

32
33 Council Member Harris: Can this be done as a Condition of Approval?

34
35 Commissioner Barrett: I believe the issues brought up by the county are significant – do
36 not think they should just be Conditions of Approval. There are discrepancies that are
37 too large. There is also the question of runoff and the drainage pattern. Believe we
38 would be remiss if we let this go forward in our community. Referred to the Victoria
39 Subdivision and the problems with the geotechnical work that was done there.

40
41 George White: Asked if the applicant would consider continuing to the second meeting
42 in January, 2005.

43
44 Larry Lazar: Want an absolute commitment and guarantee that if the project is continued
45 to the 2nd meeting of January that the staff will complete the analyses of the Peer Review
46 and the Southern crossing and include Findings and Conditions to the project.

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1 Break at 9:30

2

3 Resumed at 9:40

4

5 Larry Lazar: Believe that inadequacies have been presented to you by staff. We would
6 like to come back to the Commission on December 14, 2004.

7

8 Commissioner von Raesfeld: Do not know how we can do our job without an approved
9 reclamation plan.

10

11 Commissioner Asselmeier: Don't believe continuing to December 14, 2004 would be
12 adequate. We need to slow this project down a little and give staff the time to review the
13 Geotechnical Peer Review.

14

15 Commissioner Rose: Staff has made a good faith effort and is doing a good job,
16 however, that does not coincide with the applicant's interests. I accept staff's reference. I
17 suggest we vote on the project tonight and send it forward.

18

19 Commissioner Barrett: I agree with Commissioner Rose.

20

21 Commissioner Asselmeier: If applicant wants a vote, I will vote.

22

23 Commissioner von Raesfeld: I share that view.

24

25 Commissioner McAllister: I feel this is unfortunate that the applicant cannot be flexible.
26 The concerns are valid and I share them. I find it unfortunate if the applicant is asking
27 for a vote. I don't believe forcing the situation speaks well of the process.

28

29 Chair Dargie: Both issues are significant, particularly the Geotechnical Peer Review.

30

31 Larry Lazar: Want a goal to come back on December 14, 2004 and give our presentation.

32

33 Chair Dargie: I believe staff does not have enough information and I would like to have
34 the information before we view the project.

35

36 Commissioner Rose: We will only be partially informed. I don't want to look at a
37 proposal without staff's input.

38

39 Larry Lazar: We would like to come back on December 14, 2004 and give our
40 presentation otherwise we would like a vote this evening.

41

42 Commissioner Asselmeier: We can offer to continue to January 25, 2005 and would like
43 the applicant to consider that proposal.

44

45 Larry Lazar: Declined the offer to continue to January 25, 2005.

46

1 M/S von Raesfeld/McAllister to recommend to the City Council denying the project
2 without prejudice.6-1, Harris opposed.

3
4 Ended at 10:30

5
6 **III. LIAISON REPORTS:**

7
8 **a. City Council:** None.

9 **b. SPARC:** Sweed School and Ellis Creek Water Recycling Facility were
10 **approved.**

11 **c. Petaluma Bicycle Advisory Committee:** Continuing to look at the
12 Bicycle Plan by subcommittees; priorities of the County and MTC
13 regarding grant funding.

14 **d. Tree Advisory Committee:** None

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17
18 **Adjournment: 10:30 p.m.**