

Planning Commission Resolution 2023-xx**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEALDSBURG APPROVING AN AMENDMENT TO MASTER CONDITIONAL USE PERMIT CUP 2019-04 FOR THE NORTH VILLAGE PROJECT LOCATED AT 16977 HEALDSBURG AVENUE (CUP 2019-04.02)**

WHEREAS, pursuant to the requirements of the Healdsburg 2030 General Plan (“General Plan”) which identifies the northern entry to Healdsburg as an area warranting special study, the City prepared the North Entry Area Plan (“NEAP”), which was adopted by the Healdsburg City Council on May 20, 2019, to provide a vision concept, land use guidelines, development standards, and design guidelines for future development of the approximately 32-acre North Village project site located at 16977 Healdsburg Avenue; and

WHEREAS, prior to the City’s approval of the NEAP, an Environmental Impact Report (“NEAP EIR”) was prepared pursuant to the California Environmental Quality Act (Pub. Res. Code § 21000, et seq.) (“CEQA”), (State Clearinghouse No. 2018062041), which analyzed the environmental impacts of development under the NEAP and was certified by the City Council on May 20, 2019, along with the adoption of CEQA Findings, a Mitigation Monitoring and Reporting Plan (“MMRP”), and a Statement of Overriding Considerations; and

WHEREAS, on February 11, 2020, the Healdsburg Planning Commission approved an application by CCS Healdsburg, LLC, for a Master Conditional Use Permit (CUP 2019-04); and on April 6, 2020, the City Council approved a Development Agreement (DA 2020-01) with CCS Healdsburg, LLC, to authorize the specific uses and shared infrastructure the North Village Project including a Shared Parking Plan for the entire site; and

WHEREAS, prior to the Planning Commission taking action on CUP 2019-04, and the City Council taking action on DA 2020-01, each body considered modifications to the project analyzed in the NEAP EIR as analyzed and documented in an Environmental Checklist & Addendum to the NEAP EIR (“NEAP EIR Addendum”), adopted the NEAP EIR Addendum, and determined that, pursuant to CEQA Guidelines sections 15164 and 15183, no further environmental review was required; and

WHEREAS, Comstock Healdsburg, LLC (“Applicant”) has submitted an application requesting an amendment to DA 2020-01 to modify the affordability levels for affordable housing in the North Village Project and an amendment to CUP 2019-04 to modify the Shared Parking Plan for the North Village Project; and

WHEREAS, prior to taking action on the amendment to CUP 2019-04, and at a properly noticed public hearing on February 28, 2023, the Planning Commission reviewed written and oral staff reports, conducted a public hearing on the amendment and took testimony; and received into the record all pertinent documents related to the amendment; and

WHEREAS, the analysis in the NEAP EIR and NEAP EIR Addendum allows the use of CEQA streamlining and/or tiering provisions for projects developed under the NEAP EIR, including this Project;

NOW, THEREFORE BE IT RESOLVED that the Planning Commission determines that the proposed modifications to the North Village Project Master Conditional Use Permit are consistent with the Project evaluated in the NEAP EIR Addendum. The NEAP EIR Addendum is available on the City of Healdsburg's website and is incorporated herein by reference; and

BE IT FURTHER RESOLVED that the Planning Commission determines that the modified Master Conditional Use Permit for the North Village Project complies with CEQA based on each of the applicable CEQA streamlining and/or tiering code sections described below, each of which, separately and independently, provides a basis for CEQA compliance:

1. The NEAP EIR Addendum provides analysis and cites substantial evidence that supports the conclusion that the Project would not result in any significant impacts that: (1) are peculiar to the Project or Project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the NEAP EIR; or (3) were previously identified significant effects, which as a result of substantial new information that was not known at the time that the NEAP EIR was certified, are determined to have a more severe adverse impact than discussed in the NEAP EIR. As a result, pursuant to Section 15183, the Project is exempt from further environmental review under CEQA.
2. The NEAP EIR Addendum provides analysis and cites substantial evidence that supports the conclusion that the Project would not cause new significant impacts not previously identified in the previously certified NEAP EIR, nor result in a substantial increase in the severity of previously identified significant impacts. No new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the NEAP that would cause significant environmental impacts to which the Project would contribute considerably, and no new information has been put forward that shows that the Project would cause significant environmental impacts. Therefore, no supplemental environmental review is required for the Project in accordance with Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164.
3. The NEAP EIR Addendum provides analysis and cites substantial evidence that supports the conclusion that the Project would not cause new significant impacts not previously identified in the previously certified NEAP EIR, which may serve as a "Program EIR" under CEQA, nor result in a substantial increase in the severity of previously identified significant impacts. No new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the NEAP that would cause significant environmental impacts to which the Project would contribute considerably, and no new information has been put forward that shows that the Project would cause significant environmental impacts. Therefore, no supplemental environmental review is required for the Project in accordance with CEQA Guidelines Sections 15162 and 15168.

BE IT FURTHER RESOLVED that the Healdsburg Planning Commission makes the findings required to approve the requested amendment to the Master Conditional Use Permit for the North Village

Project (CUP 2020-02.02) subject to the amended Conditions of Approval attached hereto as Exhibit A, as follows:

A. The proposed location and operation of the conditional use is in accord with the Healdsburg General Plan, any applicable planned development, specific or area plan.

The North Village Project site is designated Mixed Use (MU) in the Healdsburg General Plan and assigned the NEAP Overlay by the Land Use Code. The use and density for development of each parcel on the North Village Site were established in Master Conditional Use Permit CUP 2019-04. The proposed modifications to the number of multi-family apartments would be consistent with the intent of the MU land use designation and the NEAP Overlay district as detailed in Attachment 11 and Attachment 12 of the January 24, 2023 Planning Commission staff report for CUP 2019-04.02. The proposed mix of uses and internal arrangement of uses would continue to be consistent with the vision for a mixed use neighborhood established in the NEAP.

B. The proposed location and operation of the conditional use is consistent with the applicable development standards of the Land Use Code.

The location of the subject property is in MU District and the operation of the mix of uses permitted by CUP 2019-04, as modified by the proposed amendment, would continue to be consistent with the development standards established for the MU District in the Land Use Code. Attachment 13 of the February 28, 2023 Planning Commission staff report for CUP 2019-04.02 presents a detailed consistency analysis for applicable Land Use Code provisions and the Project, as amended by CUP 2019-04.02 would remain consistent.

C. The proposed location of the conditional use and the conditions under which it would be operated and maintained will not be detrimental to public health and safety or materially injurious to uses, properties or improvements in the vicinity.

The location of the North Village Project site is in the MU District, surrounded by undeveloped land to the north, vacant land and the Simi Winery to the south, Healdsburg Avenue and the Montage Healdsburg development to the east, and the U.S. 101 corridor to the west. Prior project approvals determined that the Project will not result in or create a detrimental condition on the property, property vicinity or within the community. The proposed amendments would not alter that determination. The proposed amendment to the Shared Parking Plan was evaluated by Walker Consultants, the consultants who prepared the Shared Parking Study for the North Village Project, who determined that the reduction in the number of parking spaces would continue to meet the Project's peak parking demands.

DULY AND REGULARLY ADOPTED by the Healdsburg Planning Commission on the 28th day of February, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Phil Luks, CHAIR

Scott Duiven, SECRETARY

EXHIBIT:

A. Modified Conditions of Approval (CUP 2019-04.02)

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT - CUP 2019-04.02

as modified by CUP 2019-04.01, approved by Planning Commission on February 23, 2022

as modified by CUP 2019-04.02, approved by Planning Commission on February 28, 2023

NORTH VILLAGE PROJECT

Address: 16977 Healdsburg Avenue

(APNs: 091-060-022; 091-060-009; 091-060-019; 091-060-025)

Note: Deletions and additions to Conditions #14 and #18, per Master Conditional Use Permit Amendment CUP 2019-04.02, are shown in ~~strike-through~~ and underlined text.

The following conditions shall apply to the City of Healdsburg's approval of Conditional Use Permit CUP 2019-04, including the associated density bonus application. Parcels 1 through 4 as identified in these conditions of approval reference the parcel numbers set forth in Lot Line Adjustment LLA 2019-03.

A. GENERAL CONDITIONS

1. These specific approvals are limited to CUP 2019-04, including the associated density bonus submittal and the shared parking reduction request, for the North Village Project ("Project"), and are not intended to serve as an approval of the overall Project description that was submitted together with the applications.
2. This approval is subject to the terms and conditions of the Development Agreement for the Project ("Development Agreement") as approved by the City Council on April 6, 2020, as amended. If any of these conditions of approval is in conflict, or is inconsistent, with any term or condition of the Development Agreement for this Project, then any such condition shall be deemed waived or satisfied for purposes of the Conditional Use Permit and the Development Agreement shall control.
3. All mitigation measures from the certified North Entry Area Plan Environmental Impact Report ("NEAP EIR"), as described in the adopted Mitigation Monitoring and Reporting Program for the NEAP EIR and modified by the Addendum to the NEAP EIR that is attached thereto ("NEAP MMRP"), shall be implemented as conditions of Project approval, and are incorporated herein by reference. The Addendum to the NEAP MMRP amends the "Timing of Verification" for mitigations MM TRANS-1a, MM TRANS-1, Cumulative MM TRANS-1 and MM HAZ-2, as shown in Table 1 of the adopted NEAP MMRP.
4. This approval is based upon all conditions of approval set forth herein, including mitigation measures and specified plans and agreements included by reference, as well as all applicable City rules and regulations. Any deviations from the Project conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require approved changes to these approvals and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.
5. The Applicant shall defend, indemnify and hold harmless the City or its agents or officers and employees from any claim, action or proceeding against the City or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the City's approval of this Project, except as to any claim action or proceeding submitted or initiated by the Applicant. Such defense shall be in accordance with Section 6.6 of the Development Agreement.

6. The Project site and any portions thereof shall be sold, leased or financed subject to compliance with the conditions of approval thereto, including all related covenants and agreements.
7. Unless otherwise specified, all of these conditions of approval shall apply to the entirety of the Project site. If portions of the Project site are owned by multiple owners in the future, then the obligations under these conditions of approval that are allocable to each portion of the property shall be applicable only to that portion, and violations that are attributable to a single owner shall not be considered as violations of these conditions of approval for the Project as a whole. However, the specific burdens, obligations and duties set forth in these conditions of approval shall not apply to any purchaser of any individual residential unit offered for sale or any tenant of an individual residential unit offered for rent.
8. The Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this approval shall be deemed acceptance of all conditions of this approval by the Applicant.
9. All plans and agreements required pursuant to these conditions of approval must be submitted to the City for review and approval and shall be implemented as approved by the City.

B. CONDITIONS RELATING TO ALLOWABLE USES AND DEVELOPMENT DENSITIES

10. The approved CUP 2019-04 is a “master conditional use permit” in that it authorizes the specific mix of allowable uses set forth in the North Village Use Table, below, along with limitations on floor area and site coverage. Minor adjustments to the limitations on floor area and site coverage may be authorized by the Planning Commission through the design review process and subsequent conditional use permits, where applicable. Any additional floor area or site coverage granted to specific parcels must remain within the sitewide limitations prescribed by the NEAP and the NEAP Overlay (Land Use Code Chapter 20.12; Article IV).
11. Minor modifications to the uses and improvements authorized by CUP 2019-04 may be approved by the Community Development Director; major modifications will require Planning Commission approval.
12. Prior to the commencement of any specific use that would require a conditional use permit pursuant to Land Use Code section 20.08.155, Table 12, as modified by Tables 1 and 2 in Land Use Code section 20.12.215, a conditional use permit must be approved for such use in accordance with the provisions of the Land Use Code.
13. In approving CUP 2019-04, the City has determined that the Project's geographic location and contemplated categories of uses as specified in the North Village Use Table are in accord with the Healdsburg 2030 General Plan and any applicable planning document, specific of area plan, including the NEAP; therefore, any subsequent conditional use permits or design review shall only impose conditions related to the design, operation, and maintenance of the Project in accordance with the Development Agreement.
14. The Project shall provide a mix of affordable housing in accordance with the Development Agreement, as shown on the North Village Use Table, below. In the event that a modification to the Development Agreement is approved by the City Council that conflicts with the affordability mix shown below, the Development Agreement shall control. On Parcel ~~2~~ 4, the final mix of Affordable/Workforce Housing units in any given affordability category may vary, but in no event shall less than three (3) units be occupied by Very Low Income Households, nor shall more than ~~fifteen (15)~~ thirteen (13) units be occupied by households between 80% and 120% of AMI.

North Village Use Table

	Parcel 1	Parcel 2	Parcel 3	Parcel 4	
Use type	Senior Living Community	Multi-Family Housing	Hotel	Mixed Use Residential	
Allowable uses	221 independent living units and ancillary facilities; Total of 54 assisted living and memory care beds; ancillary facilities	24 30 apartments	108 key hotel; restaurant (60 seats indoor; 40 seats outdoor); Rooftop bar (60 seats); "Grange" building; Fitness center/spa	53 45 apartments; 5 live-work units ; 12,000 SF-commercial/retail	
Floor Area	388,000 SF - senior independent living units and ancillary facilities; 54,000 SF - assisted living/memory care and ancillary facilities	45,000 SF	87,000 SF - interior floor area; 27,000 SF - exterior covered areas	55,000 SF - apartments and live-work units; 12,000 SF - commercial/retail	Interior: 641,000 SF Interior/Exterior: 668,000 SF
Non-Residential Floor Area	54,000 SF		87,000 SF	12,000 SF	Total: 153,000 SF Cap: 200,000 SF
Floor Area Ratio	0.63	0.36	0.25	0.30	Average FAR: 0.46
Site Coverage	147,000 SF	17,500 SF	54,200 SF	25,600 SF	Total: 244,300 SF (.31) Cap: 475,675 SF (.60)
Affordable Housing	30 units: very low (10) low (5) moderate (15)	30 24 units: very low (6) low (9) moderate (15) <u>middle (24)</u>	N/A	50 53 units: <u>very low (10)</u> <u>low and moderate (42)</u> <u>manager's unit: moderate (24-1)</u> middle (26)	Total: 110 107 affordable units
Housing Unit Mix (approx.)		1 BR (5) 2 BR (9) 3 BR (16) to be determined	N/A	Studio (15) 1 BR (16) 2 BR (14) <u>live-work 3 BR (5-11)</u>	
Shared Parking	238 onsite 33 street/shared 271 TOTAL	39 48 onsite 16 10 street/shared 55 58 TOTAL	124 106 onsite 4 street/shared 124 110 TOTAL	64 85 onsite (apts) 69 49 shared 133 134 TOTAL	583 573 TOTAL

	Parcel 1	Parcel 2	Parcel 3	Parcel 4	
* NOTE: The total number of shared parking spaces may be reduced by up to 24 spaces to accommodate angled parking on Street "B."					

(See Conditions #10, #13, #14 and #16)

15. Under State and local density bonus law, the Project is entitled to a density bonus. The 11 additional senior independent living units (or 184 base units with 37 density bonus units), as requested in the density bonus application, may be developed, resulting in a total of 221 senior independent living units in the Senior Living Community and a total of 301 residential units on the project site.
16. Prior to issuance of the first building permit for any building on a given parcel, the Applicant shall have provided, and the City shall have reviewed and approved, a parking plan that allocates parking spaces among the uses on the subject parcel and any then-existing uses on all other parcels; addresses any parking space sharing considerations; and provides a mechanism by which the property owner(s) shall monitor use of the parking spaces to ensure that they are used only as specified. The Applicant shall comply at all times with the approved parking plan then in effect in accordance with this condition.

C. CONDITIONS RELATING TO FUTURE PLANNING COMMISSION APPROVALS

17. Except as specifically authorized in these conditions of approval, all Project development shall be subject to further Planning Commission approval in the form of design review and subsequent conditional use permits, where applicable, and shall conform to these conditions of approval. Notwithstanding the foregoing, however, the associated grading and construction of the "backbone" infrastructure for the Project shall be permitted without design review approval if the design of such infrastructure has otherwise been approved in connection with CUP 2019-04, so long as the activities are conducted in accordance with these conditions of approval.
18. In addition to any requirements elsewhere in these conditions, the following requirements shall apply to future design review submittals for development on the Project site:
 - A. The design for Parcel 4 shall include public restrooms within a commercial or mixed-use building to serve the users of community amenities within the "central focal point."
 - B. For the mixed use buildings on Parcel 4 that front on the Street "A", the ground floor frontage along Street "A" shall be occupied solely by commercial uses in order to activate that frontage. Access doors that provide ground floor access to residential uses on upper floors shall be permitted.
 - C. The recreational amenities for Parcel ~~2~~ 4 (which includes ~~30~~ 53 units of affordable housing) shall, at a minimum, include a "tot lot" for use by the residents of that parcel. Additional outdoor amenities may be required at the time of design review for Parcel ~~2~~ 4.
 - D. In connection with design review for open space and recreational amenities on Parcel ~~2~~ 4, the Applicant shall provide additional details for review, as reasonably required by the City, including but not limited to:
 - Proposed manufacturer and line, dimensions and components, age appropriateness (2-5, 5-12) for any play structure proposed for the development;
 - Proposed surfacing material for any play structure (engineered wood fiber, poured-in-place rubber, etc.); and
 - Other site amenities such as benches, picnic tables, grills, etc.

- E. As part of the design review process for development on all parcels, the Applicant shall demonstrate the manner in which the parcel in question meets the useable open space per unit requirements set forth in the Land Use Code.
 - F. Unless determined otherwise by the Planning Commission during the design review process, the design of Parcel 3 (the hotel parcel) shall include a community and special events building (similar to the "Grange" building presented in the conceptual plans) and a common green area in the general locations presented in the North Village conceptual plans dated January 27, 2020.
 - G. Design review submittals shall show pedestrian and bicycle connectivity elements that comply with the Land Use Code and the NEAP.
 - H. The Applicant shall provide a bike share station on the Project site in a configuration and at a location acceptable to the Planning Commission. Bike rack placement throughout the site shall be subject to review and approval by the Public Works Director.
19. As part of the design review and/or subsequent conditional use permit approval for each parcel, all Project development shall be required to submit for review and approval by the City, a Transportation Demand Management ("TDM") Plan for the specific development on the parcel, in accordance with MM TRANS-1C of the MMRP.
20. As part of the design review and/or subsequent conditional use permit approval for each parcel, a parking signage plan shall be approved indicating parking spaces that would be restricted to specific uses and parking spaces that would be available for shared parking.

D. CONDITIONS RELATING TO PUBLIC & PRIVATE IMPROVEMENTS

21. Public improvement plans shall be prepared in accordance with the current edition of City Public Works Standard Specifications & Details, State Department of Health Standards and applicable Caltrans and State of California Manual on Uniform Traffic Control Devices criteria, or as approved by the City Engineer. The improvement plans shall be prepared by a California registered civil engineer(s).
22. All public sidewalks, driveway approaches and pedestrian ramps shall be designed and constructed to meet accessibility guidelines.
23. Prior to approval of any construction permits for public improvements, the Applicant shall enter into a public improvement agreement with the City to ensure completion of the public improvements. The Applicant shall provide performance, payment, and maintenance bonds, and insurance certificates, in accordance with City requirements.
24. Public Works engineering fees for the public improvements shall be due and payable at the time of making the first submittal of the public improvement plan application. Public Works inspection fees shall be due prior to issuance of the encroachment permit for the public improvement construction.
25. Prior to approval of the public improvement plans for Healdsburg Avenue frontage improvements, the Applicant shall contact Sonoma County Transit to determine what transit stop improvements are required at the existing bus stop on Healdsburg Avenue at the entrance to the project.
26. Landscaping and signage at the intersection of the site entry and Healdsburg Avenue shall be designed to preserve required sight distances. Sight distance calculations per State standards shall be required with the public improvement plans.

27. All pavement saw cut and conform locations and grades shall be subject to the approval of the City Engineer.
28. An encroachment permit from the Public Works Department shall be required for any work done within the public right-of-way, public easement, or on a public utility.
29. **Healdsburg Avenue Frontage Improvements & Landscaping.** Prior to issuance of the first Certificate of Occupancy for the Project, City standard frontage improvements including but not limited to sidewalks, curbs, gutters, signage, utilities, landscaping and streetlights shall be installed along the Healdsburg Avenue project frontage. All aerial facilities along the Project's frontage along Healdsburg Avenue must be undergrounded prior to the first Certificate of Occupancy for the project, unless otherwise deferred by the City of Healdsburg depending on PG&E construction timing. The aerial facilities shall be placed underground no later than the issuance of the Certificate of Occupancy for the hotel. All improvements shall be consistent with the adopted North Entry Area Plan and shall be designed and constructed in accordance with City standards. The applicant shall submit a public improvement plan application set to the Public Works Department for review and approval.
30. **Foss Creek Pathway.** Prior to issuance of the first Certificate of Occupancy for the Project, the Applicant shall install a minimum 10-foot wide paved multi use pathway with 2-foot wide class 2 gravel shoulders on the entire Healdsburg Avenue frontage of the Project site and install open split rail fencing that is no more than four feet in height and rural in design, material, and character on the eastern edge of the NCRA right-of-way, to the west of the Foss Creek Pathway and the landscaped frontage along Healdsburg Avenue. If improvements cannot be located outside of the North Coast Rail Authority right of way, applicant shall work with the North Coast Rail Authority or its successor trustees to obtain an easement to locate the pathway within the rail right of way. All portions of pathway, or related infrastructure improvements that are located within the railroad right of way shall be approved by Sonoma Marin Area Rail Transit as well as North Coast Rail Authority or its successor trustees, if necessary. The exact location of the pathway shall be determined during preparation of public improvement plans and shall be subject to the approval of the City Engineer. The pathway width may be reduced to an 8-foot wide paved pathway and the shoulders may be reduced in width only if a compelling reason to do so exists, such as uncorrectable grade or right of way constraints, and shall be subject to the approval of the City Engineer. The pathway shall be designed and constructed in accordance with State of California Highway Design Manual requirements. The pathway shall include lighting and fencing consistent with other segments of the Foss Creek Pathway in Healdsburg. A lighting study may be prepared by the Applicant to determine whether or not the Healdsburg Avenue streetlights provide sufficient lighting for the pathway, subject to City requirements and approval. Pathway lighting may be omitted for all portions of the pathway that the study deems to be adequately lit by the Healdsburg Avenue streetlights. Pathway lighting shall be constructed by the Applicant on all segments of the pathway that the study does not deem to be adequately lit. The study shall be submitted with the public improvement application package. The Applicant shall dedicate a public access/pathway easement to the City of Healdsburg, prior to City acceptance of the pathway improvements. Alternatively, the Applicant may provide an in lieu payment to the City of Healdsburg for the portion of pathway between the Project entry and the northerly site boundary. In this case, the Applicant shall provide the City Engineer with a pathway design and cost estimate for the section of pathway north of the Project entrance/public grade crossing. The feasibility, design and cost estimate are subject to review and approval by the City Engineer.
31. **Traffic Signal at Healdsburg Avenue/Project Entry.** Prior to issuance of the first Certificate of Occupancy for the Project, the Applicant shall construct a traffic signal on Healdsburg Avenue at the existing Project entrance as follows:
 - A. The traffic signal shall be inspected, tested and operational as approved by the City of Healdsburg, prior issuance of the first certificate of occupancy for the Project.

- B. The Applicant is responsible for completing traffic signal design plans, originally prepared for the adjacent Saggio Hills development, as part of the public improvement plans for the North Village Project.
- C. The traffic signal design plans shall be prepared in accordance with the current effective California Department of Transportation and the California Manual on Uniform Traffic Control Devices specifications and requirements.
- D. The Applicant is responsible for providing to the City, traffic signal timing and phase diagrams for the proposed signal.
- E. The traffic signal shall be equipped with an emergency vehicle pre-emption system per City requirements.
- F. The traffic signal system shall be designed and constructed to accommodate interconnection and communication with the future Sonoma Marin Area Rail Transit system design and circuitry, including railroad pre-emption system/timing, subject to City approval. City staff will coordinate the traffic signal system design with Sonoma Marin Area Rail Transit staff during review of the public improvement plans.
- G. Surety for the signalization improvements shall be provided as part of the public improvement agreement for the Project.

32. Dry Creek Road/Grove Street Intersection Improvements. Prior to issuance of the first Certificate of Occupancy, the Applicant shall improve the northbound approach to the Dry Creek Road/Grove Street intersection in accordance with MM TRANS-1b in the MMRP. Improvements shall be implemented prior to issuance of the first Certificate of Occupancy for the Project. The Applicant shall submit the necessary construction drawings for the Dry Creek Road/Grove street intersection and signal modification improvements with the public improvement plan application submitted for the Comstock project, subject to review and approval by the City. Surety for the street intersection and signal modification improvements shall be provided as part of the public improvement agreement for the Project.

33. Secondary Emergency Vehicle Access ("EVA") from Healdsburg Avenue. Prior to issuance of the first building permit for vertical construction on the site, or the storage of combustible materials on the Project site, Applicant shall construct the proposed secondary EVA. The access road within the EVA is required to be a minimum paved width of 20' and constructed to support the weight of a Fire Engine. Applicant shall record a restrictive covenant agreement on Parcel 4 and the North Coast Rail Authority property, to ensure that the EVA remains unmodified and in full force and effect so as to provide a secondary public EVA to the Project unless and until an alternative EVA has been constructed and accepted by the City. The following items are required prior to approval of improvement plans for the EVA:

- A. Provide details and dimensions showing the required width over the NCRA right of way and showing gate locations on each side of the NCRA right of way and distances from Healdsburg Avenue to both gates.
- B. The distance of the east gate from Healdsburg Avenue and the distance between the gates must be approved by the Fire Department. The gates shall be equipped to open simultaneously by a single Knox key located on both sides of the NCRA right of way.
- C. Provide a section detail for the EVA demonstrating that the improvements will be constructed to support the weight of a Fire Truck.
- D. Demonstrate that there is a clear line of sight to the north on Healdsburg Avenue from the EVA entry for safe entry and exiting.

34. Street "A" and Street "B" Improvements and Landscaping. The interior street cross sections, including streets, sidewalks, landscaping and lighting shall be designed and constructed in accordance with the North

Village Master Conditional Use Permit plans dated January 27, 2020, and as amended by the Planning Commission. On Street "B," within the 74' public access and private utility easement, the applicant will replace the perpendicular parking with angled parking. Applicant shall work with Public Works and Planning & Building staff to enhance the pedestrian environment with additional landscaping and wider sidewalks, as feasible, and subject to review and approval by the Fire Department, prior to submittal of construction drawings.

35. All privately owned and maintained roads, sidewalks and utilities shall be designed and constructed in accordance with City standards, including pavement structural sections.
36. **Perimeter Trail.** Prior to issuance of the first Certificate of Occupancy for each parcel, the Project applicant shall construct the perimeter trail within each respective parcel in accordance with the North Village Master Conditional Use Permit plans dated January 27, 2020, and as amended by the Planning Commission. Applicant shall enter into a public access agreement that is subject to review and approval by the City Engineer, and the trail improvements shall be subject to an agreement that establishes private maintenance obligations for the trail in perpetuity subject to review and approval by the City Engineer.
37. The Applicant shall install a new benchmark on or near the Project site within a public right of way or property, on NAVD 1988 datum, 3rd order or better, subject to City Engineer approval.

E. CONDITIONS RELATING TO EASEMENTS & MAINTENANCE AGREEMENTS

38. All public water mains, meters, boxes, fire hydrants, etc. shall be located with a minimum public utility easement, to be dedicated to the City of Healdsburg prior to acceptance of the public improvements. At no cost to the City, public utility easements will be required along the Healdsburg Avenue frontage and at various locations within the development. At a minimum, the developer will provide a 5-foot wide public utility easement, back of sidewalk, for dry and wet utilities along the frontage of Healdsburg Avenue and along roads throughout the proposed development. Additional public utility easements may be required as development occurs.
39. The Applicant shall dedicate emergency vehicle access ("EVA") easements to the City of Healdsburg to allow sufficient emergency vehicle access throughout the Project site, subject to City approval. The exact location of the EVA easements shall be determined during the preparation of the private improvement plans. All EVA easements shall be dedicated to and accepted by the City prior to issuance of the first Certificate of Occupancy on each parcel except for the secondary EVA that crosses the North Coast Rail Authority right of way. That EVA is subject to a restrictive covenant agreement which must be recorded prior to issuance of the first building permit for vertical construction or the storage of combustible materials on the Project site.
40. The Applicant shall dedicate to the City of Healdsburg the necessary right of way along Healdsburg Avenue at the entrance to the Project site and the necessary public access easements to accommodate all sidewalk along the Healdsburg Avenue frontage as well as all portions of the Foss Creek Pathway prior to City acceptance of the public improvements.
41. All shared private storm drain and sewer utilities shall be located within private easements.
42. All public and private easements shall be dedicated via separate documents, subject to the review and approval by the City Engineer prior to recordation. The Applicant is responsible for preparing draft legal descriptions and graphic exhibits for all easements and submitting to the Public Works Department for review and approval, prior to acceptance of public improvements for public easements or prior to issuance of the first Certificate of Occupancy for private easements. The City will provide grant deeds for public easements and right of way dedications, for the applicant to sign and notarize.

43. Prior to issuance of the first Certificate of Occupancy for each parcel, private maintenance declarations shall be created and recorded for all shared private utilities, streets, driveways, sidewalks, streetlights, drainage, private shared landscaping, landscaping on the Healdsburg Avenue frontage, EVAs, perimeter trail and all other commonly shared infrastructure. All maintenance declarations shall be reviewed and approved by the City, prior to recordation.

F. CONDITIONS RELATING TO ISSUANCE OF GRADING & BUILDING PERMITS

44. A grading permit is required from the Planning & Building Department prior to the commencement of any on-site grading activities.

45. A building permit is required from the Planning & Building Department prior to the commencement of any on-site development work including but not limited to, private roads, driveways, sidewalks, utilities, grading and drainage.

46. Prior to issuance of a grading permit for work proposed during the breeding/nesting season for local avian species (February 15-August 31), a pre-construction survey shall be conducted and measures implemented, if necessary, in accordance with MM BIO-1 of the MMRP.

47. Prior to issuance of the first building permit, the Applicant shall propose street names for the proposed private streets and shall request addressing assignments from the City. All street names are subject to City approval.

48. Following review and approval by the City, the Lot Line Adjustment (LLA 2019-03) shall be recorded prior to issuance of any building permits for structures.

49. Applicant shall prepare and submit documentation that shows adequate access and utilities for each individual building for approval by the Director of Public Works or his/her designee prior to the issuance of any building permits for such building.

50. The construction of any structures or improvements authorized by this approval shall not commence until all necessary permits pertaining to the use or construction in question are obtained. Before any grading or building permit will be issued by the City, Applicant must obtain written clearance from all departments having conditions and such clearance shall indicate that the Applicant has satisfied all pre-construction conditions.

51. In accordance with MM NOI-1b of the MMRP, an acoustical analysis must be submitted prior to issuance of a building permit for multi-family residential or hotel projects proposed within 290' of the centerline of US 101 or a building permit for commercial or nursing home project within 140' of the centerline of US 101. In accordance with MM NOI-2 of the MMRP, an acoustical analysis must be submitted prior to issuance of a building permit for any structures located within 100' of the centerline of the NCRA right of way.

52. Prior to issuance of a building or grading permit for an open space or recreational amenity that will be publicly accessible, Applicant shall have submitted, and the City Manager or his/her designee shall have approved, a set of regulations for such publicly accessible space or amenity that addresses operational considerations such as availability of open space to the general public, hours of operation, considerations for restrictions of use by the general public (e.g., special events), etc. Publicly accessible open space and recreational amenities shall be designated through the design review process and shall include, but not be limited to, the following: Perimeter Trail; "Grange" building on Parcel 3; "common green" on Parcel 3; retail plaza on Parcel 4; and tot lot on Parcel 2. Note: the Foss Creek Pathway segment is a recreational amenity that will be dedicated to the City upon completion.

G. CONDITIONS REQUIRED PRIOR TO ISSUANCE OF CERTIFICATES OF OCCUPANCY

53. See Conditions 29, 30, 31, 32, 35, 41 and 42 relating to public improvements along the Healdsburg Avenue frontage of the Project site and other off-site improvements required prior to issuance of the first Certificate of Occupancy on the Project site.
54. Prior to issuance of the first Certificate of Occupancy for each parcel on the Project site, the Applicant shall contribute, for that parcel, a proportional share allocation towards the cost of planned improvements to the Dry Creek Road/US 101 interchange in accordance with MM TRANS-1a, MM TRANS-5, and Cumulative MM TRANS-1 per the MMRP. The proportional share allocated to each parcel shall be based upon a cost-sharing methodology based on trip generation to be adopted by the City Council following completion of a feasibility study for the proposed Dry Creek Road/ US 101 interchange improvements.
55. Prior to issuance of a Certificate of Occupancy for any residential uses on the Project site that would be occupied while construction within the plan area is still underway, the Applicant shall submit a health risk assessment per MM AIR-3 of the MMRP.
56. All internal streets and sidewalks, landscaping, hardscaping and amenity elements approved during Design Review for a parcel must be complete prior to issuance of the first Certificate of Occupancy for a structure on that parcel. However, if the planting of any landscaping elements is delayed by weather or any other unforeseen circumstances, such planting must be completed as soon as practicable to the satisfaction of the City.
57. Prior to issuance of the first Certificate of Occupancy for any building on a given parcel, a five year landscape maintenance plan for such parcel, in a form approved by the City in its reasonable discretion, shall be executed by the Applicant to ensure all landscaping and trees including existing protected trees are maintained in good repair and in a healthy and thriving condition. Any significant vegetation or loss of trees contemplated by the landscape maintenance plan shall be immediately replaced with an equivalent type, size or quantity of the lost vegetation or trees.
58. Prior to issuance of the first Certificate of Occupancy for any building on a given parcel, a trash collection agreement with the City's service provider shall be put in place. This is to ensure provision of adequate trash collection service and may be amended to increase collection frequencies to the satisfaction of the City.

H. CONDITIONS PERTAINING TO CONSTRUCTION ACTIVITIES

59. The Applicant shall ensure that potential contractors are aware of City requirements. The Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, Conditions of Approval, and MMRP requirements and submit a copy of the notice to the Planning & Building Department. Notice of these requirements shall also be provided on all construction plans.
60. Before each parcel is built out, that parcel may be used for staging and movement of construction vehicles and equipment. If at any time a parcel that is not yet built out includes exposed soils, the Applicant shall hydroseed the unpaved areas; alternatively, subject to the approval of the Planning Director or his/her designee, the Applicant may implement a different type of ground cover for dust control and aesthetics.
61. All construction-related vehicles, equipment staging, and storage areas shall be located onsite and outside of the public rights-of-way associated with Healdsburg Avenue, US 101 and the NCRA railway, unless otherwise agreed to by the Director of Public Works and, if required, other entities. The Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Applicant's designee responsible for enforcement of this restriction. Designated construction personnel

parking, equipment staging, and storage areas shall be depicted on Project plans submitted for building permit applications. All City Department comments on the Project are required to be met to the Department's satisfaction.

62. This approval does not confer legal status on any existing structures(s) or use(s) on the property unless specifically authorized by this approval. The cover sheets of all building permit and grading permit drawings for the Project shall be required to include documentation of the developer's commitment that all diesel-powered portable equipment on the Project site will meet EPA particulate emissions standards for Tier 4 engines or the equivalent for construction of the Project.
63. During any grading or construction activities on the site, the contractor shall implement the following best management practices that are required of all Projects:
 - A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, and more often, as necessary, based on weather conditions.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - C. 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.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - E. All roadways, driveways, and sidewalks shall be paved in a timely manner with no undue delay. Building pads shall be laid immediately after grading unless seeding or soil binders are used.
 - F. Idling times of construction equipment 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 [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. 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.
 - H. Prior to issuance of a grading permit, the property owner shall post a publicly visible sign with the telephone number of the on-site project construction manager. This person shall respond to complaints and take corrective action within 48 hours. The Air District's phone number shall be visible to ensure compliance with applicable regulations.

I. PUBLIC WORKS DEPARTMENT - ADDITIONAL CONDITIONS

Interior Streets

64. Realign the driveway approaches for Private Street "A" on the construction drawings to such that a 2-way stop control can be established for the driveway on the east side of the street and one of the driveways on the west side of the street, to the extent feasible as determined by the Public Works Director/City Engineer, prior to the Planning Commission's action on the design review application.
65. All privately owned and maintained roads, sidewalks and utilities shall be designed and constructed in accordance with City standards, including pavement structural sections.
66. Prior to approval of on-site improvement plans, the Applicant shall work with the City Engineer and Fire Marshal to develop a plan for on-street parking restrictions such as limited time parking, fire staging/red

curb no parking areas and clear zones as well as truck/vehicle loading zones. These areas shall be appropriately signed.

Utilities

67. All new storm drain and sewer utility lines on the Project site shall be privately owned and maintained.
68. The proposed water main shall be public in proposed private Street "A" and Street "B", as shown on the "Master Conditional Use Permit Public Improvements and Common Area Utility Plan" dated January 27, 2020. The remaining portions of the water line system shall be privately owned and maintained.
69. The Applicant shall submit final, construction plan level, fire flow pressure and pressure water system calculations with submittal of construction drawings to demonstrate Fire Code requirements for water supply are met.
70. The Applicant shall submit domestic water use demands with submittal of construction drawings to determine the necessary water service and meter sizes.
71. The existing Geysers pipeline is located within the Project site and along the Healdsburg Avenue street frontage. The Applicant is responsible for contacting the City of Santa Rosa Utilities Department and obtaining written approval prior to any work within the Geysers pipeline easement.
72. Locations of all utilities, including joint trench lines, shall be coordinated with the approved Landscape Plan (dated January 27, 2020). Landscaping over utility lines shall be limited to low lying shrubs and ground cover. Additional street pavement restoration will be required in joint trench areas, subject to the approval of the City Engineer.
73. Draft joint trench plans shall be submitted concurrently with the public improvement and private site plans.

Drainage and Low Impact Development

74. Landscaping and irrigation shall be designed and constructed in accordance with the City's water efficiency requirements. The Applicant shall submit Water Efficiency Landscape Ordinance calculations with the landscape plans submitted as part of the improvement plans and construction drawings submitted with building permits.
75. The Applicant shall submit final, construction level hydrology and storm water quality/low impact development calculations with the submittal of public improvement plan application. The final hydrology calculations shall comply with the City's storm drain collection system design standards and shall be prepared in accordance with the Sonoma County Water Agency Flood Control Design Criteria Manual.
76. The project shall be designed and constructed in accordance with the City's low impact development storm water regulations. The Applicant shall submit final storm water low impact development calculations, report, plan, and signed and dated determination worksheet with the public improvement plan application.
77. Prior to issuance of the first Certificate of Occupancy, the Project may be required to install a trash capture device on the storm drain system, to be determined with preparation of the final low impact development calculations. The device shall be privately owned and maintained.
78. The Applicant shall submit an operations and maintenance agreement, using the City's template, to the City Engineer for review and approval for post construction storm water treatment items. The agreement shall be recorded prior to issuance of the first Certificate of Occupancy.

J. ELECTRIC DEPARTMENT - ADDITIONAL CONDITIONS

79. All new utility infrastructure necessary for this development to connect to the City's distribution system (or street lighting circuits), whether interior or exterior to the development, shall be undergrounded, as shall any other elements required to be undergrounded pursuant to the City's General Plan, the NEAP, or any other regulatory document.
80. All work must be done in accordance with the City Electric Service Requirements. The City Electric Department will work with the contractor throughout the Project to determine locations of electrical equipment.
81. The final design for the electric facilities, services and estimation of service fees will be developed during the grading or building permit process, whichever comes first.

K. FIRE DEPARTMENT - ADDITIONAL CONDITIONS

82. Buildings and Facilities: Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. (see CFC 503.1.1)
83. Dead End Roads: Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with the City of Healdsburg standards for public streets or as approved by the Fire Marshal per Municipal Code section 15.08.020. (see CFC D103.4)
84. Aerial Apparatus: Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access to the eave or intersection of roof to the exterior wall shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. (see CFC D105.1)
85. Defensible Space: Buildings and structures located within a Moderate or High Fire Severity Zone as identified by the Healdsburg 2030 General Plan shall maintain a defensible space as outlined in Government Code sections 51175-51189. Hardscaping is strongly recommended around the base of structures 0-5 ft. (see CFC 4907.1) Refer to defensible space at <https://www.firesafemarin.org/defensible-space>
86. Fire Safe Landscape Design: On the landscaping plans, provide the plant key. Vegetation that allows a fire to move from lower growing plants to taller ones is referred to as "ladder fuel." The ladder fuel problem can be corrected by providing a separation between the vegetation layers. Within the defensible space area, a vertical separation of three times the height of the lower fuel layer is recommended. The landscaping plans should provide horizontal and vertical breaks depending on the slope of the terrain. Refer to the plant spacing guide and plant list at <https://www.firesafemarin.org/plants>
87. The Residential Care Facility for the Elderly (RCFE) will require the Fire Marshal's signature on changes of numbers of types of clients, beds, etc. Changes require inspections and documentation to be submitted to the RCFE licensing agency for approval.

L. BUILDING DEPARTMENT - ADDITIONAL CONDITIONS

88. Building permits submitted after January 1, 2020 shall be reviewed and constructed in compliance with the 2019 California Building Standards Codes Title 24.
89. Construction on this site will require soils report and will be reviewed by the City's 3rd party Geotechnical Engineer.
90. The site is located in the moderate fire hazard designated zone. All construction must comply with the requirements specified in CBC Chapter 7A for Wildland / Urban interface.
91. REACH Code – Fossil fuel burning appliances are prohibited except for food cooking appliances and decorative fireplaces.