

Planning Commission Resolution 2021-08

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF HEALDSBURG APPROVING MAJOR
DESIGN REVIEW PERMIT DR 2021-07 AND MAJOR
CONDITIONAL USE PERMIT CUP 2021-04 FOR THE
NORTH VILLAGE MIXED USE PROJECT LOCATED AT
16977 HEALDSBURG AVENUE**

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 in recognition of its importance both as an attractive gateway into the City and an area of transition from the rural landscape of the Alexander Valley to the more urban core of downtown Healdsburg, the City prepared the North Entry Area Plan (“NEAP”), which was adopted by the Healdsburg City Council on May 20, 2019, to provide detailed guidance for future development of the North Village site including a vision concept, land use guidelines, development standards, and design guidelines; 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 on an approximately 32-acre property located at 16977 Healdsburg Avenue, including the following uses on a 5.1-acre parcel (“Parcel 4”) of the North Village Project site:

Mixed Use Residential/Retail: Parcel 4 would include approximately 12,000 SF of commercial/retail square footage on the ground floor of structures fronting the Primary Street (Street "A") with 45 multi-family units and five live-work units both above the retail and in other structures on the parcel. The mix of apartment types is anticipated to include 15 studio units, 16 1BR units, and 14 2BR units. All of the units would be affordable, with 24 units targeted to moderate-income households and 26 units (including the live-work units) targeted to middle-income households (120-160% AMI).

WHEREAS, prior to the Planning Commission taking action on Master Conditional Use Permit CUP 2019-04, and the City Council taking action on Development Agreement 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 applications requesting a Major Design Review Permit and a Major Conditional Use Permit for development of the Mixed Use component ("Mixed Use Project") on Parcel 4 of the North Village Project site which will include the following:

Three separate residential-scale buildings providing approximately 12,530 square feet of retail space and five live-work units at street level and 45 multi-family residential units on the second and third stories (including 15 studios, 16 one-bedroom units and 14 two-bedroom units) with access provided by exterior covered corridors. The site includes a courtyard area (the "Promenade") and furnishings to provide a variety of outdoor gathering spaces for residents and visitors. The project includes a parking lot which is shared with other uses in the North Village project. A total of 64 on-site parking spaces are dedicated to the Mixed Use project and 72 shared parking spaces are located in the parking lot and on-street in the site vicinity.

WHEREAS, at a properly noticed public workshop held on April 13, 2021, the Planning Commission reviewed plans for the Project, received public comments, and provided feedback to the Applicant regarding the plans for the Project; and

WHEREAS, prior to taking action on the Project, and at a properly noticed public hearing on May 25, 2021, the Planning Commission reviewed written and oral staff reports, conducted a public hearing on the Project and took testimony; and received into the record all pertinent documents related to the Project; 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 Mixed Use Project is consistent with the Project evaluated in the NEAP EIR Addendum. The NEAP EIR Addendum is available on the City of Healdsburg's website and in the agenda packet for Major Design Review Permit DR 2021-07 and Major Conditional Use Permit CUP 2021-04 and is incorporated herein by reference; and

BE IT FURTHER RESOLVED that the Planning Commission determines that the Mixed Use 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 Major Design Review Permit DR 2021-07 and Major Conditional Use Permit CUP 2021-04 subject to the Conditions of Approval attached hereto as Attachment A, as follows:

Design Review Permit Findings

A. The proposed development or use is consistent with all applicable policies and requirements of the General Plan and Land Use Code.

The proposed North Village Mixed Use project is a commercial use type that is permitted within the Mixed Use "MU" land use classification in the Healdsburg 2030 General Plan. Prior approvals of the Master Conditional Use Permit (CUP 2019-04) and the Development Agreement (DA 2020-01) for the North Village Project determined that the mix of uses and densities proposed on the Mixed Use Project site are consistent with the General Plan. The Mixed Use Project advances General Plan policies encouraging development of a variety of housing types to address housing needs in the community, including affordable housing. The Project is also consistent with General Plan policies encouraging mixed use development. The Project is consistent with the vision, guiding principles, policies and guidelines of the North Entry Area Plan (NEAP) which was adopted as an amendment to the Healdsburg 2030 General Plan. The North Village Mixed Use project complies with the requirements of the Mixed Use "MU" zoning classification and the North Entry Area Plan "NEAP" Overlay as established in the Land Use Code (Healdsburg Municipal Code, Title 20) as discussed in detail in the staff report and Exhibit 7 and Exhibit 8 for the May 25, 2021, Planning Commission hearing for DR 2021-07 and CUP 2021-04.

- B. The proposed design of the development or use, and all appurtenant structures, is consistent with the policies set forth in the Citywide Design Guidelines, as may be amended from time to time.**

Although the Citywide Design Guidelines are applicable to all projects subject to Major and Minor design review, they are only mandatory within "Character Area 1." In areas subject to a specific Area Plan, such as the NEAP, the Area Plan provides design guidelines and standards, and the Citywide Design Guidelines are only used to provide additional information about topics not addressed within the Area Plan. The North Village Mixed Use Project site is located within the planning area for the NEAP, which establishes comprehensive design standards for the Mixed Use Project. Therefore, the project design was evaluated for consistency with the design guidelines established in the NEAP. See discussion below for Finding E.

- C. The proposed development or use is consistent with the purposes of the zoning district in which it is located.**

The North Village Mixed Use Project includes multi-family residential uses, live-work units and retail uses. This mix of uses was determined to be consistent with the special purposes of the MU District and the NEAP Overlay when the Planning Commission granted a Master Conditional Use Permit (CUP 2019-04) for the North Village Project on February 11, 2020. The Mixed Use Project includes "residential uses as part of a mixed use development" and "live-work facilities" which are use types that require a site-specific conditional use permit. The Major Conditional Use Permit (CUP 2021-04) has been considered in conjunction with this Major Design Review Permit (DR 2021-07). The proposed residential and retail uses are generally consistent with the zoning district, and as conditioned, the Project is consistent with the zoning district's specific requirements.

- D. The proposed development or use is consistent with all other conditions imposed by the Planning Commission or City Council with respect to any matter related to the purpose of design review.**

The proposed North Village Mixed Use Project is consistent with the NEAP, the Master Conditional Use Permit for the North Village Project (CUP 2019-04), and the North Village Development Agreement (DA 2020-01). All applicable conditions associated with the Master Conditional Use Permit are incorporated into this approval. The Mixed Use Project is also required to comply with all applicable mitigations of the Final Environmental Impact Report for the North Entry Area Plan (NEAP FEIR) and the NEAP FEIR Addendum, as presented in the adopted Mitigation Monitoring and Reporting Program (NEAP MMRP).

- E. For proposed developments or uses in the North Entry Area Plan Overlay, the design of the development or use, and all appurtenant structures, is consistent with the goals, policies, objectives and design guidelines set forth in the North Entry Area Plan, as adopted by the Healdsburg City Council on May 20, 2019, as may be amended from time to time.**

As detailed in the staff report and Exhibit 7 for Major Design Review Permit DR 2021-07 (NEAP Consistency Analysis), the proposed Mixed Use Project is consistent with the Guiding Principles, Land Use & Development Standards, and Design Guidelines established in the NEAP.

Conditional Use Permit Findings

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

The entire North Village Project site is designated Mixed Use (MU) in the Healdsburg General Plan and is subject to the policies and guidelines of the North Entry Area Plan (NEAP). As detailed in the staff report for Major Design Review Permit DR 2021-07 and Exhibit 6 (Healdsburg 2030 General Plan Consistency Analysis) and Exhibit 6 (NEAP Consistency Analysis), the proposed North Village Mixed Use Project is consistent with the Healdsburg 2030 General Plan and the NEAP.

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

The residential uses in the North Village Mixed Use Project include multi-family residences and live-work units, both of which require a site-specific conditional use permit. Both the use type and the project location are consistent with the Mixed Use (MU) District and the North Entry Area Plan (NEAP) Overlay as established in the Land Use Code. As detailed in the staff report for Major Design Review Permit DR 2021-07 and Exhibit 8 (Land Use Code Consistency Analysis), the Mixed Use Project complies with the applicable development standards of the Land Use Code.

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 Mixed Use Project site is in a Mixed Use (MU) District, surrounded by lands within the North Village Project site to the north, west and south and the NCRA railroad right-of-way, Healdsburg Avenue and the Montage Healdsburg development to the east. The NEAP EIR determined that the North Village Project as a whole would not significantly impact properties or improvements in the immediate vicinity of the site. The NEAP Final EIR and the NEAP MMRP include mitigation measures to ensure that construction-related activities do not result in impacts to nearby properties and/or uses. Based on the analysis in the NEAP EIR and its required mitigation measures, the proposed North Village Mixed Use Project will not result in or create a detrimental condition on the property, property vicinity or within the community.

BE IT FURTHER RESOLVED that the Healdsburg Planning Commission does hereby approve the Major Design Review Permit DR 2021-07 and Major Conditional Use Permit CUP 2021-04 subject to the Conditions of Approval shown in Attachment A hereto, which is incorporated herein by reference.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase, or word of this Resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the Resolution. The Planning Commission hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

BE IT FURTHER RESOLVED that the Director of Community Development is directed to cause to be filed a Notice of Determination with the appropriate agencies in accordance with CEQA.

DULY AND REGULARLY ADOPTED by the Healdsburg Planning Commission on the 25th day of May, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dan Petrik, CHAIR

Luke Sims, SECRETARY

ATTACHMENTS:

A. Conditions of Approval

CONDITIONS OF APPROVAL

DESIGN REVIEW PERMIT DR 2021-07 & CONDITIONAL USE PERMIT CUP 2021-04

NORTH VILLAGE - MIXED USE PROJECT

Address: 16977 Healdsburg Avenue
(APNs: 091-060-039; 091-060-025)

The following conditions shall apply to the City of Healdsburg's approval of Major Design Review Permit DR 2021-07 and Major Conditional Use Permit CUP 2021-04 for the North Village Mixed Use Project ("Project"). For clarity, applicable conditions from Master Conditional Use Permit (CUP 2019-04) are included and identified by *italicized text*.

A. GENERAL CONDITIONS

1. This approval is subject to all of the applicable terms and conditions of the Development Agreement for the North Village Project ("DA 2020-01") that was approved by the City Council on April 6, 2020. If any of these conditions of approval is in conflict, or is inconsistent, with any term or condition of the Development Agreement, then any such condition shall be deemed waived or satisfied for purposes of the Major Design Review Permit and Major Conditional Use Permit and the Development Agreement shall control.
2. 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 ("NEAP EIR Addendum") that is attached thereto ("NEAP MMRP"), shall be implemented as conditions of Project approval, and are incorporated herein by reference.
3. 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.
4. This approval is subject to all of the applicable conditions of the Master Conditional Use Permit ("CUP 2019-04") for the North Village Project that was approved by the Planning Commission on February 11, 2020.
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 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.
7. 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.

8. All plan check and development impact/capacity fees will be calculated and assessed prior to issuance of building permits for the Project and shall be paid in accordance with Section 4.2 of the Development Agreement.
9. Minor modifications to the uses and improvements authorized by Major Design Review Permit DR 2021-07 and Major Conditional Use Permit CUP 2021-04, as summarized in the North Village Mixed Use Project Development Limitations Table, below, may be approved by the Planning & Building Director; major modifications will require Planning Commission approval. Any additional floor area or site coverage granted must remain within the sitewide limitations prescribed by the NEAP and the NEAP Overlay (Land Use Code Chapter 20.12; Article IV).

North Village Mixed Use Development Limitations Table

Use types	Multi-family residential; live-work facilities; commercial/retail
Allowable uses	45 residential units; 5 live-work units; 12,530 square feet of commercial/retail space
Floor Area (conditioned space)	Residential uses - 43,758 square feet Commercial/retail uses - 12, 532 square feet
Floor Area (covered, unconditioned space)	14,381 SF
Site Coverage	25,137 SF
Affordable Housing	45 multi-family units: moderate- 80-120% AMI (24) middle- 120-160% AMI (21) 5 live work units: middle- 120-160% AMI (5)
Parking	64 dedicated spaces in east parking lot
Shared Parking	17 shared spaces in east parking lot 35 shared spaces on Dovetail Lane 22 shared spaces on Boxheart Drive

10. In accordance with Section 5.2(d) of DA 2020-01, prior to issuance of building permits, a Middle Income Housing Agreement shall be executed by Developer and be recorded against the Property.
11. Prior to issuance of building permits, the final landscaping plans must be reviewed and approved by the Planning & Building Director and the Fire Marshal, in consultation with the preparer of the Vegetation Management Plan preparer, to ensure that the landscaping plans are consistent with the final Vegetation Management Plan.

12. Prior to issuance of the first Certificate of Occupancy, an amendment to the Reciprocal Easement Agreement for the North Village Project must be recorded to include the following standard for landscape maintenance:
All landscape operation, maintenance, repair, reconstruction and replacement within the Private Streets Easement Area shall be performed in a first class and workmanlike manner in accordance with best landscaping practices, including regular mowing, edging, trimming, weeding, irrigation, fertilization, pest control, pruning and replacement of plant materials as needed.
13. Prior to issuance of building permits, the applicant shall submit plans for review and approval of the Planning & Building Director that identify visible and convenient location(s) for placement of additional bicycle racks to serve visitors to the retail uses.
14. Prior to issuance of building permits, plans for the refuse storage structure in the east parking lot must be approved by the Planning & Building Director. The design and materials shall be consistent with the architectural detailing of the Mixed Use project.
15. *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.*
16. Prior to issuance of building permits, a Parking Signage Plan shall be submitted to the City to help implement parking restrictions for parking spaces on the subject parcel that are restricted to specific uses and spaces that are available for shared parking.
17. The City Engineer reserves the right to require the installation of a "right-turn only" sign at the driveway exit from the east parking lot on the Mixed Use Parcel if, at any time in the future, such a restriction is warranted by traffic volumes and/or accident data.
18. Prior to issuance of a business license for a retail establishment with outdoor dining on the Mixed Use Parcel, both the Planning & Building Director and Public Works Director must find that all applicable building codes and accessibility requirements are met. All commercial uses shall comply with the City's noise ordinance (HMC, Chapter 9.32) which limits nighttime exterior sound levels to 60 dBA L₁₀ between the hours of 8:00 PM to 7:00 AM.
19. In accordance with MM TRANS-1C of the MMRP, implementation of the North Village Mixed Use Transportation Demand Management Plan ("TDM Plan") prepared by Walker Consultants (December 23, 2020) is required. To ensure that the Mixed Use Project's trip generation rate of motorized vehicles is being reduced and redistributed to alternative low carbon mobility modes and that the objectives of the shared parking plan are met, the Mixed Use Project property manager shall submit an annual TDM program monitoring report to the Planning & Building Director summarizing the performance of the TDM program in supporting the daily mobility needs of residents, visitors and employees and changing travel behavior. If the parking and mobility objectives of the TDM Plan are not met, modifications to transportation programs must be identified and implemented.

B. CONDITIONS RELATING TO PUBLIC & PRIVATE IMPROVEMENTS

20. *All privately owned and maintained roads, sidewalks and utilities shall be designed and constructed in accordance with City standards, including pavement structural sections.*
21. *Prior to issuance of a Certificate of Occupancy for the Project, the Applicant shall construct the segment of the perimeter trail that lies within the Mixed Use Project site boundaries. 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 (see MCUP 2019-04, Condition #36).*

C. CONDITIONS RELATING TO EASEMENTS & MAINTENANCE AGREEMENTS

22. *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 restrictions defined in the Project's Reciprocal Easement 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.*
23. *All shared private storm drain and sewer utilities shall be located within private easements.*
24. *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.*
25. *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.*

D. CONDITIONS RELATING TO ISSUANCE OF GRADING & BUILDING PERMITS

26. *Grading, utility, trenching and building plans shall illustrate the Tree Protection Zone (TPZ) for the two retained trees on Parcel 4 as shown in the "Tree Inventory" prepared by Horticultural Associates (April 1, 2021). Implementation of protective measures identified in the "Tree Protection Guidelines" in the Horticultural Associates report (April 1, 2021) is required. The TPZ, Fencing and Grading & Trenching requirements shall be specified on the plans.*
27. *Permits are 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.*

28. *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.*
29. *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.*
30. *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.*
31. *Prior to issuance of a building or grading permit for the Perimeter Trail segment on the Project site, 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.*

E. CONDITIONS PERTAINING TO CONSTRUCTION ACTIVITIES

32. *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.*
33. *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.*
34. *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, U.S. 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.*
35. *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.

36. *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.*

F. CONDITIONS REQUIRED PRIOR TO ISSUANCE OF CERTIFICATES OF OCCUPANCY

37. As required by the Master Conditional Use Permit for the North Village Project (CUP 2019-04), the following public improvements are required and the required timing for completion of each component is linked to all development within the North Village Project, including the Mixed Use Project:
- A. Healdsburg Avenue Frontage Improvements and Landscaping shall be installed prior to issuance of the first Certificate of Occupancy (see CUP 2019-04, Condition #29);
 - B. Foss Creek Pathway improvements on the North Village site shall be installed prior to issuance of the first Certificate of Occupancy (see CUP 2019-04, Condition #30);
 - C. Traffic Signal at Healdsburg Avenue/Project Entry shall be installed prior to issuance of the first Certificate of Occupancy (see CUP 2019-04, Condition #31);
 - D. Dry Creek Road/Grove Street Intersection Improvements shall be installed prior to issuance of the first Certificate of Occupancy (see CUP 2019-04, Condition #32);

- E. Secondary Emergency Vehicle Access ("EVA") from Healdsburg Avenue shall be constructed prior to issuance of the first building permit for vertical construction on the site or the storage of combustible materials on the site (*see CUP 2019-04, Condition #33*).
38. The Applicant shall contribute 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 shall be based upon the fee methodology approved by the City Council for the City's traffic impact fee update on January 22, 2021. (*See MCUP 2019-04, Condition #54*)
39. *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.*
40. *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.*
41. *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.*
42. *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.*

G. PUBLIC WORKS DEPARTMENT - ADDITIONAL CONDITIONS

Interior Streets

43. *All privately owned and maintained roads, sidewalks and utilities shall be designed and constructed in accordance with City standards, including pavement structural sections.*
44. *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

45. *All new storm drain and sewer utility lines on the Project site shall be privately owned and maintained.*
46. *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.*

47. *The Applicant shall submit domestic water use demands with submittal of construction drawings to determine the necessary water service and meter sizes.*
48. Individual water meters and utility accounts are required for all condominium and common parcels, to be determined in the future.
49. Individual water meters and utility accounts are required for each commercial tenant, to be determined in the future. Backflow prevention may be required for commercial units depending on use.
50. Combined sewer laterals shall be 6-inches diameter or larger, and are allowed for the mixed-use area. Maintenance declarations and easements for any shared sewer laterals are required to be established and recorded prior to final inspection.
51. Grease interceptors will be required, on restaurants/coffee shops/deli's, etc., to be determined in the future.
52. *Locations of all utilities, including joint trench lines, shall be coordinated with the approved Landscape Plan. 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.*
53. *Draft joint trench plans shall be submitted concurrently with the public improvement and private site plans.*

Drainage and Low Impact Development

54. *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.*
55. The Project shall be designed and constructed in accordance with the City's low impact development storm water regulations. Final, construction level, low impact development storm water calculations and plans are required with the submittal of the building permit application construction documents, for both the on-site and off-site areas. This shall include the final SWLID determined worksheet, signed by the applicant.
56. *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.*
57. *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.*

H. ELECTRIC DEPARTMENT- ADDITIONAL CONDITIONS

58. *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.*

59. *All work must be performed 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.*
60. *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.*
61. At no cost to the City, public utility easements (PUE) will be required along the frontage and at various locations within the proposed Project site. At any food service facility designated as an assembly group A-2 occupancy, a grease interceptor with a minimum capacity 1000 gallons must be installed.
62. The routing of the joint trench will be subject to further design and review. The City is currently working with the developer's joint trench coordinator to complete this work.
63. For maintenance and inspection of electric facilities, electric meters may not be enclosed or located behind fences or gates and must be accessible to City personnel at all times of day.

I. FIRE DEPARTMENT- ADDITIONAL CONDITIONS

64. *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)*
65. *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>*
66. *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>*
67. *Vegetation Management Plan:* *Prior to issuance of a Certificate of Occupancy, the Vegetation Management Plan must be finalized and approved by the Fire Department and an annual "defensible space maintenance agreement" must be signed by the Applicant. All site landscaping must conform to the requirements of the Vegetation Management Plan.*
68. *Proximity to Building:* *At least one of the required access routes meeting the minimum unobstructed width shall be located within a minimum 15 ft and a maximum of 30 ft from the building and shall be parallel to one entire side of the building as approved by the fire code official. D 105.3. Trees that block aerial access as previously approved by the fire department will have to be maintained or removed to allow access.*

69. Site Map/Address Numbers: A site map that meets department standards shall be installed at each entrance to said project. Address numbers for individual structures served because of this project shall be installed at a location clearly visible from the street. Said numbers shall be the self-illuminating type and be in contrasting color with their background. CFC 505, Fire Prevention Std # 7.
70. No Parking Fire Lane Signage: The Emergency Vehicle Access route through the east parking lot shall be marked as a fire lane and signed to prevent blockage. Such signs shall be approved and placed at locations specified by the fire department in accordance with Fire Prevention Standard No. 4, Municipal Code 15.08.020, Sec. CFC 503.3 and D 103.6
71. Key Box: A department approved key box shall be installed at a location agreeable to the fire department. Box shall contain those keys necessary to gain access and control any fire protection systems or hazardous materials. Applicant shall pay the purchase price of said box. CFC Section 506, Municipal Code 15.08.020 Section 506.1 Key boxes will be required at gates around the facility to access the buildings in emergencies. These shall be marked on the site map.
72. Emergency Responder Radio Coverage in Buildings: All buildings shall have approved radio coverage for emergency responders within the building measured at the exterior of the building. The system shall comply with this section and the Fire Department Standard for Emergency Responder Radio Coverage Systems. CFC 510.1
73. Sprinkler System: A fire sprinkler system conforming to NFPA-13 (2016 Edition) shall be installed in the proposed building. Plans for said system shall be submitted to and approved by the fire department prior to installation under separate cover. Said system shall be monitored for flow and tamper of all control valves by an approved central station. Approved locking Fire Department Connection caps shall be provided. New system shall also include new fire hydrants located within 100 feet of the FDC, or as approved by the fire code official, except where existing fire hydrants are at locations that satisfy this requirement. CFC 903.2, CFC 901.4, Municipal Code 15.08.020, Sec. 507.5.1.1, 903.3, 903.3.7, 903.4.2, 903.6. See City Municipal Code regarding sprinkler systems and standpipes. Additional fire hydrants may be required to be within 100 feet of the FDC. Standpipes within the stairways must extend to the roofs.
74. Standpipes: In buildings required to have standpipes by Section 905.3.1, not less than one standpipe shall be provided for use during construction. Such standpipes shall be installed when the progress of construction is not more than 40 feet (12 192 mm) in height above the lowest level of fire department vehicle access. Such standpipe shall be provided with fire department hose connections at accessible locations adjacent to usable stairs. Such standpipes shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring. CFC 3313.1
75. Class I Standpipe: Standpipe hose connections shall be provided in all the following locations: In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at an intermediate floor level landing between floors, unless otherwise approved by the fire code official. CFC 905.4
76. Building Height: Standpipes shall be installed in buildings three stories or more in height, with approved outlets on each floor above or below grade and the roof. Said outlets may be connected to the building's fire sprinkler system. Municipal Code 15.08.020 Sec. 905.3.1. CFC 905.4.1

77. Access and Circulation: An irrevocable secondary emergency vehicle access (EVA) road for emergency access only was reviewed and approved as part of the MCUP process. The secondary EVA shall be installed prior to combustible material being stored on the site or issuance of a building permit for vertical construction.
78. Timing of Installation: When fire apparatus roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during time of construction except when approved alternative methods of protection are provided. CFC 501.4. Fire hydrants must be active on the west side of the railroad tracks prior to bringing combustible construction materials onsite.
79. Soil and Groundwater Management Plan: Prepare a Soil and Groundwater Management Plan (Plan) prior to construction regarding the known petroleum product contamination in the soil from a previous use. Submit the Plan to the Healdsburg Fire Department and North Coast Regional Water Quality Control Board for review. The plan should include procedures for soil screening, stockpile locations, sampling and disposal procedures and security of open pits. This will reduce delays during the construction phase if contamination is found.
80. Underground Petroleum Storage Tanks: If an underground petroleum storage tank is found during the demolition or grading, contact the Healdsburg Fire Marshal before removing. A permit and testing will be required before the tank can be removed.

J. BUILDING DEPARTMENT- ADDITIONAL CONDITIONS

81. *Building permits submitted after January 1, 2020, shall be reviewed and constructed in compliance with the 2019 California Building Standards Codes Title 24.*
82. *Construction on this site will require a soils report which will be reviewed by the City's 3rd party Geotechnical Engineer.*
83. *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.*
84. All newly constructed buildings must be all electric, except that they may contain natural gas cooking appliances, direct vent sealed combustion chamber fireplace, and pool/spa system and equipment per HMC 15.04.080.
85. At any food service facility designated as an assembly group A-2 occupancy, a grease interceptor with a minimum capacity 1000 gallons must be installed.
86. All buildings are required to be constructed with a Class A roof covering.

K. POLICE DEPARTMENT - ADDITIONAL CONDITIONS

87. Access into the interior hallways of the multi-family structures shall allow public safety access without the need to use a Knox Box. The developer shall work with Police Department staff to identify and implement a mutually agreeable solution.
88. When developing the emergency preparedness and evacuation plan, the Mobility Coordinator should not assume that City resources will be readily available to assist with or coordinate an evacuation. The plan should leverage on-site staff and resources.