

**Appendix D:
Discretionary Review Process**

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SECTION 1: DISCRETIONARY REVIEW PROCESS

The City has established processes codified in the Implementing Zoning Ordinance (IZO) that ensure applications for development are appropriately reviewed and refined (and recommended for denial or approval) to confirm that potential impacts are avoided or reduced to a less than significant level and that the City’s development standards are being followed. The following are the key sections of the IZO that would be applicable to future development within the proposed Overlay District.

IZO Section 24.050—Site Plan and Architectural Review

When outside of a historic district, development applications submitted, including those within the Overlay Area, would be reviewed by the City for consistency with the design review procedures in Section 24.050 of the IZO.

The purpose of site plan and architectural review process is to ensure compliance with the Zoning Ordinance and to promote orderly and harmonious development within the City. It is the intent of this IZO section to achieve a satisfactory quality of design in individual buildings and sites and ensure appropriateness of buildings to their intended use, to mitigate the environmental impacts of buildings and sites, and to facilitate harmony between developments and their surroundings.

The Planning Commission (PC) has the authority to approve, approve with modifications, or disapprove Site Plan and Architectural Review (SPAR) applications for construction, alteration, demolition, and repair or maintenance work on structures, as provided in Section 24.050 through 24.070 of the IZO. SPAR decisions may be appealed to the City Council. To issue a SPAR permit, affirmative findings need to address aesthetic and other impacts, including “overall design is harmonious and in proportion in itself and in relation to the adjacent development,” and determine that the application is either exempt from the California Environmental Quality Act (CEQA) or that the environmental impacts of the project would be sufficiently mitigated. These findings may be appealed to the City Council.

IZO Chapter 15, Preservation of the Cultural and Historic Environment

When within a historic district, development applications submitted, including those within the Overlay Area, would be reviewed by the City for consistency with the design review procedures in Chapter 15 of the IZO.

This Chapter provides guidelines for Historic Site Plan and Architectural Review (HSPAR) by the City, and specifically by the Historic and Cultural Preservation Committee (HCPC), to ensure the City's development standards are being followed and to promote orderly development.

No person shall do any work to a designated landmark site or structure, or structure and sites within a historic district, without first obtaining review and permit approval from the HCPC.

The HCPC has the authority to approve, approve with modifications, or disapprove HSPAR applications for construction, alteration, demolition, and repair or maintenance work on structures or sites within historic districts, as provided in Sections 15.050 and 15.070 of the IZO. HSPAR decisions may be appealed to the City Council.

All future individual development projects within the Overlay that are located within the Petaluma Historic Commercial District would be required to obtain an HSPAR Permit, and the HCPC would review the project's compatibility with the existing historic context, preservation goals, Historic Commercial District Guidelines, and the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Specific regulations and Guidelines pertaining to the review of HSPAR include the following:

- CEQA
- IZO Chapter 15: Preservation of the Cultural Environment
- General Plan 2025 Chapter 3: Historic Preservation
- Historic District Design Guidelines
- Secretary of the Interior Standards for the Treatment of Historic Properties

IZO Section 24.060 Conditional Use Permit

The purpose of Conditional Use Permit (CUP) requirements and of issuance of CUPs is to ensure the proper integration of uses which may be suitable only in certain locations and only provided such uses are arranged or operated in a particular manner.

The proposed Overlay, as well as Mitigation Measure (MM) Overlay CUL-1e, require that projects within the Overlay Area that seek approval for increased height above 45 feet, and/or increased lot coverage above 80 percent, would be required to undergo review for approval of a CUP. A CUP can only be granted if the height is 75 feet or less. In addition to making the findings required by Section 24.060.E, affirmative findings for each of the following criteria, supported by substantial evidence in the record, is required for approval of a CUP application for increased height up to 60 feet:

1. The additional height is consistent with the applicable purposes of the proposed Overlay;
2. The additional height makes a positive contribution to the overall character of the area and that the building would be compatible with its surroundings. The "positive contribution" and "compatibility" would be assessed using a combination of visual studies, line-of-sight drawings, photo simulations, 3-D modeling, and view shed analysis;
3. The additional height would not adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship in terms of harmony and appropriateness with its surroundings, including neighboring structures, nor adversely affect the character or the historical, architectural, or aesthetic interest or value of the district;

4. The additional height would not result in unreasonable restrictions of light and air from adjacent properties or the public right-of-way, or otherwise be detrimental to the public health, safety, or welfare; and
5. The building design expresses a relationship to an existing datum line or lines of the street wall or adjacent historic resource, if any.

Additional findings must be made for buildings that are between 60 and 75 feet. A proposed project must include at least two of the community benefits described in 1, 2, and 3 below and one of the community benefits described in 4, 5, and 6 below:

1. Improves the existing streetscape by providing widened sidewalks, additional street trees, new mid-block walkways/paseos, public plazas, parks, etc. For a project that would widen the sidewalk by increasing the ground floor building setback, a public outdoor amenity space shall be included in the design, and this space shall be designed and configured to provide adequate space for pedestrian movement and activity;
2. Provides publicly accessible private open space, such as a street-level park or rooftop open space that is open to the public at least 8 hours per day and at least 120 days per year;
3. Demonstrates exceptional architecture/design. “Exceptional” architecture/design may be demonstrated by any of the following:
 - a. The use of innovative, creative, or original architectural concepts, materials, or building techniques;
 - b. The use of visual elements that contribute positively to the built environment, such as well-proportioned façades, pleasing materials, and unique features;
 - c. The use of innovative building systems or forms and/or the use of creative design to increase building efficiency and to reduce energy consumption;
 - d. The use of low impact development and green infrastructure features in sustainable design and landscaping; or
 - e. The use of high-quality building materials that contribute to long-term durability and visual quality.
4. Respects and/or preserves cultural, historical, or archaeological resources that exist or occur on-site or within the Overlay;
5. Exceeds the minimum number of Inclusionary Dwelling Units required by IZO Section 3.040;
or
6. Provides all required parking below grade.

The Planning Commission may approve a Conditional Use Permit to allow for additional lot coverage of up to 100 percent pursuant to the review criteria set forth in Section 24.060.E and if any one or more of the following are true for a project:

1. The development improves the existing streetscape by providing widened sidewalks, additional street trees, new mid-block walkways/ paseos, public plazas, parks, etc.;

2. The additional lot coverage would reflect the prevailing development pattern established by the existing development within the block or abutting block;
3. The development includes adequate provision for recycling and solid waste;
4. The development includes adequate space for street trees; or
5. The development includes other measures to enhance the pedestrian environment.

The Planning Commission has authority to approve, approve with modifications, or disapprove CUP applications for construction, alteration, demolition, and repair or maintenance work on structures or sites within historic districts. CUP decisions are made during a noticed public hearing and may be appealed to the City Council.