

## 5.070 (Downtown Housing and Economic Opportunity Overlay Zone)

**5.070 Downtown Housing and Economic Opportunity Overlay Zone.**

- A: Purpose.** It is the intent of the Downtown Housing and Economic Opportunity Overlay Zone to facilitate the development of residential uses, provide for orderly economic development, ensure the preservation of historic buildings, cultural resources, and the Commercial Historic District, strengthen and expand pedestrian activity through new design and land use controls, and incorporate sites with the greatest opportunity for redevelopment activity. The regulations established for this district shall apply to any property described in section 5.070.B to include the development of new floor area or new buildings, of any size.
- B: District Boundaries.** The proposed Downtown Housing and Economic Development Overlay shall apply to Subarea A, B, and C as shown in Figure 5.1 below. The boundaries of the Downtown Housing and Economic Opportunity Overlay Zone are generally described follows:
1. **Subarea A:** 13 parcels within two city blocks bounded by B Street, Petaluma Boulevard South, D Street and 4<sup>th</sup> Street;
  2. **Subarea B:** 2 parcels south of Western Avenue between Keller Street and Kentucky Street; and
  3. **Subarea C:** 10 parcels south of Washington Street, to include five parcels between Court Street and Liberty Street and five parcels on the east side of Liberty Street.

**Figure 5.1: District Boundaries**  
**Downtown Housing and Economic Development Overlay**



- C: Ground Floor Uses, Pedestrian/Façade Activation Zone and Ground Floor Residential Use Zone.** To continue the land uses and forms established by the parcels that abut or confront each subarea and to allow for specific land uses and the design of new buildings to reflect the characteristics and the context of each subarea a “Pedestrian/Façade Activation Zone” & a “Ground Floor Residential Use Zone” will apply to each subarea.
1. **Pedestrian/Façade Activation Zone & Ground Floor Residential Use Zone Established.** A Pedestrian/Façade Activation Zone & a Ground Floor Residential

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Use Zone is established as shown in Figures 5.2 through 5.4. Land uses and ground floor development standards apply as provided for in this section.

2. **Purpose.** The Pedestrian/Façade Activation Zone is intended to enhance the pedestrian experience to ensure that new buildings are occupied by pedestrian-oriented uses and that they present attractive building facades in specific locations to reflect the land use pattern and vibrancy of active pedestrian-oriented streets established in the historic core of the downtown. The Ground Floor Residential Use Zone is intended to create new opportunities for residential development and to provide a land use transition from the retail and service uses provided in the Downtown core to the lower-intensity retail and residential areas beyond the Downtown.
3. **Pedestrian/Façade Activation Zone.** Permitted Uses in any new ground floor area within 30 feet of the public right-of-way in the Pedestrian/Façade Activation Zone shall be as follows, and each use, as used in this Section, shall be deemed a ground floor activating use:
  - Artisan Shop
  - Bank, Financial Services
  - Fitness/Health Facility
  - General Retail, 25,000 sf or Less
  - Groceries/Specialty Foods, 25,000 sf or Less
  - Library, Museum, Art Gallery
  - Personal Services
  - Restaurant, Café, Coffee Shop
  - Studio - Art, Dance, Martial Arts, Music, etc.
4. **Ground Floor Uses.** New ground floor area not identified as a Pedestrian/Façade Activation Zone may be occupied by any use identified in Table 4.3 of Chapter 4.
5. **Multi-family Residential Allowed in Specific Locations.** Multi-family residential uses shall be a permitted use on the ground floor in any portion of a parcel that is not within the Pedestrian/Façade Activation Zone.
6. **Pedestrian/Façade Activation Development Standards.** Additional development standards apply to the ground floor facades of the portion of new building or new floor area constructed within the Pedestrian/Façade Activation Zone. These development standards are provided in Table 5.1, below.

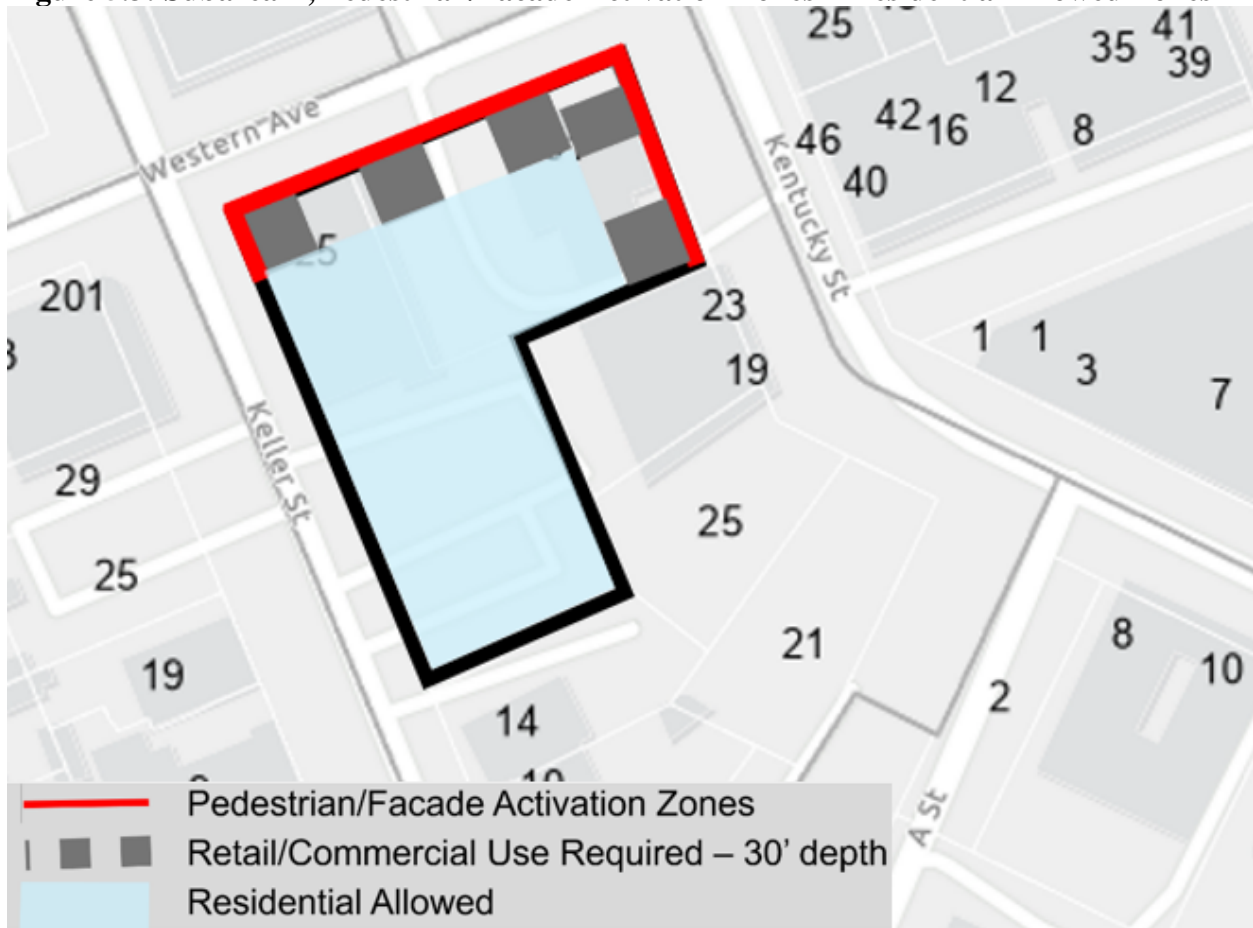
**Table 5.1****Pedestrian/Façade Activation Development Standards**

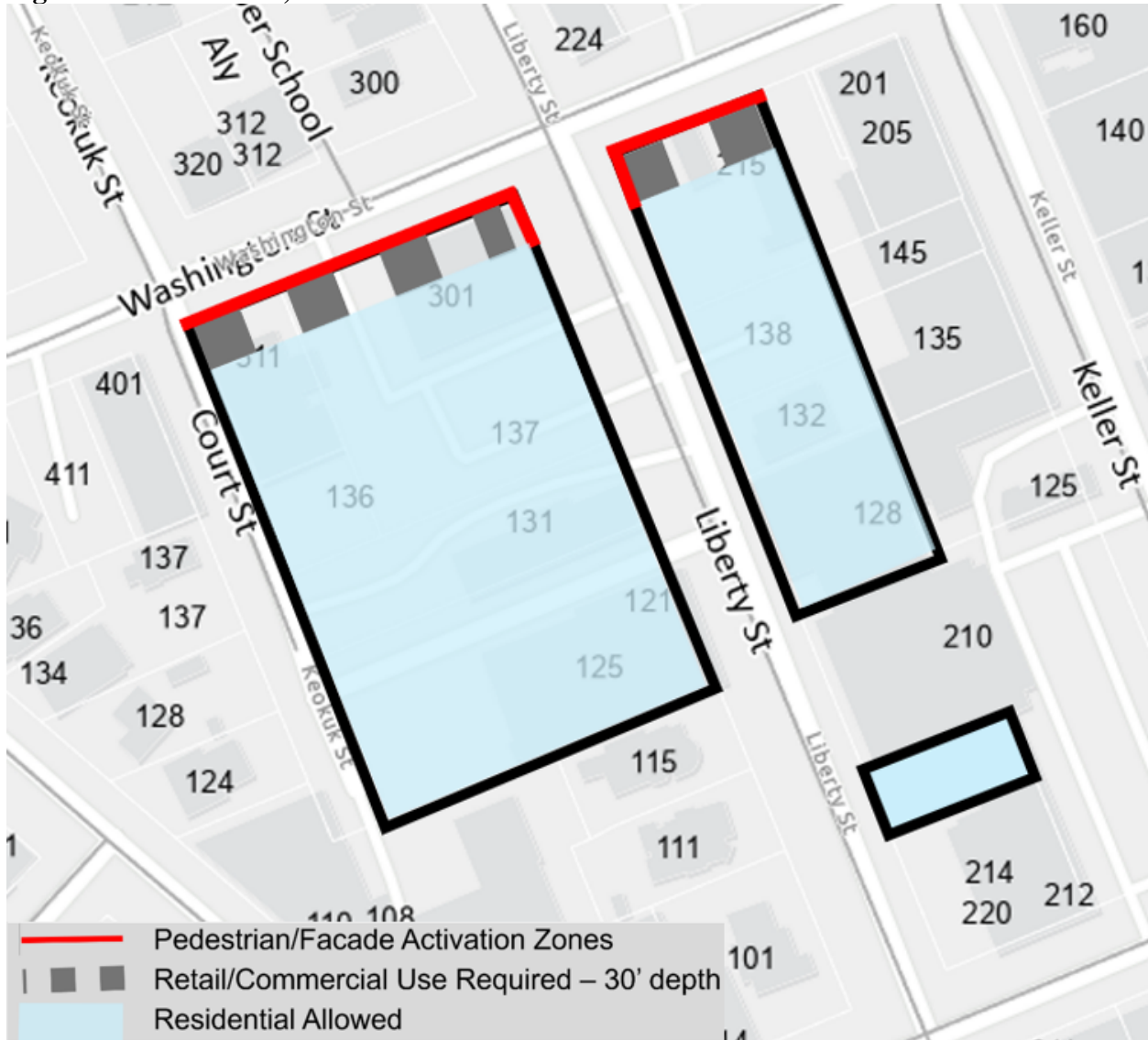
Feature	Standard	Applies to First Floor:
Storefront Transparency, minimum glazing	60%	Facades facing sidewalks, pedestrian walks, or publicly accessible outdoor spaces
Blank Walls, maximum length	30'	Facades facing sidewalks, pedestrian walks, or publicly accessible outdoor spaces
Interior Partitions or shelving above 36" in height when parallel with storefront, minimum setback	30'	Tenant spaces facing sidewalks, pedestrian walks, or publicly accessible outdoor spaces; Does not apply to any partition that is perpendicular to the storefront or any shelving that is abutting a wall
Window Signs, maximum coverage	15%	Windows facing sidewalks, pedestrian walks, or publicly accessible outdoor spaces

**Figure 5.2: Subarea A, Pedestrian/Facade Activation Zones + Residential Allowed Zones**



**Figure 5.3: Subarea B, Pedestrian/Facade Activation Zones + Residential Allowed Zones**



**Figure 5.4: Subarea C, Pedestrian/Facade Activation Zones + Residential Allowed Zones**

**D: Development Standards, General.** Development Standards in the Downtown Housing and Economic Development Overlay Zone shall be as provided for in Table 4.10 of Chapter 4, except as provided for in Table 5.2, below.

<b>Table 5.2:</b>	
<b>Development Standard</b>	
<b>Setbacks</b>	
Front	0'
Rear	0'
Street-side	0'
Interior Side	0'
<b>Height<sup>1</sup></b>	45' Max
With Conditional Use Permit <sup>2</sup>	60' Max
With Conditional Use Permit <sup>3</sup>	75' Max
<b>Minimum Ground Floor Height</b>	14' floor-to-floor for any Building over 45'
<b>Stepbacks</b>	Per Tables 5.2 through 5.4

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<b>Table 5.2:</b>	
<b>Development Standard</b>	
<b>Lot Coverage</b>	80% Max
<b>With Conditional Use Permit<sup>4</sup></b>	100% Max
<b>Floor Area Ratio</b>	6.0 Max
<sup>1</sup> Under the Overlay, new buildings to be constructed above the 45-foot height limit would not be subject to the height exceptions provided for in Section 12.020.	
<sup>2</sup> Additional height above 45 feet may be granted, subject to subsection F, below.	
<sup>3</sup> Additional height above 60 feet may be granted, subject to subsection G, below.	
<sup>4</sup> Additional lot coverage above 80% may be granted, subject to subsection H, below.	

- E: **Development Standards, Steppbacks Apply.** Upper floor steppbacks apply as shown in Tables 5.3 to 5.5, to require that any portion of a building above a certain height be separated from a property line. As used in this subsection, the “Primary Street Frontage” steppbacks provided in Tables 5.3 to 5.5 apply to any parcel that abuts Petaluma Boulevard South, Kentucky Street, Fourth Street, Western Avenue, and Washington Street, and “Other Street Frontage” is any other street. The steppbacks shall include usable balconies, usable open space, or be landscaped, and may not be used for mechanical equipment, storage, or other non-active uses.

<b>Table 5.3</b>			
<b>Steppback: General</b>			
	<b>Steppback (Based on Building Height)</b>		
	<b>0-45<sup>1</sup>/4-stories</b>	<b>Above 45<sup>2</sup>/4-stories (whichever is less)</b>	<b>Above 60<sup>3</sup>/5-stories (whichever is less)</b>
<b>Primary Street Frontage</b>	NA	8' Min	16' Min
<b>Other Street Frontage</b>	NA	5' Min	5' Min

<b>Table 5.4</b>		
<b>Steppback: Confronting a Residential Use</b>		
	<b>Steppback (Based on Building Height)</b>	
	<b>0-30<sup>1</sup>/2-stories</b>	<b>Above 30<sup>2</sup>/2-stories (whichever is less)</b>
<b>Primary Street Frontage</b>	NA	10' Min
<b>Other Street Frontage</b>	NA	5' Min
Note: Additional 10' steppback to be applied for every story above 30 <sup>1</sup> /2 stories		

<b>Table 5.5</b>				
<b>Steppback: Abutting Historic Resource</b>				
	<b>Steppback (Based on Building Height)</b>			
	<b>0-30<sup>1</sup>/2-stories</b>	<b>Above 30<sup>2</sup>/2-stories (whichever is less)</b>	<b>Above 45<sup>3</sup>/4-stories (whichever is less)</b>	<b>Above 60<sup>4</sup>/5-stories (whichever is less)</b>
<b>Primary Street Frontage</b>	NA	0	8' Min	16' Min
<b>Other Street Frontage</b>	NA	0	5' Min	5' Min



<b>Table 5.5</b>				
<b>Stepback: Abutting Historic Resource</b>				
<b>Interior Side, abutting historic resource</b>	NA	10' Min	10' Min	10' Min
<b>Rear, abutting historic resource</b>	0'	8' Min	8' Min	8' Min

F: **Criteria to Exceed 45 feet.** The Planning Commission may approve a Conditional Use Permit to allow for additional height up to 60 feet pursuant to the findings listed in this subsection and the review criteria set forth in Section 24.060.E:

1. That the additional height is consistent with the applicable purposes of the Overlay;
2. That the additional height makes a positive contribution to the overall character of the area and that the building will be compatible with its surroundings. The “positive contribution” and “compatibility” will be assessed using a combination of visual studies, line-of-sight drawings, photo simulations, 3-D modeling, and view shed analysis;
3. That 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. That the additional height will not result in unreasonable restrictions of light and air to adjacent properties or the public right-of-way, or otherwise be detrimental to the public health, safety, or welfare;
5. That the building design expresses a relationship to an existing datum line or lines of the street wall or adjacent historic resource, if any; and
6. That the overall building design and the use of the site demonstrates exceptional architecture/design. “Exceptional” architecture/design may be demonstrated by at least three 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 facades, 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.

The determination of exceptional architecture/design shall be guided by the input of a qualified professional chosen by the City.

**G: Criteria to Exceed 60 feet.** The Planning Commission may allow for additional height up to 75 feet, if a Conditional Use Permit is granted per subsection 5.070.F, above, and when a proposed project includes at least 1 of the community benefits described in 1 & 2, and 1 of the community benefits described in 3, 4, or 5, 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; or
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; and
3. Respects and/or preserves cultural, historical, or archaeological resources that exist or occur onsite or within the Overlay; or
4. Exceeds the minimum number of Inclusionary Dwelling units required by Section 3.040; or
5. Provides all required parking below grade.

**H: Criteria to exceed 80% Lot Coverage.** The Planning Commission may approve a Conditional Use Permit to allow for additional lot coverage of up to 100% pursuant to the review criteria set forth in Section 24.060.E, 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.

**I: Jobs/Housing Balance.** Any application for a non-residential project or a mixed use project with a non-residential component that seeks to build above 45 feet pursuant to Section 5.070(F), must include an analysis of the impact of the project on the jobs-housing balance in the City, including how much demand for affordable housing the project will create as compared to the amount of affordable housing created as part of the project.

The analysis shall be based on available pertinent information including information provided by the applicant estimating the number of permanent jobs to be created in the operations of the project, type of job (part-time or full-time), wages, and benefits. The



developer may submit updated information to the City at any time during the application process.

This additional information is to allow the City, to the extent reasonably possible to disclose the foreseeable impact of the project on the jobs-housing balance in Petaluma.

- J: **Sunset Provision.** Unless otherwise amended by the City Council, this ordinance shall expire on the effective date of a Zoning Ordinance that implements the adopted 2040 General Plan.
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