



DATE: November 9, 2021 AGENDA ITEM NO. 7B

TO: Planning Commission

FROM: Emmanuel Ursu, Principal Planner

SUBJECT: Study Session to solicit Planning Commission feedback on a revised conceptual proposal from Spirit Living to develop a Residential Care Facility for the Elderly, multi-family residential units, Live/Work units and commercial space around the Central Green in the Riverfront Mixed-Use project located at 500 Hopper Street
File# PLSR-21-0014

RECOMMENDATION

It is recommended that the Planning Commission receive an informational presentation and provide non-binding comments regarding Spirit Living’s conceptual proposal to develop an approximately 121 room residential care facility for the elderly, 51 multi-family residential units, 13 ground-floor Live/Work units and approximately 10,000 square feet of commercial ground-floor space around the Central Green in the Riverfront Mixed-Use project on Lots 5 and 6 of the approved Riverfront Mixed Use Project located at 500 Hopper Street.

BACKGROUND

In July 2014 the City Council approved initial entitlements and certified a Final Environmental Impact Report for the Riverfront Mixed-Use Development. Project entitlements included a Zoning Map Amendment to change the zoning of the 35.7-acre Riverfront site (39.5 acres including the adjacent Riverfront Park) from conceptual zoning boundaries to T-4, T-5, T-6 and Civic Space, and a phased Tentative Subdivision Map for the Riverfront Mixed-Use Development. As part of these approvals, the Council found that the project proposes a “vibrant, walkable mixed-use neighborhood” (Resolution No. 2014-127 N.C.S.) and implements “the vision of mixed use development and pedestrian friendly neighborhood character envisioned in the Central Petaluma Specific Plan.” (Ordinance No. 2508 N.C.S.) The overall development of the Riverfront project envisioned in the 2014 approvals included a mix of residential, commercial, recreational, and civic uses as described below and as illustrated in **Figure 1** below,

- 30,000 square feet of ground-floor neighborhood-serving commercial space
- 100 apartments on the second and third floor over the commercial space
- An urban park (Central Green) surrounded by the neighborhood-serving commercial area and apartments

- 60,000 square feet of office
- 120-room hotel
- 134 detached small-lot single-family homes
- 39 townhomes
- Sports field
- Public paths
- Small watercraft facility
- 3.7-acre Riverfront park

Subsequent to the initial approvals, the City has issued approvals for further subdivision and Site Plan and Architectural Review (SPAR) for the 134 single family homes, currently under construction, and the 122-room Courtyard Marriott, which was completed in June 2021. Additionally, infrastructure improvements with the exception of the townhome area have been completed. Development of the Central Green is complete, and the sports field has been graded but turf installation has been postponed due to the current drought conditions and associated limitations on plantings. The Tentative Map and SPAR for the 44 townhomes was submitted for the Planning Department's review on June 29, 2021 and will be presented to the Planning Commission for consideration in the near future.

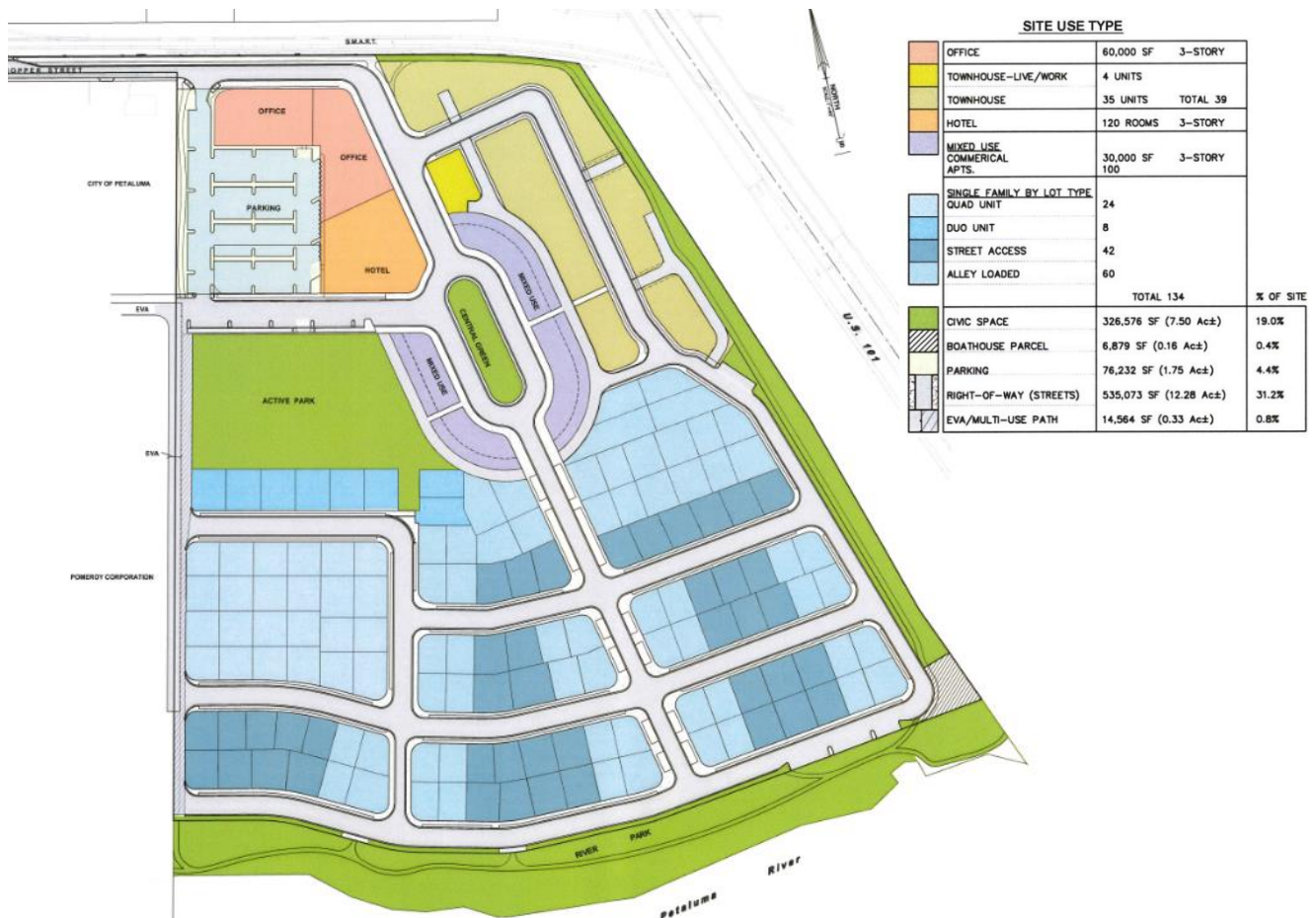


Figure 1- Riverfront Approved Land Uses

Spirit Living is in contract to purchase the area planned for mixed-use commercial/apartments (Riverfront Phase 1 Final Map Lots 5 and 6) around the Central Green as shown in purple in **Figure 1** above.

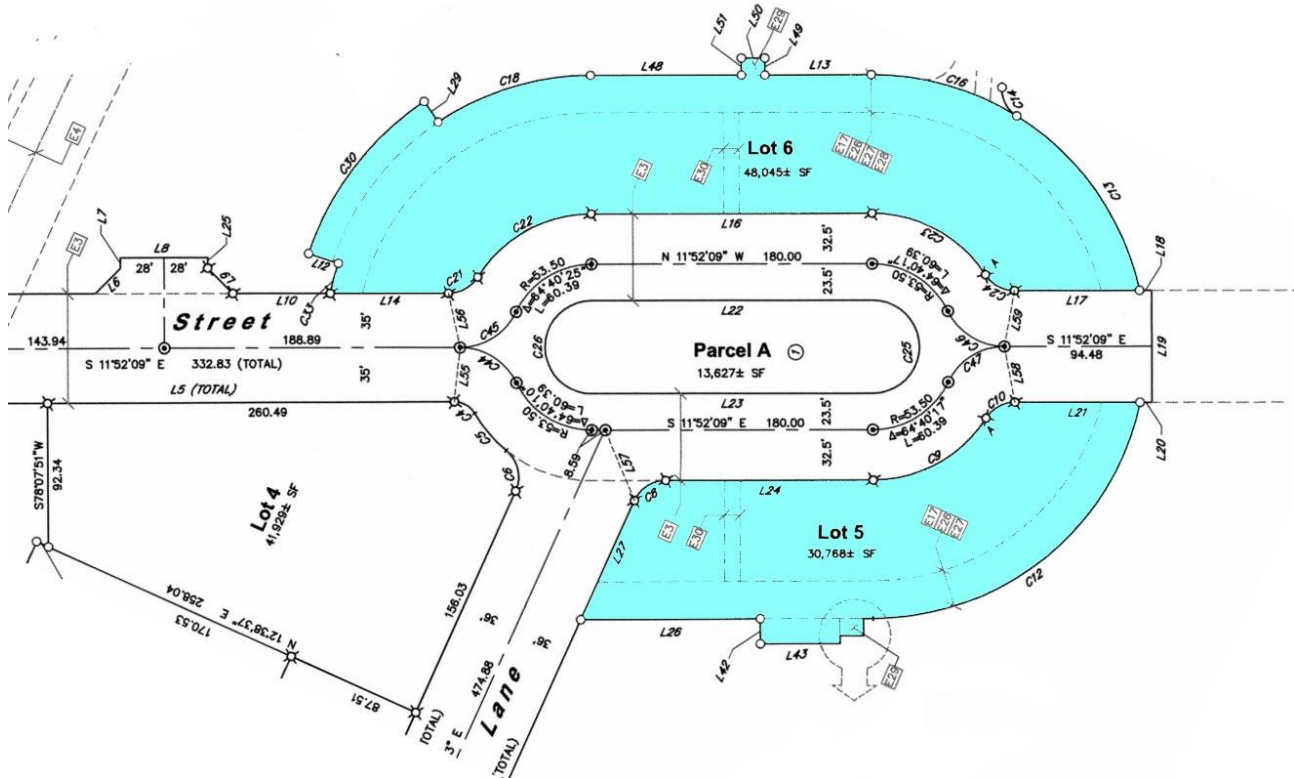


Figure 2 - Final Map Excerpt

Lots 5 and 6 (project site), as shown in the excerpt of the Final Map in **Figure 2** are designated Mixed Use in the General Plan 2025 and have a zoning designation of T6. The project site is governed under the SmartCode and was planned under the approved Riverfront Mixed-Use project for 30,000 square feet of ground floor commercial space with up to 100 apartments on the second and third floors. Spirit Living is proposing a Residential Care Facility for the Elderly (RCFE) and work/live units to replace some of the previously approved uses around the Central Green. More specifically, at the July 13, 2021 Planning Commission meeting, Spirit Living presented a concept proposal for a 142-unit RCFE on Lots 5 and 6 with ground floor support services such as a hair salon, dining hall, and craft room, commercial space and work/live units. While RCFE is an allowed land use in multiple zoning districts governed by the Implementing Zoning Ordinance, the SmartCode does not list RCFE, congregate care, or assisted living facilities as an allowed use in any zone within the SmartCode.

Initial Conceptual Proposal

Spirit Living's initial conceptual proposal reviewed by the Planning Commission on July 13, 2021 was for a RCFE with the ground floor consisting of approximately 15,000 square feet of RCFE tenant support uses, approximately 3,000 square feet of commercial space and approximately 12,000 square feet for live/work units and 142 rooms for the elderly at the second and third floors. Eighty-six (86)

parking spaces were included at the back of the buildings accessed from the alleys, Table 1 provides a breakdown of the uses in the initial proposal and the conceptual plans are in **Figures 3 and 4**.

Table 1: Breakdown of Uses in Initial Proposal

Lot	Floor	Use	Size (SF) or Unit Count	Figures 3 & 4 Color
Lot 6	1	Commercial and	1,500 SF	Blue
		Work/Live	12,000 SF	Blue
		RCFE: club room, lobby/reception, admin, kitchen	10,050 SF	Yellow, Pink, Orange
		Bike parking, back-of-house, and trash	Not specified	Brown
		Public easement	~650 SF	Hatch lines
	2	Independent living/assisted living	43 units	Green
Lot 5	3	Independent living/assisted living	43 units	Orange
	1	Commercial and	1,500 SF	Blue
		Work/Live	4,400 SF	Blue
		RCFE: club room, lobby/reception, admin, kitchen	4,950	Yellow, Pink, Orange
		Bike parking, back-of-house, and trash	Not specified	Brown
		Public easement	~650 SF	Hatch lines
	2	Memory care/assisted living	28 units	Orange
	3	Memory care/assisted living	28 units	Orange

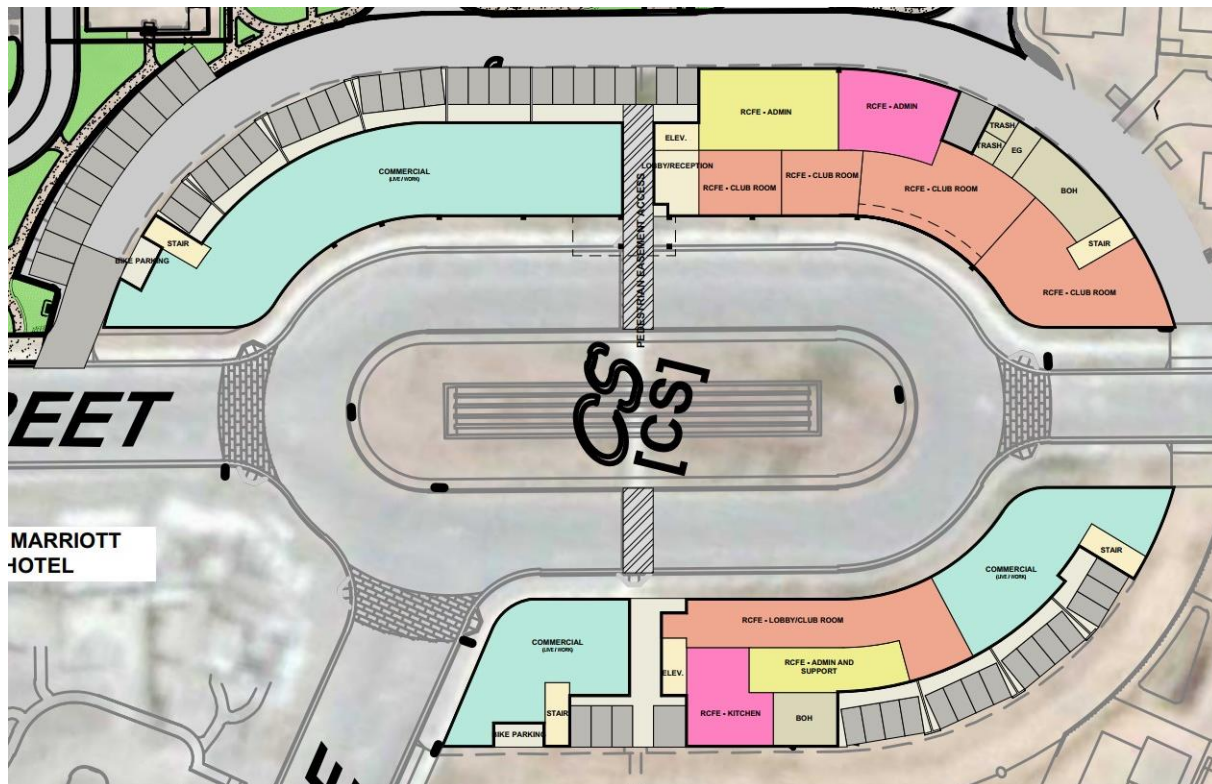


Figure 3 – Ground Floor Uses in Initial Proposal

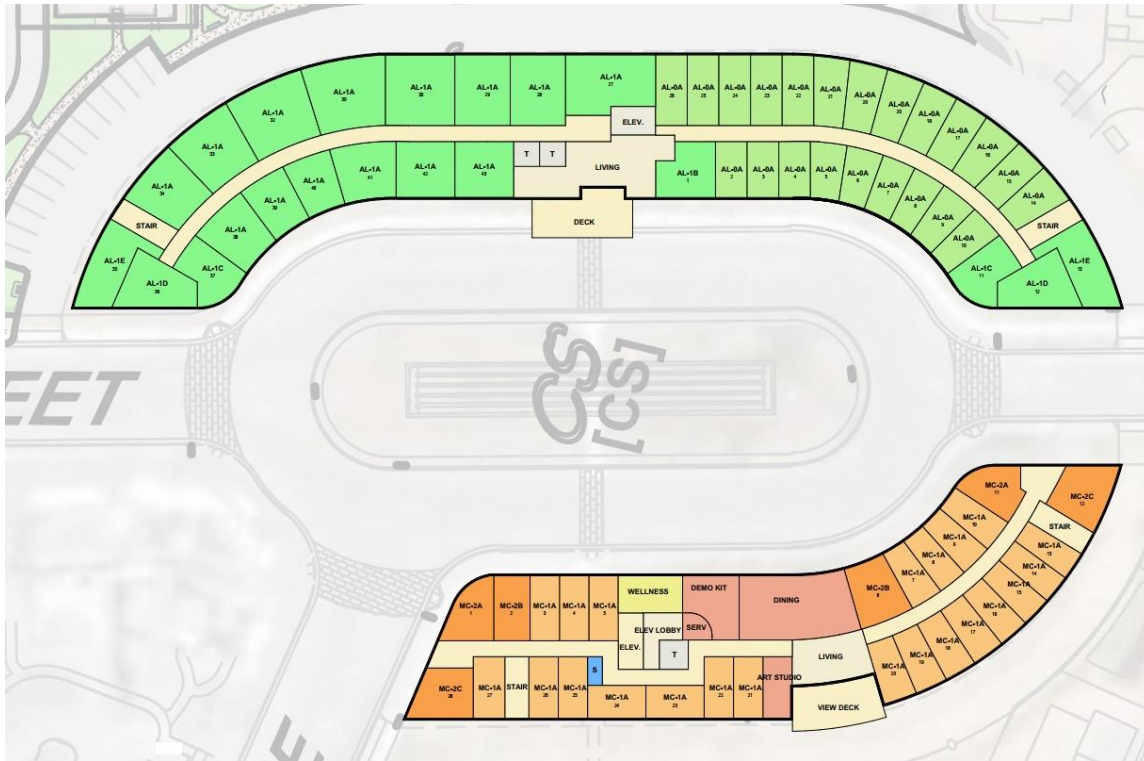


Figure 4 – Second and Third Floor Plan in Initial Proposal

Conceptual plans for the first conceptual proposal were presented by Spirit Living to the Development Review Committee (DRC) on June 3, 2021. Staff provided the following verbal feedback to the applicant team regarding their conceptual proposal:

- Activated storefronts around the Central Green was a key design element of the Riverfront Mixed-Use project and staff is concerned that the conceptual Spirit Living proposal does not implement this important aspect of the development envisioned for the site given that most of the ground floor is tenant amenities and area for true commercial uses is reduced from 30,000 square feet to about 3,000 square feet.
- Although staff recognized that existing demand may not support 30,000 square feet of commercial space, there is significant potential for demand to increase with the completion of the southern crossing and build out of both the Riverfront project and the adjacent Scannell property. Consideration of ground floor flex spaces would allow lower intensity and/or residential uses now with the ability to convert over time as the demand increases and to facilitate ground floor activity around the Central Green and supporting the mixed use concept of the approved Riverfront project.
- The T-6 zoning of the site does not list residential care facilities for the elderly, congregate care, or assisted living facilities as an allowable use.
- Pedestrian easements through both sites provide convenient connections to the Central Green from the future townhomes to the east and the sports field and homes to the west. These pedestrian connections should remain in the plan to honor the interconnected approach to the approved Riverfront project.
- The applicant should consider submitting a preliminary application in order to get feedback from the Planning Commission on the appropriateness of the concept.

The initial concept was also presented to the Planning Commission for feedback at its July 13, 2021 meeting. In general, the Planning Commission was split in terms of its support of the RCFE use around the Central Green, with some members expressing openness with revisions to ensure units are affordable to local seniors and that employees of the facility would earn a living wage while other Commissioners strongly expressed their opposition to the use due to the lack of activation of the area which is intended to be the commercial center of the Riverfront project and the project's limited contribution to the desired vibrant mix of land uses. Specific Planning Commission feedback on the initial concept included the following points:

- There is a need for assisted living facilities and senior housing in Petaluma (all members of PC)
- The site is not the appropriate location for the proposed use as the 2014 approvals and General Plan envision a vibrant, pedestrian environment around the Central Green whereas the project has inadequate ground floor commercial space open to the public to generate a vibrant pedestrian-oriented environment. (Fischer, Alonso, Bauer)
- The site was envisioned as the commercial hub of that area and the concept did not implement that vision (Fischer, Alonso, Bauer)
- With construction of the Caulfield Lane extension and bridge, the area is likely to be more commercially viable (Fischer).
- Without the 100 apartments included in the 2014 approval, there will not be a vibrant mix of uses around the Central Green. (Fischer)
- Senior housing near family housing is appropriate. (Hooper)
- The project should include units affordable to local seniors. (Hooper, Bauer)
- The overall Riverfront project is not transit-oriented and therefore, lower income employees of the project will have to drive to the site from outlying areas as they will not be able to afford to live in Petaluma. (Hooper)
- Annual pay for employees of the project should be no less than \$60,000. (Hooper)
- Rates for the facility should be tiered based on occupants' ability to pay. (Hooper)
- The proposed RCFE use is similar to uses allowed in the SmartCode. (Whisman)
- Reduction of commercial space is not a loss of something city had in first place. (Whisman)
- Senior care adds to the mix of uses. (Whisman)
- Support services provided for the facility on the ground floor should be integrated into the community and open to the public. (Potter)
- Childcare would be an excellent compatible use. (Potter)
- Filling the commercial spaces will be difficult. (Potter)
- People of all ages can be vibrant members of the community. (Potter)
- Conditional use permit is the appropriate zoning tool to consider the proposed use. (Potter)

In addition to the Planning Commission's feedback there was a robust community conversation as part of the study session with the following feedback offered by members of the public:

- The project is too close to the Petaluma River, on sensitive habitat and will have negative impacts on the Petaluma River.
- Housing for seniors is desperately needed, especially affordable housing for local seniors
- Mixed use with commercial is important for the Riverfront project to provide a place for residents to walk to cafes and other businesses.

- The project should include day care which is needed in Petaluma.
- How does the project fit in with the mix of uses envisioned for the Lower Reach of the Petaluma River and will elder care contribute to the vibrant mix of uses?
- The project site is not a viable location for retail uses.
- The project does not meet the policies of the General Plan.
- This project will provide a place for seniors to age in place and is needed in Petaluma.

Revised Concept Proposal

In response to the feedback received on the initial concept proposal, Spirit Living submitted a revised concept proposal. The revised concept limits the RCFE to Lot 6 and replaces the RCFE on Lot 5 with 51 market-rate apartments. Both buildings are now proposed to be four stories. On Lot 6 the ground floor contains approximately 10,000 square feet of commercial space, three work/live units and approximately 4,700 square feet of tenant amenities associated with the RCFE. On the second, third and fourth floors, 121 RCFE rooms are proposed with independent/assisted living units on the second and third floor and memory care/assisted living units on the fourth floor.

Lot 5 is proposed to be developed on the ground floor with ten work/live units in 15,400 square feet and tenant amenities for the residential units in 2,800 square feet. Fifty-one (51) market-rate apartment units on are proposed on the second, third and fourth floors.

At its October 28, 2021 meeting, the Development Review Committee reviewed the revised proposal and provided the following verbal feedback to the applicant team:

- Four stories are appropriate for the site in that the recently completed Courtyard Marriott hotel is four stories and the SmartCode standard for building height in the T6 zone is three stories minimum and six stories maximum.
- The 19,645 square feet of work/live space on the ground floor in the revised proposal responds to the June 3, 2021 DRC comment to give consideration of ground floor flex spaces that allow lower intensity and/or residential uses now with the ability to convert over time as the demand increases and to facilitate ground floor activity around the Central Green and supporting the mixed use concept of the approved Riverfront project.
- To the extent feasible, the pedestrian easements should align with the crosswalks to the Central Green.
- Tandem parking spaces will need to be assigned to users of the same tenant spaces.

As a part of Spirit Living's due diligence prior to purchasing the properties, their revised conceptual proposal is being presented as a study session to solicit feedback from the Planning Commission and members of the public. Any discussion and feedback are non-binding, as no formal application has been submitted. No action will be taken by the Planning Commission at tonight's hearing.

PROJECT DESCRIPTION

Project Site

The specific property under consideration is at the center of the Riverfront Mixed-Use development which is surrounded by the SMART rail tracks to the north, Highway 101 to the east, the Petaluma River to the south and the City corporation yard and Primary Influent Pump (PIP) station and the Scannell development site (formerly the Pomeroy property) to the west. A current application for

development of the approximately 40-acre Scannell site includes up to 72 affordable apartments, 159 single-family homes, and up to approximately 197,000 square feet of commercial office, including headquarters for Amy's Kitchen.



Figure 5: Project Site Context Map

Within the Riverfront project, townhomes are proposed along the east and north sides of Lot 6, recently constructed single-family homes in the Northbank subdivision are located to the south, and the Central Green is to the west. Lot 5 is surrounded by the newly completed Courtyard Marriott hotel on the north, the sports fields and tot lot to the west, single-family homes in the Northbank subdivision to the south and the Central Green to the east.

The two lots have a total gross land area of 1.8 acres with 30,768 square feet as Lot 5 and 48,045 square feet as Lot 6. Excluding easements (24-foot-wide alley and 10-foot wide pedestrian access easements), the net lot area is 21,132 square feet for Lot 5 and 33,236 square feet for Lot 6 (see Final Map excerpt in **Figure 2**).

Revised Concept

The revised concept includes two four story buildings with the RCFE limited to the building on Lot 6 with a total of 121 rooms on the second, third and fourth floors. Proposed ground floor uses on

Lot 6 include approximately 10,000 square feet of commercial, three work/live units in 4,250 square feet and approximately 4,700 square feet of tenant amenities associated with the RCFE. Commercial spaces on the ground floor of Lot 6 would be open to the public with access from the street and access at the rear from an internal hallway for residents of the RCFE, except for the 1,200-square foot space at the north end of the building which would only have access from the street. The spaces with both street access and direct internal access are programed by the RCFE for fitness/gym, day spa, arts center, flex, bistro/bar, and restaurant use and would be leased to businesses independent of the RCFE or operated by the RCFE, if suitable business operators are not found. The applicant indicated that this approach would ensure that ground floor commercial spaces do not sit empty if there is no commercial interest in the spaces.

Lot 5 is proposed to be developed with 51 market-rate apartment units on the second, third and fourth floors, with ten work/live units in 15,395 square feet and tenant amenities for the residential units in 2,800 square feet on the ground floor.

Although the revised proposal includes only 10,000 square feet of ground floor commercial space, the 13 work/live units proposed would occupy 19,645 square feet on the ground floor and are designed as flex space that can convert to commercial space over time as the demand for commercial space increases.

Table 1 provides a breakdown of the proposed uses with greater detail. Floor plans are shown in **Figures 6 to 9**.

Table 2: Breakdown of Proposed Uses

Lot 6 (Building 1)	Floor	Use	Size (SF) or Unit Count
	1	Commercial	9,925 SF
		RCFE: lobby/reception (1,350 SF), lounge (2,030 SF), admin offices, (785 SF), pick-up/drop-off	4,665 SF
		Work/Live	3 units 4,250 SF
		Bike parking, back-of-house, and trash	1,025 SF
		Public easement	1,015 SF
	2	Independent living/assisted living 1-bdrm: (18) and 2-bdrm (15)	33 units
	3	Independent living/assisted living 1-bdrm: (18) and 2-bdrm (15)	33 units
	4	Assisted living/memory care: small studio (27) large studio (28)	55 rooms
Lot 5 (Building 2)	1	Work/Live	10 units 15,395 SF
		Leasing, lobby, fitness, co-work	1,525
	1a	Loft at mezzanine level	385 to 1,275 SF
	2	Studios (1), 1-bdrm (4), 2-bdrm (10) and 3-bdrm (2)	17 units
	3	Studios (1), 1-bdrm (4), 2-bdrm (10) and 3-bdrm (2)	17 units
	4	Studios (1), 1-bdrm (4), 2-bdrm (10) and 3-bdrm (2)	17 units

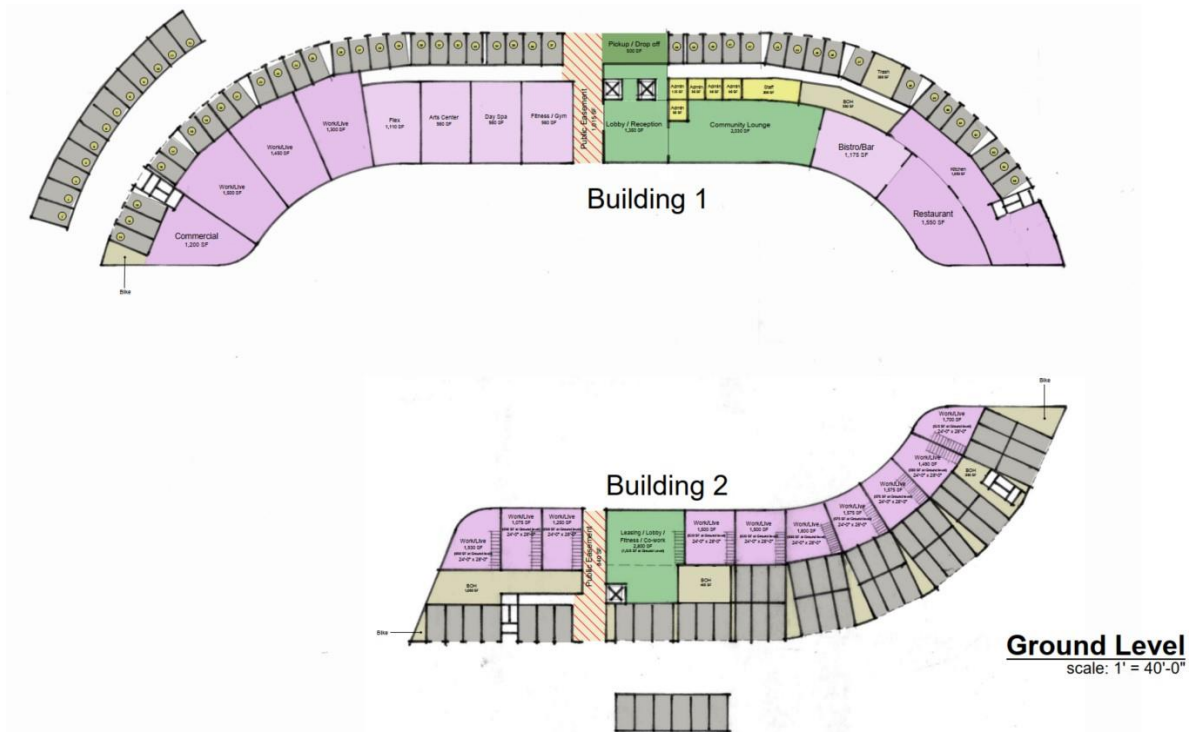


Figure 6: Ground level

Parking is accessed from the alleys behind the buildings and tandem spaces are proposed for a portion of the parking for Building 2.

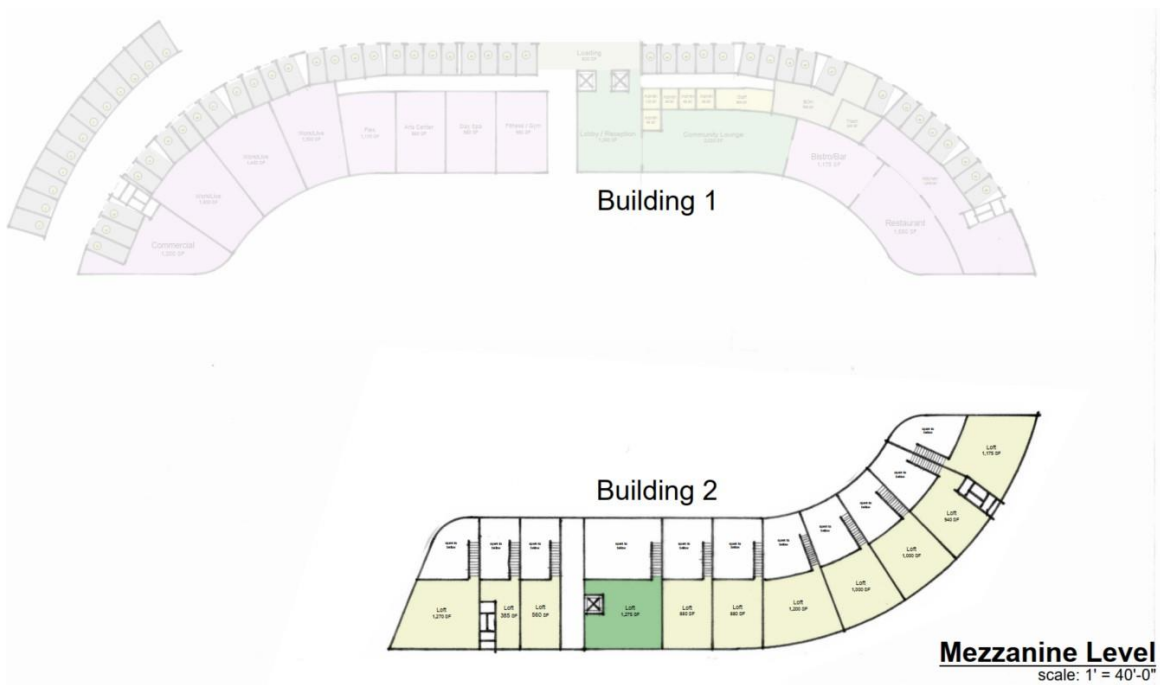


Figure 7: Mezzanine level

Lofts in a mezzanine are provided in Building 2 for the work/live units and lobby of the residential component of the project. The lofts are over the tandem parking and back-of-house spaces. No lofts are proposed for Building 1.

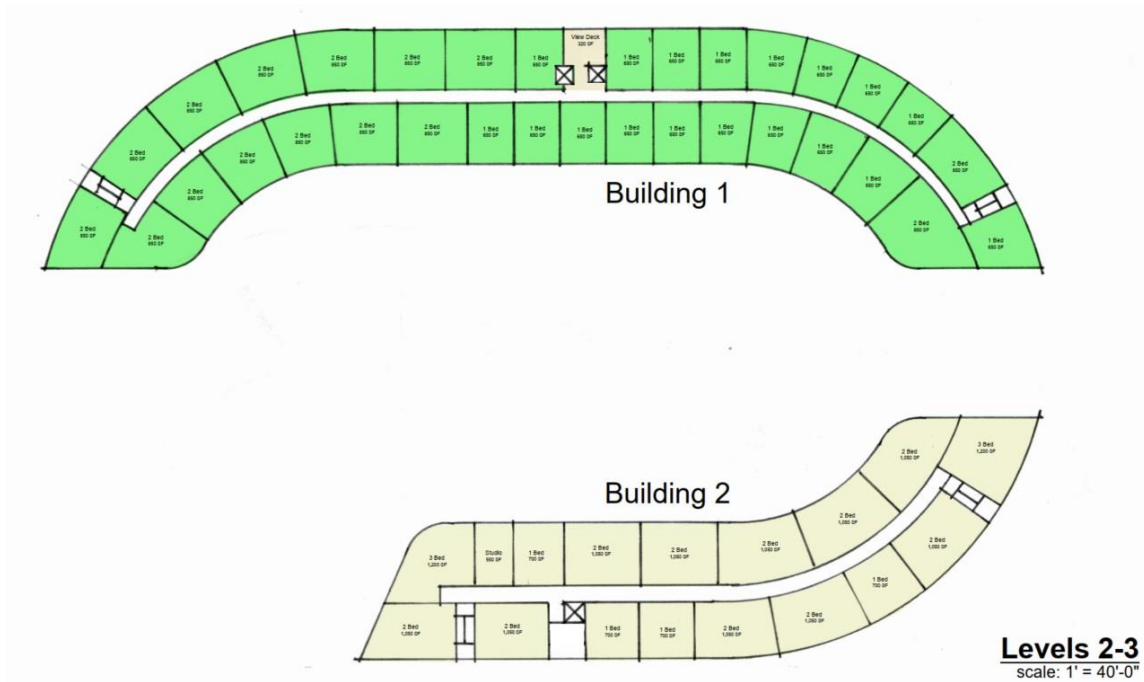


Figure 8: Second and Third levels

Sixty-six independent and assisted living units are provided on the second and third levels of Building 1 (33 units per floor), and 17 market-rate residential units are provided on each floor for the second through fourth floor of Building 2.

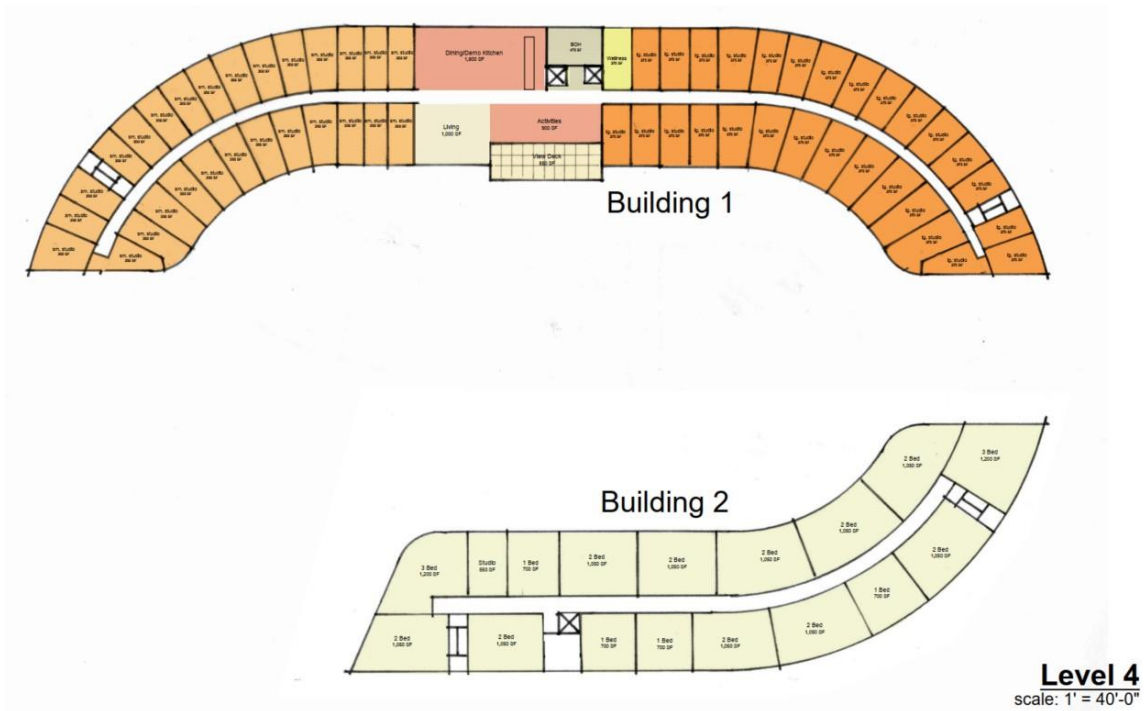


Figure 9: Fourth level

Fifty-five rooms for residents in need of memory care are proposed on the top floor of Building 1 and the top floor of Building 2 has the same floor plan as levels 2 and 3 with 17-market rate residential units.

Parking

Parking requirements in the SmartCode differ from the requirements of the Implementing Zoning Ordinance to reflect the pedestrian oriented character of development envisioned in the Central Petaluma Specific Plan. A total of 127 spaces are required for the mix and size of the uses proposed, and a total of 134 spaces are proposed, including 23 street-parking spaces around the Central Green.

A breakdown of spaces required by the SmartCode is provided in **Table 3** and **Table 4** shows the location and number of spaces provided.

Table 3: Parking Spaces Required

Use	SmartCode Required Spaces	SF/Units/Rooms Proposed	Required Spaces
Building 1			
Commercial	1 per 500 SF	9,925	20
Work/Live	2 per unit	3 units	6
Assisted Living & Memory Care	0.25 per unit	121 units	30
Total Building 1			56
Building 2			
Residential	1 per unit	51 units	51
Work/Live	2 per unit	10 units	20
Total Building 2			71
Total Project			127

Table 4: Parking Spaces Provided

Location	Spaces Provided	Spaces Required	Parking Surplus (Deficit)	
Surface spaces in alley behind Building 1	12		Without Central Green parking	With Central Green parking
Tuck-under parking at rear of Building 1	43			
Street parking on property frontage	6			
Street parking on east side of Central Green	6 ⁽¹⁾			
Total Spaces for Building 1	61	56	5	11
Surface spaces in alley behind Building 2	6			
Tuck-under parking at rear of Building 2	13			
Tandem tuck-under parking at rear of Building 2	37			
Street parking on property frontage	4			
Street parking on west side of Central Green	7 ⁽¹⁾			
Total Spaces for Building 2	60	71	(11)	(4)
Total Spaces for Project	121	127	(6)	7

(1) Spaces around the Central Green are not included in the count of spaces provided as they are not on the frontage of the project.

According to SmartCode section 6.10.010(B)(2) “on-street parking along the frontage lines of the site shall be counted toward fulfilling the parking requirements.” There are a total of 13 parking spaces on the street that front Lot 5 and 6. The parking spaces across the street that are adjacent to the Central Green are not included in the count as they are not along the “frontage lines of the site.”

There is a deficit of six spaces for the overall project. If the 13 spaces around the Central Green are

included, there is a total of seven surplus parking spaces for the overall project. For Building 1 there is a surplus of five spaces and a surplus of 11 spaces if the six street spaces on the east side of the Central Green are included in the count. Building 2 has a deficit of 11 spaces and if the seven spaces on the west side of the Central Green are included it has a deficit of four spaces.

Approval of a warrant to allow less than the required parking would be required for the project as the spaces abutting the Central Green are not along the frontage line of the project site and therefore not included in the count of required parking spaces.

DISCUSSION

Smart Code

Adopted July 1, 2013, the SmartCode establishes detailed regulations for development and land uses in Transect Zones. Transect zoning is an organizing principle that focuses on intended character and type of place first, then on the mix of uses within places with a gradual progression from rural to urban forms. Transect zones progress from the least developed T-1 Natural Zone to the most developed T-6 Urban Core. Zoning at the Riverfront Mixed-Use development includes T-4 in the small-lot single-family and townhome areas, T-5 for the office and hotel area, T-6 around the Central Green and Civic Space to encompass the Central Green, Riverfront Park, Active Park, and perimeter path.

Guiding policies intended to be implemented by the SmartCode (SmartCode p. 6) and particularly related to the discussion of the Spirit Living proposal include:

- That the size of neighborhoods reflect a five-minute walking distance from the edge to center (center meaning a railroad connecting transit stop or the existing downtown)
- That ordinary activities of daily living shall occur within walking distance of most dwellings, allowing independence to those who do not drive
- That within neighborhoods, a range of housing types and price levels shall be provided to accommodate diverse ages and incomes
- That appropriate building densities and land uses shall be provided within walking distance of transit stops

Development within Transect Zones of the SmartCode are required to comply with the following requirements of the SmartCode:

- A. Zoning Map of the SmartCode – identifies location of zones that differentiate standards for building placement, design, and use
- B. Building Function Standards – identifies land uses allowed in each zone
- C. Urban Standards – outlines regulations for building placement and façade design, parking, civic spaces, and landscaping
- D. Thoroughfare Standards – regulations governing street and path design for vehicles, cyclists, and pedestrians
- E. Landscaping and Utility Standards – requirements for street trees, planters, and utilities
- F. Parking Standards- establishes regulations for the design and location of required parking
- G. Historic Preservation Standards – establishes standards for changes to historic structures
- H. Design Review – requires Planning Commission review
- I. Civic Buildings- exempts civic buildings from the urban standards of the SmartCode

Table 3-1 of the SmartCode (**Attachment C**) identifies “building functions” (land uses) as allowed by right, subject to administrative approval of a minor use permit (MUP), or subject to Planning Commission approval of a conditional use permit (CUP). Some uses are only allowed on upper floors or behind an allowed ground floor use in the T-5 and T-6 zones, and are limited to 5,000 square feet on the ground floor, or only allowed in spaces greater than 8,000 square feet on the ground floor. Land uses are organized under general categories, including Assembly, Lodging, Residential, Retail, Services, Transportation, Communications, and Infrastructure, and Industry, Manufacturing and Processing, Wholesaling.

Residential Care for the Elderly is not listed as an allowed use in the T-6 zone or any other zone identified in the SmartCode. Some specific uses allowed in the T-6 zone are listed in the table below along with the permit required and whether allowed on the ground floor space with street frontage. Uses allowed on the ground floor with street frontage are in bold typeface. The complete list of uses allowed in the SmartCode are in **Attachment C**.

Land Use Category	Land Use	Permit Required	Ground floor street frontage
Assembly	Bar/tavern/night club	CUP	Y
	Commercial recreation facility	MUP (< 5,000 sf) CUP (> 5,000 sf)	N
	Community meeting facility	MUP (< 10,000 sf) CUP (> 10,000 sf)	N
	Fitness/health facility	Permitted	N
	Library, museum	Permitted	N
	Studio – art, dance, music, etc.	MUP	
	Theatre	Permitted	N
Lodging		Permitted	N
Residential	Live/work	CUP	N (see note 1)
	Multi-family	Not allowed	n/a
	Residential in mixed-use building	Permitted	See note 2
	Single-family dwelling	Not allowed	n/a
	Work/live unit	CUP	Y (See note 1)
Retail	Alcoholic beverage sales	CUP	Y
	Artisan shop	Permitted	Y
	General retail <10,000 sf	Permitted	Y
	General retail >10,000 sf <50,000 sf	CUP	Y
	Restaurant, café, coffee shop	Permitted	Y
Services	Adult day care in home ,<7 clients	Permitted	N
	Adult day care 7 or more clients	CUP	N
	Bank	Permitted	Y
	Business support service	Permitted	N
	Catering service	Permitted	Y
	Child family day care	Permitted	N
	Child day care center	MUP	N
	Community service organization	MUP	N
	Drive-through service	Not Allowed	n/a
	Medical services – clinic, lab, urgent care	Not allowed	n/a
	Doctor office	MUP	N

Land Use Category	Land Use	Permit Required	Ground floor street frontage
	Personal services – such as barber/beauty shops, dry cleaning, laundromats, massage, shoe repair	MUP	Y
	Restricted Personal services – such as check cashing services; tattoo and body piercing services	Not allowed	n/a
Industry, Manufacturing & Processing, Wholesaling	Artisan/craft product manufacturing	MUP	N
	Media production	Permitted	N
	Research and development	Permitted	N

1. Subject to Mixed-use Project requirements of SmartCode Section 4.70.030 including: Provide shopfronts along street frontages to maintain a pedestrian orientation at the street level. Residential developments, including live/work, shall be designed such that ground floor units may be converted to retail/commercial shopfronts and to establish a clear, functional design relationship with the street front.
2. Subject to requirements of SmartCode Section 4.70.020

Section 8.10.020(G) of the SmartCode specifies that a land use not listed in Table 3-1 is not allowed unless the following findings (in bold type) can be made. Staff analysis of the proposal as it relates to the required findings is provided below each finding.

- a. The characteristics of, and activities associated with the proposed use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the district.**

No similar use to RCFE is allowed at the ground-floor street frontage. Above the ground floor, residential uses in a mixed-use building and adult day care services are allowed. RCFE is not a residential use however, it has similarities in that it provides long-term housing for seniors and the associated support services provided have similarities to adult day care services, albeit on a 24-hour basis. Intensity of the proposed use can be regulated through limits on the total number of rooms allowed.

- b. The proposed use will be consistent with the purposes of the applicable zone.**

One of the purposes of the T6 zone is to provide a vertical mix of uses with ground floor spaces that are pedestrian oriented with commercial, service and residential uses on the upper floors. The SmartCode defines Pedestrian Oriented Uses as “*A land use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to visual interest, high customer turnover, and social interaction.*”

As revised, Building 1 has 9,925 square feet of pedestrian-oriented commercial space which constitutes 54% of the ground floor (excluding trash, back-of-house and bike parking areas) and when the work/live spaces are included, 77% of the ground floor is devoted to space not for the exclusive use of the RCFE.. Work/live is allowed in the T6 zone on the ground floor in spaces with street frontage subject to a conditional use permit.

Furthermore, most of the commercial space will include businesses that cater to both the general public and to residents of the RCFE and therefore be more likely to be financially viable, especially in the short-term before the Riverfront and Scannell projects are built out and the Caulfield Lane bridge is constructed.

Building 2 will have work/live studios on the ground floor, plus the lobby, fitness facility and leasing offices for the 51 residential units on the upper floors.

The revised proposal does better than the initial proposal at implementing the primary purpose of the T6 zone to create a vertical mix of uses with pedestrian orientation at the ground floor. However, it still contains non pedestrian oriented uses associated with the RCFE and a majority of the ground floor is devoted to work/live units rather than to commercial uses.

c. The proposed use will be consistent with the General Plan and this Code.

Like the discussion above, the ground floor components of the RCFE are limited to 23% of the ground floor area with over 3/4ths of the ground floor available for commercial uses and work/live units uses, in greater consistency with the vision of the General Plan and the SmartCode than the initial proposal. The project also includes 51 residential units that will add to the mix of uses in the project and help support the commercial uses on the ground floor. Additional discussion on the project's consistency with the General Plan is provided below.

d. The use will be compatible with the other uses allowed in the district.

The revised concept incorporates more variety of uses, increases activation on the ground floor and provides flexible work/live space that can be converted to commercial space when demand for commercial space is needed. However, initially commercial space in the project would be limited to 10,000 square feet as opposed to the 30,000 square feet envisioned in the Riverfront approvals and most of the 10,000 square feet is targeted towards tenants suitable to serve the RCFE.

Placement of the RCFE land use on the upper floors is compatible with some of the other uses specifically allowed on upper floors in the T-6 zone such as residential in a mixed use building, or those allowed through a use permit such as child care or doctors' offices.

e. The proposed use is not listed as allowable in another zone.

RCFE is not listed as an allowable use in another zone of the SmartCode. It is an allowed land use in specific zones in the Implementing Zoning Ordinance.

Planning Commission feedback on the adequacy of the proposed revisions in addressing the Commission's comments will assist the applicant in deciding whether to purchase the properties.

Implementing Zoning Ordinance

Per Section 1.10.020 of the SmartCode, if a conflict occurs between a requirement of the SmartCode and the IZO, the provisions of the SmartCode apply. There is no conflict between the SmartCode and the IZO. As stated above, uses allowed in the T-6 zone are set forth in the SmartCode and the SmartCode contains procedures for considering uses not listed. RCFE is not a listed use in the SmartCode however, it is allowed by the IZO in the MU1A and MU1B zones. For reference, the IZO definition of RCFE is as follows:

Residential Care Facilities for the Elderly (RCFE). Provide care, supervision and assistance with activities of daily living, such as bathing and grooming. They may also provide incidental medical services under special care plans.

The facilities provide services to persons 60 years of age and over and persons under 60 with compatible needs. RCFEs may also be known as assisted living facilities, retirement homes and board and care homes. The facilities can range in size from six beds or less to over 100 beds. The residents in these facilities require varying levels of personal care and protective supervision. Because of the wide range of services offered by RCFEs, consumers should look closely at the programs of each facility to see if the services will meet their needs.

General Plan and Central Petaluma Specific Plan

The project site has a General Plan land use designation of Mixed Use and the General Plan refers to the Central Petaluma Specific Plan (CPSP) for applicable development policies and densities. There are four subareas of the CPSP: North River, Turning Basin, Riverfront Warehouse and Lower Reach. Riverfront Mixed-Use project is in the “Lower Reach” area.

A guiding concept in formulation of the CPSP was to advocate for greater densities and mixed use opportunities, including ground floor retail. (CPSP p. 4). Specific to the Lower Reach area, Policy 5.3 is to “[a]llow for an intense Mixed Use development on land not utilized for industrial purposes” and “encourages incorporating housing, restaurants, cafes, banking facilities, child care services, and showers and lockers and related services.”

According to the 2015-2023 Housing Element, in 2013 there were almost 2,400 residents 65 years and older with a disability. The Housing Element notes that there is a need for congregate or group housing and housing that will allow seniors to “age-in-place” will become increasingly important. (Housing Element p. 17)

For purposes of calculating the number of housing units developed toward meeting the Regional Housing Needs Allocation (RHNA), CA Department of Housing and Community Development relies on the US census definition of a housing unit. The US Census defines Housing Unit as follows:

A housing unit is a house, an apartment, a group of rooms, or a single room occupied or intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants do not live and eat with other persons in the structure and which have direct access from the outside of the building or through a common hall. For vacant units, the criteria of separateness and direct access are applied to the intended occupants whenever possible. If the information cannot be obtained, the criteria are applied to the previous occupants. Tents and boats are excluded if vacant, used for business, or used for extra sleeping space or vacations. Vacant seasonal/migratory mobile homes are included in the count of vacant

seasonal/migratory housing units. Living quarters of the following types are excluded from the housing unit inventory: Dormitories, bunkhouses, and barracks; quarters in predominantly transient hotels, motels, and the like, except those occupied by persons who consider the hotel their usual place of residence; quarters in institutions, general hospitals, and military installations except those occupied by staff members or resident employees who have separate living arrangements.

As described in the project narrative and is typical for Residential Care Facilities for the Elderly, the development will have approximately 45 employees with staff on-site 24/7. The project includes multiple floor plan types with the units intended for independent living (proposed on the second and third floors on Lot 6) that appear to meet the definition of “housing unit” while the rooms intended for individuals in need of greater care (proposed on the fourth floor on Lot 6) do not meet the definition of “housing unit.” If a formal application is submitted, as a part of the development review process, the City will determine whether the RCFE component of the proposal includes the development of “housing units.”

In determining the appropriateness of the conceptual proposal, programs and policies of the Housing Element to consider are listed below. These programs and policies apply to the 51 residential units proposed in Building 2 on Lot 5 and some of them could apply to the “independent living” units in the RCFE, depending on the determination of whether they meet the definition of “housing units.”

Programs 1.2 Utilize the Central Petaluma Specific Plan to facilitate the development of vacant and underutilized land at the heart of the City.

Program 2.2 Utilize the Central Petaluma Specific Plan to facilitate the development of rental and live/work units in the downtown, e.g., high density housing, relaxed parking requirements, and encouraging on-site inclusionary units.

Policy 4.2 Assign a share of the responsibility for providing affordable housing to the developers of market-rate housing and non-residential projects.

Program 4.4 Administer the Housing - Commercial Linkage Fee Program.

NEXT STEPS

The Planning Commission may offer non-binding comments regarding the appropriateness of a Residential Care Facility for the Elderly in the T-6 zone and use of portions of the ground floor spaces to support the administrative functions, lobby/reception, and lounge for the RCFE.

The SmartCode and Central Petaluma Specific Plan are clear that ground floor uses with street frontage in the T-6 zone are to be pedestrian oriented. The revised proposal includes a limited amount of support and administrative functions of the RCFE on the ground floor with a vast majority of the ground floor devoted to commercial and work/live uses. Use of the upper floors for RCFE also appears compatible and similar to the range of service and residential uses allowed above the ground floor in the T-6 zone.

ENVIRONMENTAL REVIEW

No action is proposed at this time; therefore, this item is not a project, as defined by the California Environmental Quality Act (CEQA), 14 California Code of Regulations Section, 15378, and is not subject to CEQA requirements.

Additionally, a Final Environmental Impact Report (EIR) was prepared and certified and a Mitigation Monitoring and Reporting Plan was adopted for the Riverfront Mixed-Use project. If an application for a RCFE is submitted, the City will determine the appropriate level of additional review that may be necessary under the California Environmental Quality Act.

PUBLIC OUTREACH

Notice of this Planning Commission item was posted in compliance with the Brown Act and in an effort to solicit initial public comments, public notice of this item was mailed to property owners and tenants within 1,000 feet of the project site and was published in the Argus on October 28, 2021.

If a formal application is submitted, a neighborhood meeting will be required prior to a Planning Commission hearing and public notice in compliance with the Brown Act and local noticing requirements will be provided.

ATTACHMENTS

- A. Applicant Project Narrative and Project Data Sheet
- B. Conceptual Project Plans
- C. Building Functions Table 3-1, SmartCode