

RESOLUTION 2018-03

CITY OF PETALUMA PLANNING COMMISSION

APPROVING SITE PLAN AND ARCHITECTURAL REVIEW WITH ASSOCIATED WARRANTS AND EXCEPTIONS FOR THE NORTH RIVER APARTMENTS PROJECT LOCATED AT 368 AND 402 PETALUMA BLVD NORTH

APN 006-163-041, 006-163-040 ('Apartment Site')

APN 006-163-005, 006-163-022, 006-163-025, 006-163-026, 006-163-028, 006-163-052, 006-163-053, 006-163-054, 006-284-010, 006-284-018, 006-284-029, 006-284-036, 006-284-038, 006-284-039, 006-284-040, 006-284-041, and 006-284-042 ('Water Street North')
FILE NO. PLSR-15-0015

WHEREAS, Jeff Morgan of A.G. Spanos Corporation, on behalf of the property owner Iris Assets, LLC, filed an application for Site Plan and Architectural Review with associated requests for Warrants and Building Height Exception approval for the Project summarized as follows:

- a) Approval of Site Plan and Architectural Review for the construction of two apartment buildings including 184 dwellings, approximately 4,677 square feet for commercial use (e.g., retail, restaurant, office), approximately 4,981 square feet of tenant amenity area (e.g., gym, media room, kitchen), and approximately 1,953 square foot leasing office, and associated on- and off-site improvements; the extension of Oak Street and Water Street North (within the boundaries of the project site), a new Class I multi-use path along the Petaluma River, from the intersection of Oak Street and Water Street North to the Petaluma River Pedestrian Bridge, and off-site improvement of Water Street North as a public thoroughfare to Washington Street;
- b) In accordance with Central Petaluma Specific Plan, SmartCode §8.10.020(H), Warrant approval for: (a) reduction of the minimum ground floor ceiling height from 14 to 13 feet at proposed River Building only (SmartCode §4.10(m)); (b) reduction of minimum ground floor space depth along a portion of the primary frontage at the River Building only from 30 to 12 feet 7 inches (SmartCode §4.10(n)); (c) placement of off-street parking spaces within a portion of the 2nd layer at the building frontage along the Petaluma River (SmartCode §4.10(p)); and (d) replacement of a 'Commercial Street with Parallel Parking' east of Water Street North with a Class I facility for pedestrian and bicycle use (SmartCode §5.10.100); and
- c) In accordance with Central Petaluma Specific Plan, SmartCode §4.20.010, an Exception to the maximum building height in the Urban Center (T5) Zone consisting of a five (5) story building located east of Water Street North.

WHEREAS, the Project is located at 368 and 402 Petaluma Boulevard North within the Urban Center (T5) Zone at Assessor's Parcel Numbers 006-163-041, 006-163-040 with the proposed emergency vehicle access roadway located at portions of the following Assessor's Parcel Numbers 006-163-005, 006-163-022, 006-163-025, 006-163-026, 006-163-028, 006-163-052, 006-163-053, 006-163-054, 006-284-010, 006-284-018, 006-284-029, 006-284-036, 006-284-038, 006-284-039, 006-284-040, 006-284-041, and 006-284-042; and

WHEREAS, on June 27, 2017, the Planning Commission conducted a public workshop on the Project and where the Site Plan and Architectural Review, Warrant, and Exception aspects of the Project were considered with no action being taken and with an opportunity for all parties to be heard; and

WHEREAS, on September 12, 2017 the project was continued to a date certain of September 26, 2017; and

WHEREAS, on September 26, 2017 the applicant requested the Project be removed from the agenda; and

WHEREAS, prior to acting on this Site Plan and Architectural Review application, the Planning Commission approved a Mitigated Negative Declaration (MND) on January 23, 2018 via Resolution 2017-02; and

WHEREAS, prior to acting on this Site Plan and Architectural Review application, public notice was published in the *Petaluma Argus-Courier* and mailed to residents and occupants within 500 feet of the Project site in compliance with state and local law; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider the Project on January 23, 2018, at which time all interested parties had the opportunity to be heard; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF PETALUMA AS FOLLOWS:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. Based on its review of the entire record herein, the Planning Commission makes the following findings:

General Plan

- a. The Project is, as conditioned, consistent with the Petaluma General Plan, as follows:

Land Use Map

- i. The Project includes residential and non-residential land uses proposed at a location designated Mixed Use by the General Plan Land Use Map. The Mixed Use designation requires, in relevant part, "a robust combination of uses, including retail, residential, service commercial, and/or offices. Development is oriented toward the pedestrian, with parking provided, to the extent possible, in larger common areas or garages."

Consistency Analysis: The Project includes both residential and non-residential land uses within an urban building oriented to pedestrians through shallow setbacks at abutting public streets and which includes off-street parking within a common garage removed from view at abutting streets. The Project includes a ground-level commercial area at Petaluma Blvd North which has the potential to further enhance the existing robust mix of uses along that street. Similarly, the Project places ground-level commercial area at Water Street North and, in doing so, furthers policy efforts (e.g., Petaluma River Access and Enhancement Plan, Lakeville Industrial Segment, Program 5) to establish a robust mix of uses in proximity to the Petaluma River. For these reasons, the Project is consistent with the Mixed Use designation.

Goal 1-G-1: Land Use: "Maintain a balanced land use program that meets the long-term residential, employment, retail, institutional, education, recreation, and open space needs of the community."

- ii. Policy 1-P-2 states, "Use land efficiently by promoting infill development, at equal or higher density and intensity than surrounding uses."

Policy 1-P-6 states, "Encourage mixed-use development, which includes opportunities for

increased transit access."

Policy 1-P-11 states, "Allow land use intensification at strategic locations along the arterial corridors leading to Downtown and Central Petaluma, including aging commercial and industrial sites."

Consistency Analysis: The project would demolish two commercial buildings of approximately 4,700 total square feet on a 3.92-acre site, and replace it with 184 new residential dwellings in approximately 307,231 square feet of total floor area within two new building three, four and five stories in height. Surrounding properties include commercial buildings primarily one story in height and, thus, of a significantly lower intensity.

The project consists of a mixed-use development, including both residential and non-residential land uses, which are located within one-half mile of the Downtown Sonoma Marin Area Rail Transit (SMART) Station and adjacent to two Petaluma Transit bus stations (serving Route 48, 48X, 54).

The project is located along Petaluma Blvd North, an arterial corridor leading to Downtown Petaluma.

For the above-stated reasons, the project is consistent with Policy 1-P-2, 1-P-6 and 1-P-11.

Goal 1-G-5: Petaluma River: "Develop land uses in proximity to the Petaluma River that ensure the restoration of the natural River corridor, provide for adequate storm flow capacities, and enable public access and stewardship."

- iii. Policy 1-P-43 states, "Development shall incorporate the River as a major design focal point, orienting buildings and activities toward the River and providing water access, to the extent deemed feasible."

Policy 1-P-44 states, "Develop the Petaluma River as a publicly accessible green ribbon, fronted by streets, paths, access points, and open spaces, by implementing the Petaluma River Access and Enhancement Plan within the context of the PRC Design Standards."

Policy 1-P-45 states, "Development along the River shall include the creation and maintenance, in perpetuity, of public access sites. Amenities provided may include ramps, steps, docks or other means of access to the water."

Consistency Analysis: As proposed, the Project provides for public access from Water Street North, along the Petaluma River, and connecting to the Petaluma River pedestrian bridge abutting Assessor's Parcel Number (APN) 006-163-051. The Project also includes ground-level floor area fronting the Petaluma River as well as an outdoor plaza for public use. As conditioned, the Project would provide, in perpetuity, for public access along the aforementioned route. Lastly, the Project provides for the dedication and improvement of Water Street North from its intersection with Oak Street to Washington Street. For these reasons, the Project is consistent with the above-listed policies. Additional analysis related to Policy 1-P-44, Policy 1-P-45, and the Petaluma River Access and Enhancement Plan as provided below.

Goal 2-G-1: City Form and Identity: "Preserve Petaluma's setting as an urban place surrounded largely by rural land uses and densities, agriculture and open space."

- iv. Policy 2-P-1 states, "As depicted on the Land Use Map allow for urban development at defined densities and intensities to prevent the need to extend outward beyond the

Urban Growth Boundary."

Consistency Analysis: The Project is located within the Central Petaluma Specific Plan (CPSP) boundary, and, pursuant to General Plan Page 1-7, densities and floor-area-ratio (FAR) shall be undertaken in accordance with the CPSP. The CPSP regulates density and FAR indirectly through building height, mass and bulk development standards embodied in Appendix A (SmartCode). As proposed, the Project is substantially consistent with those development standards and designed to maximize density and intensity (e.g., building height exception to increase maximum height to five stories). As a result, the Project furthers the subject policy.

Housing Element Goal 1: Housing Supply: "Provide adequate residential development opportunities to accommodate projected residential growth and facilitate mobility within the ownership and rental markets."

- v. Policy 1.1 states, "Promote residential development within the Urban Growth Boundary."

Programs 1.1 states, "Utilize sites within the UGB to accommodate anticipated long-term residential growth."

Policy 1.2 states, "Encourage the development of housing on underutilized land that is appropriately zoned."

Program 1.2 states, "Utilize the Central Petaluma Specific Plan to facilitate the development of vacant and underutilized land at the heart of the City."

Consistency Analysis: The project is located within the Urban Growth Boundary (UGB), within the CPSP, and on property that is underutilized and zoned for urban development of significant residential density and building intensity. For these reasons, the Project is consistent with the aforementioned Housing Element policies.

Central Petaluma Specific Plan (CPSP): "Land use development in the CPSP subarea shall be undertaken according to the Central Petaluma Specific Plan, unless amended herein or on the Land Use Map. Densities and FARs within the boundary of the CPSP shall be undertaken in accordance with the CPSP."

- vi. Policy 2-P-9 states, "Provide for the extension of Copeland Street to Petaluma Boulevard North in the vicinity of Oak Street."

Consistency Analysis: The extension of Copeland Street to Petaluma Boulevard, as envisioned by Policy 2-P-9, would not occur over the project site. Additionally, the CPSP's implementing regulations (i.e., Appendix A, SmartCode) do not identify the planned extension of Copeland Street. Therefore, the Project is not in conflict with Policy 2-P-9. The Project does include the extension of Oak Street east of Petaluma Boulevard North to Water Street North as envisioned in both the General Plan and the CPSP.

- vii. Policy 2-P-12 states, "Support the establishment of pedestrian access to the River, including the provision of a facility to allow launching of small, lightweight waterborne craft."

Consistency Analysis: See analysis under Goal 1-G-5 (Petaluma River) above. The establishment of a facility for waterborne craft is being pursued by a community non-profit downstream in the vicinity of the Turning Basin. All regulatory approvals have been issued for that facility and construction is imminent.

GOAL 3-G-1: Historic Preservation: Identify, recognize and protect Petaluma's unique and irreplaceable cultural heritage through the implementation of policies and programs that maintain the character and identity of the community, enhance the quality of the built environment, encourage awareness and appreciation for its history and culture, and contribute to its economic vitality. Ensure that future plans, ordinances, and City programs are complimentary to the historic preservation goals and policies contained within this plan.

- viii. Policy 3-P-5 states, "The protection of historic resources shall be a key consideration and an equal component in the development review process."

Consistency Analysis: The Project includes buildings which were determined by the Historic and Cultural Preservation Committee (HCPC) on May 14, 2009 to not constitute historic resources and, as a result, were authorized for demolition. As conditioned, the Project would preserve space for trolley tracks within Water Street North and, in doing so, implement multiple policies related to both land use, transportation and historic preservation (i.e., General Plan Policy 2-P-11 and 5-P-53, CPSP Land Use Policy 1.6, 3.6, 4.4 and Circulation Policy 1.5). For these reasons, the project is consistent with Policy 3-P-5.

GOAL 4-G-1: Biology & Natural Resources: Protect and enhance biological and natural resources within the UGB.

- ix. Policy 3-P-5 states, in relevant part, "Protect and enhance the Petaluma River and its tributaries through a comprehensive river management strategy of the following programs:

A. Fully adopt and incorporate the Goals, Objectives, Policies and Programs of the Petaluma River Access and Enhancement Plan as an integral part of the General Plan 2025. Implement the Petaluma River Access and Enhancement Plan including expanded improvements identified through project specific environmental assessment."

Consistency Analysis: As documented in the Initial Study prepared for the Project, the project site includes the open water of the Petaluma, non-sensitive non-native plant habitat, and 0.09 acre of tidal and brackish marsh habitat and 0.05 acre of stabilized and planted river bank riparian habitat. The Project, as proposed, would occur above the top of bank. However, as documented in the Initial Study, the Project has the potential to adversely impact terrestrial species, fish species, and riparian habitat through its construction activities. For all those adverse effects, the Initial Study identifies feasible mitigation measure to reduce impacts to below the threshold of significance and in a manner envisioned by General Plan Goal 4-G-1 and Policy 3-P-5. Additional discussion about the Petaluma River Access and Enhancement Plan is provided below.

GOAL 4-G-3: Air Quality: Improve air quality and meet all Federal and State ambient air quality standards and goals by reducing the generation of air pollutants from stationary and mobile sources.

- x. Policy 4-P-9 states, "Require a percentage of parking spaces in large parking lots or garages to provide electrical vehicle charging facilities."

Consistency Analysis: As provided at Mitigation Measure GHG-1 of the Project's Initial Study, the Project would comply with the California Green Building Standards Code mandatory requirements and, in accordance with Policy 4-P-9, include electrical vehicle charging stations in at least 1% of the total on-site parking spaces. Also, as mentioned at Condition of Approval No. 30, the applicant proposes to exceed the requirements of Mitigation Measure GHG-1 by installing a total of ten (10) electric vehicle charging stations. For these reasons, the Project is consistent with Policy 4-P-9.

GOAL 4-G-4: Energy: Reduce reliance on non-renewable energy sources in existing and new development.

- xi. Policy 4-P-20 states, "Continue to participate in undergrounding of public utility lines; whenever appropriate, require conversion of overhead lines to underground in conjunction with public and private projects."

Consistency Analysis: The Project site includes overhead utility lines within its boundaries as well as at a portion of the Petaluma Blvd North frontage. Pursuant to Condition of Approval No. 51, all on-site and adjacent overhead utility lines (including those off-site within Water Street North) would be placed underground, as required by Policy 4-G-4.

GOAL 5-G-1: Mobility Framework: To improve Petaluma's mobility system to increase efficiency for all modes of travel.

- xii. Policy 5-P-1 states, "Develop an interconnected mobility system that allows travel on multiple routes by multiple modes."

Policy 5-P-4 states, "New development and/or major expansion or change of use may require construction of off-site mobility improvements to complete appropriate links in the network necessary for connecting the proposed development with existing neighborhoods and land uses."

Policy 5-P-6 states, "Ensure new streets are connected into the existing street system and encourage a grid-based network of streets."

Consistency Analysis: As proposed, the Project fulfills and, in two ways, exceeds the circulation improvement requirements of the General Plan and Central Petaluma Specific Plan. First, within the project site boundary, both Oak Street and Water Street North are constructed. Second, the off-street extension of Water Street North to Washington Street for all modes (i.e., vehicles, pedestrians, bicyclists) satisfies a life/safety requirement for the project while, at the same time, presenting a catalyzing improvement of benefit to adjacent properties. Also, the off-site extension of a Class I facility along the Petaluma River to the existing pedestrian bridge provides an important new connection for residents and pedestrians circulating along properties generally east of Petaluma Blvd North.

Therefore, for the reasons stated above, the proposed project is consistent with the circulation policies of the General Plan and CPSP.

GOAL 5-G-2: Motor Vehicle Circulation: To improve Petaluma's mobility system to increase efficiency for all modes of travel.

- xiii. Policy 5-P-10 states, "Maintain an intersection level of service (LOS) standard for motor vehicle circulation that ensures efficient traffic flow and supports multi-modal mobility goals. LOS should be maintained at Level D or better for motor vehicles due to traffic from any development project."

Consistency Analysis: As documented in the Initial Study prepared for the Project, resulting LOS levels at study intersections would be maintained at Level D or better. Where the resulting LOS is projected to result in Level F (at Oak Street/Petaluma Blvd North), the Project proposes the installation of a traffic signal to improve LOS to Level A. Therefore, the Project is consistent with Policy 5-P-10.

GOAL 5-G-5: Bicycle and Pedestrian Improvements: Create and maintain a safe, comprehensive and integrated bicycle and pedestrian system throughout Petaluma that

encourages bicycling and walking and is accessible to all.

- xiv. Policy 5-P-15 states, "Implement the bikeway system as outlined in the Bicycle and Pedestrian Plan, and expand and improve the bikeway system wherever the opportunity arises."

Policy 5-P-20 states, "Ensure that new development provides connections to and does not interfere with existing and proposed bicycle facilities."

Policy 5-P-25 states, "Establish a network of multi-use trails to facilitate safe and direct off-street bicycle and pedestrian travel. At the minimum, Class I standards shall be applied unless otherwise specified."

Policy 5-P-26 states, "Require all new development and those requiring new city entitlements with "frontage" along creeks and the river to permit through travel adjacent to creeks and the river with access points from parallel corridors spaced at minimum intervals of 500–1,000 feet."

Policy 5-P-30 states, "Require all new development abutting any public trail to provide access to the trail."

Consistency Analysis: As proposed, the Project would construct a Class III bike facility on Oak Street and Water Street North (within the project site boundary) and also construct a Class I facility from Water Street North, along the Petaluma River, and connecting to the nearby Petaluma River pedestrian bridge. Moreover, as provided at Condition of Approval Nos. 89 and 90, additional design features would be installed to ensure bicyclist safety. For these reasons, the Project is consistent with the above-listed policies.

GOAL 5-G-6: Public Transit: Promote the expansion of the transit system and the intensification of use by the public.

- xv. Policy 5-P-15 states, "Expand the bus transit system so that it is convenient and provides frequent, regular service along major City corridors serving education, shopping, and employment destinations, and SMART park-and-ride lots."

Consistency Analysis: The Project is located at a major arterial utilized by Petaluma Transit to provide public transit. Route 10 provides north/south service at the Project frontage. The nearest bus stops are between Oak Street and Kent Street. Amenities at these stops include the following: (a) west side of Petaluma Blvd North has a bus stop bench with seating for two persons; and (b) east side of Petaluma Blvd North has no amenities. Therefore, in order to find consistency with Policy 5-P-15, Condition of Approval No. 52 is imposed to require a solar-lighted bus stop shelter on the east side of Petaluma Blvd North.

GOAL 5-G-8: Expand the use of alternative modes of mobility serving regional needs.

- xvi. Policy 5-P-53 states, "Support efforts to re-establish a local trolley line utilizing the old spur into the Downtown area."

Consistency Analysis: As proposed, the Project would extend Water Street North along the existing alignment of rail tracks from the intersection with Oak Street to Washington Street. The Project does not propose the construction of trolley tracks within this segment of Water Street North. In recognition of the directive of Policy 5-P-53 and Central Petaluma Specific Plan policies and standards cited below, the Planning Commission finds the imposition of Conditions of Approval No. 45 and 46 as necessary to ensure consistency with said policies and standards. The nexus for these conditions consists of

the Project's need to utilize Water Street North (which is conterminous with the referenced rail tracks) for access purposes. The conditions are also proportional to the Project since it requires design plans for a rail track segment in proximity to the Project site in order to ensure basic functionality.

GOAL 6-G-2: Parks and Recreation: Ensure park and recreational assets are maintained to allow safe access and use.

- xvii. Policy 6-P-18 states, "Development that occurs adjacent to designated trails and pathway corridors shall be required to install and maintain the publicly owned and accessible trail, in perpetuity."

Consistency Analysis: See analysis under Goal 1-G-5 (Petaluma River) above.

GOAL 7-G-4: Schools, Education and Childcare: Support efforts to provide superior educational opportunities for children and all members of the community.

- xviii. Policy 7-P-15 states, "Improve and expand safe pedestrian, bicycle, and transit access to all school sites and campuses."

Consistency Analysis: As proposed, the Project would construct a Class I pedestrian/bicycle facility between the intersection of Water Street North/Oak Street and the Petaluma River pedestrian bridge abutting Assessor's Parcel Number (APN) 006-163-051. That connection will provide for more direct and convenient path of travel for elementary school students in the Oakhill Brewster neighborhood to McKinley Elementary School. This promotes Policy 7-P-15.

GOAL 7-G-5: Fire Protection: Protect lives, property, and the environment by providing the highest quality of service in prevention, fire protection, emergency medical services, and community preparedness.

- xix. Policy 7-P-18 states, "Ensure facilities, equipment and personnel are adequate to maintain quality of service demands of the community, including but not limited to: fire suppression, Advanced Life Support (ALS), rescue, fire prevention, education, CUPA, and disaster preparedness and management."

Consistency Analysis: See analysis under Goal 5-G-1 (Mobility Framework) above.

GOAL 7-G-6: Police Services: Provide police services that are responsive to citizens' needs to ensure a safe and secure environment for people and property in the community.

- xx. Policy 7-P-35 states, "Incorporate, into new development to the extent deemed appropriate and feasible, the Development Code Urban Design Standards for crime prevention."

Consistency Analysis: See analysis under Goal 7-G-1 (Public Facilities and Services) above.

Central Petaluma Specific Plan: Policies

- b. The Project is, as conditioned, consistent with the Central Petaluma Specific Plan policies, as follows:

(North River Area) Land Use – Objective 1: Provide for a mixture of industrial, office, retail, and compatible residential development.

- i. Policy 1.1 states, "Support the existing industrial uses."

Consistency Analysis: As proposed, the Project does not place primary access for residential uses or common open space areas in proximity to the abutting industrial use (i.e., Hunt & Behrens; APN 006-171-009, 006-171-008). That abutting industrial use includes the use of heavy machinery and trucks that may result in dissimilar noise, dust, and odors. To address this potential incompatibility, SmartCode §4.70.050 and Condition of Approval No. 34 require a notice will be recorded against the Project site and which notifies the property owner(s) and building occupants that adjacent industrial uses exist, will remain, and may have operations with different characteristics.

- ii. Policy 1.2 states, "Provide for a significant component of new housing within the area."

Consistency Analysis: The Project would result in 184 residential dwelling units at a site which presently has none. Additionally, the Project is, as mentioned above, designed to maximize residential density and building intensity. Therefore, the Project is consistent with Policy 1.2.

- iii. Policy 1.3 states, "Provide for residential housing types that are compatible with the existing industrial businesses."

Consistency Analysis: See analysis under Policy 1.1 immediately above.

- iv. Policy 1.6 states, "Encourage pedestrian oriented land use. Encourage pedestrian oriented land use by allowing low parking to floor area ratios, emphasizing pedestrian and bicycle access and orientation toward the river and the proposed heritage trolley on the P. & S. R. tracks."

Furthermore, in Chapter 6 (Circulation) at Page 59 of the CPSP under the heading 'Rail Transportation,' the following is stated, "Central Petaluma is traversed by two railroad alignments owned by the Northwestern Pacific Railroad Authority (NWPRA), a joint powers authority that is locally represented by the Golden Gate Bridge Highway Transportation District. The Northwestern Pacific (NWP) Railroad historically owned these lines, and currently operates freight traffic on the railroad main line.

The two alignments lie on the northeast side of the river, with the main line track carrying all through traffic. The second drill line provides freight service to businesses, specifically Dairymen's Feed and Supply and Hunt and Behren's. Currently, both alignments have a river crossing. At this time, the drill line is not a continuous track; trackage is buried beneath East Washington Street, requiring freight service to Hunt and Behren's and Dairymen's Feed from the north. The NWP Railroad runs two to four trains per day through Petaluma to serve local industries.

In addition to these two principal alignments, there is a spur line that runs along Poultry, Water and First streets in downtown Petaluma. This spur is no longer in operation (the line was last used in 1993); however, the City and the NWPRA would like to protect the right-of-way for future transit service. Proposals have been made to reactivate this spur for heritage trolley service."

Lastly, at §5.10.100 (Thoroughfare Regulating Plan Central Petaluma Specific Plan Area) of Appendix A (SmartCode) of the CPSP, two planned thoroughfare types are shown for the segment of Water Street North heading northerly from Washington Street through the Project site. From Washington Street heading north to approximately APN 006-284-036 (256 Petaluma Blvd North), the SmartCode assigns standards for 'Poultry Street' which include trolley tracks in the roadway. From APN 006-284-036 heading north through the Project site, the SmartCode assigns standards for a 'Commercial Street with Parallel

Parking' and which exclude trolley tracks in the roadway. Given the aforementioned General Plan and CPSP policy language and in recognition that the only means of access for trolley rail cars to access the envisioned line is from the north, the Planning Commission determines the omission of trolley tracks in the 'Commercial Street with Parallel Parking' as a drafting error.

Consistency Analysis: See analysis under General Plan Policy 5-P-53 above.

SmartCode (Compliance with Standards)

- c. (Table 3.1: Building Function) As proposed, the Project would accommodate the following land uses: Multi-family housing (including uses accessory thereto; e.g., gym, community rooms), General retail, and Restaurant-café-coffee shop. All of these uses are permitted by right at the project site, pursuant to Table 3.1.
- d. (Section 4: Urban Standards) The Project is consistent with the following urban standards at SmartCode Chapter 4: Private Frontage, Landscape and Utility, and Building Type, except as noted below under findings pertaining to Warrants and Building Height Exception. Findings specific to SmartCode § 4.70.030 (Mixed-Use Projects) are provided below.
- e. (Section 5: Thoroughfare Standards) As proposed, the Project is consistent with the urban standards at Section 5: Thoroughfare Standards, including but not limited to, those relating to thoroughfare design, intersections, public frontages, public planting, and public lighting, except as noted below under findings pertaining to a Warrant for the 'Commercial Street with Parallel Parking'.
- f. (Section 6: Parking Standards) As proposed, the Project conforms to the urban standards at Section 6: Parking Standards pertaining to parking design and development standards as well as bicycle parking. Except for a limited area of parking placement within the 2nd layer at the building frontage along the Petaluma River, the Project conforms to the parking location standards at SmartCode § 6.10.020. For that portion of the Project not in conformance, separate findings are provided below related to Warrant approval.

SmartCode (Warrant: Commercial Street with Parallel Parking)

- g. SmartCode § 5.10.100 identifies the requirement for a 'Commercial Street with Parallel Parking' easterly of the extension of Water Street North, along the Petaluma River, and looping back to Water Street North at the abutting southern APN 006-163-051 and 006-163-052. The 'Commercial Street with Parallel Parking,' specified at SmartCode Page 149, consists of a sixty (60) foot public right-of-way inclusive of features such as sidewalks, street trees, lighting, on-street parking and travel lanes. As proposed, the Project includes ten (10) foot wide Class I pedestrian/bicycle pathway in the location of the required 'Commercial Street with Parallel Parking' as well as the off-site continuation of the pathway to the Petaluma River pedestrian bridge.

SmartCode § 8.10.020 provides for the issuance of either a Warrant or Variance to deviate from requirements of the code. Each type is described, as follows:

"A Warrant is a ruling that would permit a practice that is not consistent with a specific provision of this Code but is justified by the provisions of the Intent at the beginning of this code. The Director shall have the authority to approve or disapprove administratively a request for a Warrant pursuant to process established by the Director.

A Variance is any ruling on a deviation other than a Warrant. Variances shall be granted in accordance with Section 24.050 (Variances) of the Zoning code."

The Planning Commission finds a Warrant to be the appropriate permit type for deviating from

the required 'Commercial Street with Parallel Parking' and also finds that approval is justified since: (a) a Class I facility is provided in place of and which provides for a greater degree of pedestrian and bicyclist safety; (b) the constraint caused by the existing city-owned pump station at APN 006-163-051 presents a significant obstacle to constructing the street within project boundaries, as envisioned; (c) the planned 'looped' roadway has limited ability to address broader existing or future vehicle circulation needs (e.g., close existing gap in network, ability to improve efficiency and/or volumes); and (d) the significant loss in development potential resulting from a 60-foot right-of-way dedication (e.g., corresponding reduction in housing units in proximity to mass transit) lessens the ability of the Project to provide housing, as contemplated by CPSP policies.

SmartCode (Warrant: Parking within 2nd Layer)

- h. SmartCode §6.10.020 requires that off-street parking spaces be placed outside of the 2nd layer which is defined as twenty (20) feet behind the building façade when occurring on an existing/future thoroughfare designated as Primary Frontage. The 'looped' road referenced in the finding immediately above is identified as a Primary Frontage thoroughfare for that portion fronting the Petaluma River. As proposed, the Project locates approximately a portion of three (3) off-street parking spaces within the 2nd layer at the building façade fronting the Petaluma River. Locating off-street parking within the 2nd layer in this situation requires a deviation under the process described above and pertaining to SmartCode §8.10.020. The Planning Commission finds a Warrant to be the appropriate permit type for deviating from the parking placement standards issues approval since it would continue to enable the placement of ground-floor area of sufficient depth and area to be useable, as envisioned by the subject standard.

SmartCode (Building Height Exception in T5 Zone)

- i. SmartCode §4.20.010 states the maximum building height in the T5 zone shall be 4 stories, unless Planning Commission is able to make required findings to allow up to two more stories (a total maximum of 6 stories). The Project includes a five (5) story building located east of Water Street North. All required findings can be made to allow that exception to the maximum building height, as follows:
 - i. That the additional height makes a positive contribution to the overall character of the area and will be compatible with its surroundings.

Consistency Analysis: SmartCode §2.10 consists of a Regulating Plan providing zoning map designations to the project site and adjacent properties; identified generally as those east of Petaluma Blvd North, south of Lakeville Street, and north of Washington Street. Properties immediately adjacent to the project site (except for those existing industrial agricultural uses designated Historic Agricultural Services District (D1)) are zoned Urban Center (T5). The T5 zone intends to accommodate urban buildings with a minimum height of two stories and up to four stories. Existing development adjacent to the project site is predominately one story in height with limited instances of two story buildings.

As proposed, the Project would result in a five story building located more than 300 feet from existing buildings in the T5 zone and along Petaluma Blvd North, at a location abutting the Petaluma River. Existing adjacent agricultural buildings and structures (e.g., Hunt & Behrens, Dairyman's Feed) are considerably taller than the Project's proposed five story building. The Project's overall building heights taper down, from west to east, from three stories at Petaluma Blvd North to four and then five stories at Water Street North and the Petaluma River. Those building heights reflect the intended building height and transformation envisioned by the SmartCode. The addition of a fifth story at the building along the Petaluma River would match the existing scale of buildings set by adjacent agricultural buildings and also not set a precedent for future developments with greater

visibility and intended lower heights at Petaluma Blvd North.

- ii. 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 and welfare.

Consistency Analysis: As mentioned in the finding immediately above, the T5 zone intends to accommodate urban buildings with a minimum height of two stories and up to four stories. Existing development adjacent to the project site is predominately one story in height with limited instances of two story buildings. As proposed, the Project would place a five-story building which abuts the Petaluma River, has a setback from twenty-eight (28) feet to the northern property line, zero setback at Water Street North (as required by SmartCode Table 4.10(F)), and zero setback at the southern property line. The addition of a fifth floor and corresponding increase in height of ten feet will not unreasonably restrict light and air due to proposed setbacks and existing adjacent uses and absence of structures. There are no identifiable detrimental effects to the public health, safety or welfare related to the proposed building height.

- iii. That the additional height will support other policies and standards of this Code and the Central Petaluma Specific Plan and will result in a better overall project.

Consistency Analysis: As proposed, the Project's fifth story aspect consists of twenty-one (21) residential dwellings and an ancillary use (i.e., game room). Providing additional dwellings within the Project furthers General Plan Policy 2-P-1, Housing Element Programs 1.1 and 1.2 and Policies 1.2 and 1.2, and CPSP Policy 1.2.

SmartCode (Mixed-Use Projects)

- j. SmartCode §4.70.030 requires A mixed-use project shall comply with the following requirements.

Intent. A mixed-use project shall be intended to: (1) Provide a blend of commercial space and residential units; (2) Minimize the need for automobiles and promote transit use; (3) Concentrate high density residential dwellings and commercial operations in the downtown or other urban/commercial districts; (4) Provide a diverse range of housing types, unit sizes, and price points within the downtown or other urban/commercial districts; (5) Promote continued activity in the evening and on weekends; and (6) Increase the economic vitality of the neighborhood.

- i. Design objectives. A mixed-use project shall be designed to: (1) 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) Provide for internal compatibility between the different uses within the project; (3) Minimize the effects of any exterior noise, odors, glare, vehicular and pedestrian traffic, and other potentially significant impacts on the occupants of the residential portions of the project; (4) Include specific design features to minimize the potential impacts of the mixed-use project on adjacent properties; (5) Ensure that the residential units are of a residential character, and with appropriate privacy; and (6) Be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of site planning, scale, building design, color, exterior materials, roof styles, lighting, landscaping, and signage.

Consistency Analysis: The Project includes shopfronts on Petaluma Blvd North and Water Street North, and which adjoin floor area that may accommodate retail/commercial

uses. The Project locates non-residential uses on the ground floor and residential uses on floors above; thereby, creating compatibility between them. The Initial Study prepared for the Project demonstrates that potential noise levels would not exceed maximum permitted levels. Potential sources of odor related to the project are limited to trash/recycling areas and which are located within each building's off-street parking garages. No potential impacts to adjacent properties are necessary to address with design features. The Project's residential units are, as mentioned, above the ground floor and not in proximity to any building or land use that would compromise privacy. The Project consists of an overall design that is substantially consistent with the SmartCode development standards and, thus, reflective of the intended urban character.

- ii. Location of residential uses. In the T5 and T6 Transect Zones. A mixed-use project that provides commercial and/or office space on the ground floor with residential units above (vertical mix) is encouraged over a project that provides commercial structures on the front portion of the lot with residential uses placed at the rear of the lot (horizontal mix).

Consistency Analysis: The Project includes a vertical mix of uses, as recommended by this criterion.

- iii. Loading areas. Commercial loading areas shall be located to minimize their impact on residential units.

Consistency Analysis: The Project excludes loading areas.

- iv. Refuse and recycling areas. Areas for the collection and storage of refuse and recyclable materials also shall be located on the site in locations that are convenient for both the residential and nonresidential uses.

Consistency Analysis: The Project includes refuse and recycling areas within the off-street parking garage of each building. Residential tenant access to those areas is provided through chutes at each floor level of each building. Nonresidential access to refuse and recycling areas is provide within each parking area via walkways and doors. Therefore, the Project implements the convenience desired by this criterion.

- v. Lighting. Lighting for the commercial uses shall be appropriately shielded to minimize the impact on residential units.

Consistency Analysis: The Project includes exterior, building-mounted lighting that is downward-facing and shielded to prevent trespass on adjacent properties.

- vi. Noise. All residential units shall be designed to minimize adverse impacts from nonresidential project noise, in compliance with the City's Noise Ordinance.

Consistency Analysis: As documented in the Initial Study prepared for the Project, all residential uses are designed and will be constructed in a manner that minimizes adverse impacts from all noise sources.

- vii. Non-residential hours of operation. Where a Minor Use Permit or Conditional Use Permit is required, the review authority may restrict the hours of operation of nonresidential uses within a mixed-use project to mitigate adverse impacts on residential uses.

Consistency Analysis: This finding is not applicable since the Project does not require a Minor Use Permit or Conditional Use Permit.

Petaluma River Access and Enhancement Plan

- k. Goal 5: Expand public access to and awareness of the River.

Consistency Analysis: The Project expands public access to the Petaluma River through the construction of a new publicly accessible Class I pathway from Water Street North, along the Petaluma River, and connecting to the Petaluma River pedestrian bridge. Installation of this access improvement will increase awareness of the Petaluma River since no public access is presently provided at the project site. Also, in conjunction with the access improvement, the Project would construct a public plaza provided for passive recreation at the Petaluma River.

- l. Goal 6: Assure permanent maintenance and promote public safety along the River.

Consistency Analysis: See analysis under General Plan Policy 1-P-43, 1-P-44 and 1-P-45 above.

- m. Objective 5.1: Establish a continuous pedestrian and bicycle trail system as designated in this plan.

Consistency Analysis: See analysis under Goal 5 above.

- n. Trail Design Policy 5.4: Create trail access points at the ends of public streets that terminate at the River wherever feasible. Seating, pedestrian lighting, bicycle parking signs, planting, water access, and other amenities shall be encouraged.

Consistency Analysis: See analysis under Goal 5 above. Also, the Project includes seating and other amenities, as recommended by this policy.

- o. Lakeville Industrial Segment

- i. (Objective 3.5.3(2)) New development along the River should reflect existing industrial forms and materials, and provide an active urban, pedestrian-oriented edge to the historic downtown.

Consistency Analysis: As proposed, the Project includes shopfronts along abutting public streets, as recommended by this policy. Also, the Project includes architectural treatments such as shed and gable end roofs and corrugated steel siding to emulate existing industrial forms and materials.

- ii. (Policy 3.5.4(1)) Provide safe pedestrian and bicycle access along the river as much as possible, within the constraints of the industrial uses, flood mitigation needs and the narrowness of the right-of-way.

Consistency Analysis: See analysis under General Plan Policy 7-P-6 above.

- iii. (Program 1h) Provide a trail along Water Street between the utility crossing bridge and Washington Street.

Consistency Analysis: See analysis under Goal 5 above.

- iv. (Program 5) Emphasize the need for a strong river orientation and outdoor activities, such as outdoor cafes or art displays, in the design of any new development or redevelopment in this river segment.

Consistency Analysis: As proposed, the Project includes ground-level floor areas abutting the Petaluma River that consists of common amenities for residential tenants (e.g., kitchen, community room, bike storage). Additionally, it includes an outdoor resting area along the

river. As such, the Project sufficiently advances Program 5.

Implementing Zoning Ordinance

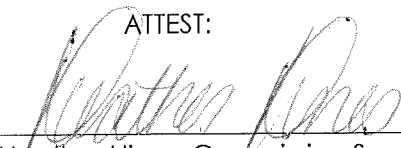
- p. The project is consistent with Implementing Zoning Ordinance §24.010 – Site Plan and Architectural Review, in that all required findings found in §24.010(G) can be made as follows:
 - i. The project includes the use of quality materials, such as metal and hardi siding, metalwork (for railings and awnings), and, as conditioned, standing seam metal roofs. The use of these materials is done in a way that ensures harmony and proportion with the overall design of the site, as the project includes two main building masses that have been designed to resemble multiple buildings when viewing from public vantage points. The design approach of creating the appearance of multiple buildings is appropriate and necessary since it both reflects the historic building pattern in the downtown area and results in compliance with SmartCode standards pertaining to building types.
 - ii. The architectural style of the proposed building is appropriate and compatible with the overall character of the neighborhood in that building features reflect a contemporary expression of historic agricultural industrial buildings as well as current mixed-use buildings. Compatibility with the neighborhood is advanced through the Project conformance with SmartCode frontage type standards. Also, as described above, the appearance of multiple buildings in the Project further ensures neighborhood compatibility.
 - iii. The Project's siting is appropriate given its conformance to mandatory setback standards of the SmartCode.
 - iv. The Project excludes proposed signage. Therefore, this finding is not applicable.
 - v. As reflected by the findings above, the Project's bulk and height is appropriate. The Project includes the use of both muted earth tone colors and contrasting primary colors. The resulting composition from these colors is appropriate given their ability to enhance the appearance of multiple buildings and add visual interest to the overall project.
 - vi. Proposed landscaping within the Project is limited to street tree planting and at small planters within private courtyards at the second floor. Public plantings conform to the mandatory standards of the SmartCode, and private landscaping appropriately enhances seating and gathering areas.
 - vii. The project's ingress, egress, internal circulation for bicycles and automobiles, off-street automobile and bicycle parking facilities, and pedestrian ways promote safety and convenience and conform to City standards since the project incorporates various new circulation and access features. The project provides a surplus of covered and uncovered bicycle parking facilities, which will be provided at both the front and rear of the site. A surplus of automobile parking is provided at off-street parking garages. Lastly, a Traffic Impact Study was prepared for the project which assessed site access and site distance, and has been analyzed within the Project's Initial Study/Mitigated Negative Declaration.
- 3. Based on its review of the entire record herein, including the January 23, 2018 Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby:
 - a. Approves Site Plan and Architectural Review, a Warrant for (a) reduction of the minimum ground floor ceiling height from 14 to 13 feet at proposed River Building only (SmartCode §4.10(m)); (b) reduction of minimum ground floor space depth along a portion of the primary frontage at the River Building only from 30 to 12 feet 7 inches (SmartCode §4.10(n)); (c) placement of off-street parking spaces within a portion of the 2nd layer at the building frontage along the Petaluma

River (SmartCode §4.10(p)); and (d) replacement of a 'Commercial Street with Parallel Parking' east of Water Street North with a Class I facility for pedestrian and bicycle use (SmartCode §5.10.100), and an Exception to Building Height in the T5 Zone for the Project, subject to the conditions of approval attached hereto as **Exhibit 1**.

ADOPTED this 9th day of January, 2018, by the following vote:

Commission Member	Aye	No	Absent	Recuse
Councilmember Healy				X
Chair Benedetti-Petnic	X			
Alonso	X			
Bauer	X			
Gomez	X			
Marzo			X	
Vice Chair Wolpert		X		


Gina Benedetti - Petnic, Chair

ATTEST:

Heather Hines, Commission Secretary

APPROVED AS TO FORM:

Lisa Tennenbaum, Assistant City Attorney

SPAR CONDITIONS OF APPROVAL**North River Apartments Project****APN 006-163-041, 006-163-040 ('Apartment Site')****APN 006-163-005, 006-163-022, 006-163-025, 006-163-026, 006-163-028, 006-163-052, 006-163-053, 006-163-054, 006-284-010, 006-284-018, 006-284-029, 006-284-036, 006-284-038, 006-284-039, 006-284-040, 006-284-041, and 006-284-042 ('Water Street North')****FILE NO. PLSR-15-0015**Planning Division: Standard Conditions of Approval

1. Plans submitted to the City of Petaluma for purposes of construction shall be in substantial conformance with plans on file with the Planning Division and date stamped December 21, 2017, except as modified by these conditions of approval. A determination of substantial conformance shall be made by the Planning Manager in writing during the plan check review process. Nothing shall preclude the Planning Manager from referring a substantial conformance determination to the Planning Commission for review at a publicly noticed meeting.
2. The colors and materials, including but not limited to light fixtures, shall be in substantial conformance with those noted on the plan set and the color board in the project file and date stamped December 21, 2017.
3. At Building Permit issuance, the applicant shall provide an electronic copy of final/approved plans in PDF format on either a CD or USB drive.
4. This approval is granted for and contingent upon construction of the project as a whole, in a single phase, with the construction and/or installation of all features approved and required herein. Modifications to the project, including but not limited to a change in construction phasing, shall require an amendment to this condition by the Planning Commission through the Site Plan and Architectural Review provided at IZO §24.010.
5. This approval is, as provided for at IZO §24.010(I), effective for a twelve (12) month period unless the permit has been exercised or unless an extension of time is approved in compliance with IZO §24.010(J). Due to the complexities of the project outside of the applicant's control (e.g., right-of-way acquisition for Water Street North, regulatory agency permitting, construction financing, etc.), City Staff anticipate granting the initial one year extension as provided for under IZO §24.010(J) upon this resolution taking effect and upon a request from the applicant in accordance with Section 24.010(J).
6. All mitigation measures of Resolution No. 2018-02 approving the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) are incorporated by reference and made Conditions of Approval.
7. Prior to the issuance of any construction permits, these Conditions of Approval and the MMRP shall be included with the plan set. A copy of the approved plans shall be maintained on-site when construction activities are occurring.
8. Prior to building permit issuance all development impact fees for the commercial component of the project, including the public art in-lieu fee (if applicable), shall be paid. At the time of Building Permit application, a construction valuation shall be provided which provides a distinct estimate for the non-residential component of the Project in order to determine compliance with the public art requirements at IZO §18.050. Fees for the residential component of the project are due prior to final inspection or certificate of occupancy.
9. Upon the approval of Resolution No. 2018-02 adopting the Project's Mitigated Negative

Declaration, the applicant shall provide the Planning Division with the fee required by Fish and Game Code Section 711.4(d). The fee payment shall be made by check payable to the Sonoma County Clerk, in the amount required and published by the Sonoma County Clerk for such fee.

- ~~10.~~ At all times the site shall be kept cleared of garbage and debris.
11. Except as modified by the conditions herein, construction activities shall comply with performance standards specified in IZO Chapter 21.
12. The applicant shall incorporate the Best Management Practices (BMPs) for construction into the construction and improvement plans and clearly indicate these provisions in the specifications. In addition, an erosion control program, in accordance with City established requirements, shall be prepared and submitted to the City of Petaluma prior to any construction activity. BMPs shall include but not be limited to the BAAQMD Basic Construction Mitigation Measures as modified below:
 - 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.
 - b. All haul trucks transporting soil, sand, or other loose material 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 mph.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. Idling times 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. Construction equipment staging shall occur as far as possible from existing sensitive receptors.
 - i. The applicant shall designate a person with authority to require increased watering to monitor the dust and erosion control program and provide name and phone number to the City prior to issuance of grading permits. Post a publicly visible sign with the telephone number of designated person and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
13. If during the course of ground disturbing activities, including but not limited to excavation, grading, and construction, a potentially significant prehistoric or historic archeological resource is encountered, all work within a 100-foot radius of the find shall be suspended for a time deemed sufficient for a qualified and city-approved cultural resource specialist to adequately

evaluate and determine significance of the discovered resource and provide treatment recommendations. Should a significant archeological resource be identified, a qualified archaeologist shall prepare a resource mitigation plan and monitoring program to be carried out during all construction activities. The final disposition of archaeological, historical, and paleontological resources recovered on state lands under the jurisdiction of the State Lands Commission must be approved by the State Lands Commission.

14. In the event that paleontological resources, including individual fossils or assemblages of fossils, are encountered during construction activities all ground disturbing activities shall halt in the immediate vicinity of where the resources are located and a qualified paleontologist shall be procured to evaluate the discovery and make treatment recommendations.
15. In the event human remains are uncovered during earthmoving activities, all construction excavation activities shall be suspended in the immediate vicinity of where the human remains are located and the following measures shall be undertaken:
 - a. The Sonoma County Coroner shall be contacted to determine that no investigation of the cause of death is required.
 - b. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.
 - c. The applicant shall retain a City-approved qualified archaeologist to provide adequate inspection, recommendations and retrieval, if appropriate.
 - d. It shall be the responsibility of the Native American Heritage Commission rather than the applicant or the City to identify the person or persons it believes to be the most likely descended from the deceased Native American, and to contact such descendant in accordance with state law.
 - e. The applicant shall be responsible for discussing and conferring with Native American descendants all reasonable options regarding the descendants' preferences for treatment, as provided in Public Resources Code Section 5097.98(b), and for carrying out all obligations of the applicant as provided at Public Resources Code Section 5097.98.
16. All exterior lighting shall conform to the standards at IZO 24.040 (D) (Glare). Plans submitted for purpose of obtaining construction permits shall include a photometric light plan demonstrating conformance with said standards.
17. All plantings shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to ensure continued regular watering of landscape areas, and health and vitality of landscape materials.
18. Herbicides/pesticides shall not be applied in areas used by pedestrians/bicyclists within the project without first providing appropriate signs warning of the use of chemicals. The project shall utilize Best Management Practices (BMPs) regarding pesticide/herbicide use and as well as Integrated Pest Management techniques for the protection of bicyclists and pedestrians.
19. All tree stakes and ties shall be removed within one year following installation or as soon as trees are able to stand erect without support.
20. No signage is approved by this permit. Separate sign permits in compliance with Chapter 20 of

the Implementing Zoning Ordinance shall be obtained prior to the installation of signage.

21. Prior to commencing construction activities, a sign shall be posted on the site regarding the allowable hours of construction and contact information for complaints. Proof of sign installation shall be provided to the Planning Manager prior to construction commencing.
22. The applicant shall defend, indemnify, and hold harmless the City and any of its boards, commissions, agents, officials, officers, and employees from any claim, action, or proceeding against the City, its boards, commissions, agents, officials, officers, or employees to attack, set aside, void, or annul any of the approvals of the project, when such claim or action is brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the applicant of any such claim, action, or proceeding. The City shall coordinate and cooperate with applicants in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding and if the City chooses to do so applicant shall reimburse City for reasonable attorneys' fees incurred by the City.

Planning Division: Special Conditions of Approval

23. The Project shall include a minimum of ninety-three (93) bicycle parking spaces. Exterior bicycle racks shall comply with size dimensions and location requirements of the Bicycle and Pedestrian Master Plan. The number, location and design of exterior bicycle racks shall be subject to Planning Manager and City Engineer approval. Access to all bicycle racks shall be adequate from all sides and racks will not be placed too close to any wall, curb or structure. Interior bicycle parking spaces shall have hardware enabling the use of locks and/or be located in a secured room accessible to residents and employees of the project.
24. Each public street frontage shall include at least one public seating area within the right-of-way. The number, location and design of seating areas shall be subject to Planning Manager and City Engineer approval. Furniture shall be durable and prevent sleeping. Low walls (12" to 36" in height) may be considered in-lieu of furniture.
25. Project shall be constructed to include the commercial grease vent, sewer connections, and unobstructed space for future exterior grease trap installation, as noted on Sheets A1.01 and A1.02 of the project plan set.
26. This action does not approve the use of composition shingle roof materials, as noted at Sheet A8.01 of the project plan set. Prior to the issuance of plans submitted for building construction purposes, an alternate roof material(s) shall be reviewed and approved by the Planning Manager. The use of standing seam metal is encouraged.
27. Prior to building permit issuance, the following architectural details shall be reviewed and approved by the Planning Manager:
 - a. Exterior leader heads, downspouts, shoes and splash blocks;
 - b. Transitions between wall materials of different types;
 - c. Window recesses and trim;
 - d. Plaster texture specification(s);
 - e. For pitched roofs, the dimension of fly rafters, rafter tails, rakes, and eave length;
 - f. For flat roofs, the material and dimensions of eaves;

- g. Awning at building entry fronting Petaluma Blvd North;
 - h. All exterior metalwork (e.g., railings, entry gates); and
 - i. All roof penetrations.
- 28. All externally visible scuppers, gutters and downspouts shall either be painted to match background building color(s) or consist of a decorative metal material (e.g., bronze) complimentary to the building architecture. Downspouts on exterior elevations facing a public street or Petaluma River shall be of a concealed leader (conveyed through building wall) and discharge as close as possible to the ground surface.
 - 29. No opaque film, covering or decal shall be installed in front of or behind the windows of ground-floor tenant spaces facing Petaluma Blvd North, Oak Street, Water Street North or the Petaluma River and which would hinder or completely block visibility between the tenant space and the public right-of-way.
 - 30. Within the off-street parking facility of each building, the project shall include and maintain, as proposed by the applicant, a minimum of four (4) 'slow' electrical vehicle charging stations and one (1) 'fast' electrical vehicle charging stations. 'Fast' is defined as a Level II, 240-volt connector or greater. 'Slow' is defined as less than 'Fast.'
 - 31. Prior to final inspection and commencement of operations, a notice complying with SmartCode §4.70.050 shall be submitted for review and approval by the City of Petaluma and recorded against the project site (i.e., APN 007-121-020).
 - 32. Pile-driven piers are prohibited from being used in any and all project construction activities (e.g., foundation). Screw piles or other alternative means with similar noise characteristics are permitted.
 - 33. Outdoor amplification and public address systems for purposes other than controlling access to buildings and as required by the Petaluma Fire Department are prohibited.
 - 34. Prior to issuance of a demolition permit, the applicant shall submit, for Planning Manager review and approval, a written statement describing how building materials, fixtures, door, and other items shall be salvaged, to the extent possible, for reuse or to be made available (at the applicant's expense) to interested parties (pursuant to IZO §15.060.A).
 - 35. Prior to issuance of plans for site improvements, the Planning Manager and City Engineer shall review and approve pedestrian and bicycle orientation signage for the Class I pathway intersection with Water Street North.

Planning Commission: Conditions of Approval

- 36. Concrete sidewalk and associated roadway improvements (e.g., street trees, street lights) shall be constructed per City standards on the west side of Water Street North from APN 006-163-026 south to Washington Street. At the 'Lands of Livermore Properties' site, an interim surface (e.g., asphalt concrete) shall be provided for purposes of a sidewalk, subject to City Engineer review and approval.
- 37. Should the City Council consider a request to approve a reimbursement agreement for off-site improvements related to Water Street North, the Planning Commission recommends monies associated with the approved City of Petaluma River Trail Capital Improvement Project (C03200503) grant fund be allocated towards construction of a Class I facility between the Petaluma River Bridge and Water Street North (i.e., over APN 006-163-051). In the event such a reimbursement agreement is approved and requisite grant monies are allocated by the City

Council, the North River Apartments project shall be constructed to include said Class I facility, from the end of the existing pedestrian bridge, through the City's sewer pump station parcel, connecting to Water Street North, the exact alignment of which to be approved by the City Engineer.

38. The applicant shall explore the installation of bicycle facilities (e.g., striped bike lanes, bike boxes) at the intersection of Washington Street and Petaluma Blvd North/South). A bike box is a designated area at the head of a traffic lane at a signalized intersection that provides bicyclists with a safe and visible way to get ahead of queuing traffic during the red signal phase.
39. Sidewalk on the east side of Water Street North, generally between APN 006-163-051 and Washington Street, shall be at least 10 feet of continuous clear space for bicycle and pedestrian use. Improvement plan submitted shall include relocation of street trees, street lights, and other utilities to bulb outs or landscape islands between parallel on-street parking spaces to ensure full ten feet of unobstructed sidewalk.

Public Works & Utilities Department

Frontage Improvements

40. Prior to final inspection of any unit or issuance of any certificates of occupancy, City standard frontage improvements shall be installed along Petaluma Blvd. North, Oak Street and Water Street North extension per the proposed site plans and Water Street North from the southerly project limits to East Washington Street. All improvements shall comply with City standards including Central Petaluma Specific Plan (CPSP) requirements. Improvements shall include but not be limited to street construction, curb, gutter, sidewalk, crosswalks connecting existing uses on the west side of Water Street North to the sidewalk on the east side of Water Street North to meet ADA guidelines and code requirements, LED historic style street lights, fire hydrants, landscaping, water mains, sewer mains and storm drains.
41. Construction of Water Street North has the potential to interrupt operations at existing businesses. Therefore, the following requirements shall be formalized in an 'Existing Business Coordination Plan' that is approved by the City Engineer prior to issuance of any construction permits. The applicant shall be responsible for notifying all affected businesses at least 30 days in advance of the start of any construction and reasonably addressing business concerns to all extents possible. Said plan shall implement the following:
 - a. During standard business hours of 7 AM to 7 PM, construction activities shall not unreasonably hamper the use of any existing facility (e.g., business, building, structure) or interrupt the operation of existing utility services. If it becomes necessary to interrupt utility service to make a disconnection/connection, alteration or relocation to such system, the applicant shall prearrange such work with the affected business owners and City staff.
 - b. Emergency vehicle and pedestrian/bicyclist access shall remain open at all times throughout construction by having at least one travel lane on those portions of Water Street North south of the Project site to allow for emergency response personnel and equipment as well as circulation between the Petaluma Pedestrian River Bridge and Washington Street. To the extent feasible, access for bicyclists and pedestrians shall be provided from Washington Street to the existing pedestrian bridge over the Petaluma River.
 - c. All work shall be carried out in such a manner as to cause the least interference with existing businesses' continuous operation while at the same time ensuring the work of constructing Water Street North occurs expeditiously, within the shortest timeframe possible.
 - d. Corridors, doorways and exits, shall be kept free of all materials at all times. Staging and storage of construction materials and equipment shall not be allowed within the public right

of way or public easements and shall not block access to existing properties.

42. The Water Street North and Oak Street geometric cross sections along the project street frontages shall be consistent with the typical section shown on sheet C3 of the civil engineering site plans dated December 21, 2017 and shall include the following cross sections: two 10-foot travel lanes, 8-foot parking lanes, 12-foot wide sidewalk sections with tree wells on both sides of the street and a class III bike facility including sharrows and bike route signage.
43. The Oak Street and Water Street North structural sections shall consist of 5 inches of asphalt concrete over 15 inches of class 2 aggregate base, and shall be constructed per City standards.
44. Prior to final inspection of any unit or issuance of any certificates of occupancy, a 2-inch pavement grind and overlay shall be required within the entire intersection of Petaluma Boulevard North and Oak Street. Pavement restoration for the remaining project shall comply with the City's current standards.
45. Utilities and other project components shall be designed to all extents possible to avoid the area shown on the civil engineering drawings for a potential future trolley track/ballast section within Water Street North.
46. Prior to issuance of any construction permits for work within Water Street North, the applicant is responsible for providing a preliminary railroad track design by a railroad designer/engineer, within North Water Street showing the future horizontal alignment for the potential future trolley system, including a connection to existing rail tracks to the northerly adjacent railroad property and to existing tracks located in the adjacent property to the south. The system shall be designed per latest rail requirements for trolley operations. The proposed street structural section within the future potential trolley track area shall be asphalt concrete over base rock material and shall match the adjacent street section.
47. Elevated curb "bulbouts" shall be installed at the project entrance curb returns on Petaluma Boulevard North at Oak Street as well as Oak Street at Water Street. The "bulbouts" shall include ADA accessible ramps and a crosswalk across Oak Street and Water Street North. The final location and size of the "bulbouts" shall be determined during the improvement plan review process and are subject to the approval of the City Engineer and the Fire Marshal. A new, accessible, directional curb ramp shall be installed at the southwest corner on Petaluma Boulevard North and Oak Street. A continental style crosswalk with advance stop bar shall be installed on the westerly leg of Oak Street at Water Street.
48. The applicant is responsible for installing a traffic signal at the intersection of Petaluma Boulevard North and Oak Street. The applicant shall prepare traffic signal plans in accordance with City and State manual on uniform traffic control device requirements as part of the public construction drawings for the project. The traffic signal shall be completed and operating prior to issuance of the first certificate of occupancy. Traffic loops, including advance loops shall be required per Caltrans standards, subject to city approval. The traffic loops shall be designed and stenciled to detect bicycles. The signal timing shall be coordinated with existing signal timing on Petaluma Boulevard North at Washington Street and Lakeville Street. A hard wired interconnect system or wireless GPS communication system shall be installed. The applicant is responsible for providing the necessary signal timing design for review and approval by the City Engineer.
49. Prior to final inspection of any unit or issuance of any certificates of occupancy, the applicant shall provide a cash deposit to the City to fund a post project traffic study within the Oak Hill Neighborhood. The amount of the deposit shall be determined at the time of the study and shall be subject to the approval by the City Engineer and Planning Manager. The scope of the study shall be consistent with the recommendations listed in the supplemental traffic calming memorandum dated June 6, 2017 by W-Trans.

50. The applicant is responsible for performing necessary improvements on Petaluma Boulevard North to ensure that adequate sight distance (per the traffic engineering report) is available. The improvements shall be shown on the improvement plans.
51. Any existing overhead utilities along the project frontages, including all of Oak Street, Water Street North or traversing the site, as well as the off-site portions of Water Street North, shall be placed underground.
52. Prior to the first certificate of occupancy, add railing along the proposed sidewalk on Oak Street and Petaluma Boulevard North as required by code. The railing type and location is subject to approval by the Planning Manager and City Engineer.
53. Prior to the first certificate of occupancy, install a City standard solar lighted bus shelter at the existing northbound stop on Petaluma Boulevard North in front of the carwash.
54. The exact location of the conform point at the northernmost property line of Water Street North shall be determined on the public improvement plans, subject to City review and approval. Remove the transition side on Oak Street or provide an easement for the proposed work.
55. Show conforms grading on both ends of Water Street and edge conditions on improvement plans.
56. All public improvement work shall be completed prior to issuance of a final inspection/certificate of occupancy.
57. A public improvement plan application is required for all work within the public right of way or other public property and all on-site work within public easements. A public improvement agreement package including necessary bonds and insurance is required.
58. Joint trench plans are required with the building permit/public improvement plan submittal. All trench cuts are subject to the City's street pavement restoration requirements.
59. Traffic control plans per State MUTCD standards are required for each phase of the project.
60. Night time work for public improvements within Petaluma Boulevard North may be required, subject to City approval.
61. All improvements shall be ADA accessible. All new pedestrian ramps shall have detectible warning surfaces (truncated domes) installed.
62. A pre-construction meeting between City staff and the applicant is required prior to the start of any construction.

Utilities (Water, Sewer and Storm)

63. Water, sewer, and storm drains shall be constructed and installed per City and Central Petaluma Specific Plan requirements, generally installed parallel to the street, cross perpendicular to the street, avoid skewed crossings where possible and provide required separation between pipes. Convert any existing water services, sewer and storm drain lines to the new mains. Except for perpendicular crossings; water, sewer and storm drains shall not be constructed under the future trolley track area.
64. Remove and replace all existing sewer manholes with new City standard manholes on Petaluma Boulevard North along the project frontage.
65. The applicant shall provide a sewer bypass plan and system for during construction of the

proposed 27-inch sewer line, subject to City review and approval. The existing sewer main shall be either removed or abandoned in place per City standards, subject to City approval.

66. The storm drain system shall be designed and constructed in accordance with Sonoma County Water Agency requirements. Final, construction level storm water calculations shall be provided demonstrating that the project complies with the City's storm water regulations.
67. The applicant shall obtain approval from the Sonoma County Water Agency prior to issuance of any construction permits.
68. The proposed storm drain outfall into the Petaluma River shall comply with City, Sonoma County Water Agency and any state/federal agency requirements.
69. The project shall comply with the City's landscape and irrigation efficiency requirements.
70. The applicant shall acknowledge the presence of existing sewer pump station on south boundary adjacent to river. The applicant shall record and provide notice to all tenants in all rental and lease agreements of the existing and continuing sewer pump station use and associated odor and noise.
71. Provide a video of all existing laterals and sewer truck main during preparation of the public improvement plans and prior to any construction. All existing connections to new main shall be submitted to and approved by City Operations. Any cracked, broken sewer laterals shall be repaired as part of this project, prior to acceptance of the public improvements. Connections of all existing laterals and service connections to the new sewer main are required.
72. Construction of the sewer main into the sewer pump station will require the reconnection of the existing water line.. Plans and service reconnections to be provided as part of the public improvement plans.
73. Install a retaining wall along the boundary of the sewer pump station to prevent runoff across property line.
74. Eliminate redundant sewer and storm manholes on Water Street North and Oak Street.
75. Clearly label private and public utilities on the construction drawings.
76. Building foundations shall be located outside of the 1:1 influence line and shall not affect utilities.
77. All existing unused water and sewer mains shall be identified on construction drawings and abandoned per City standards.
78. Add water valves to all connections 2-inches and larger per City standards.
79. Coordinate the construction landscape plans with the site improvements.
80. If sub-metering of the water system is proposed, the applicant shall enter into the City's standard sub-metering agreement.

Right of Way and Easements

81. Prior to issuance of any construction permits, the applicant shall provide documentation that all Sonoma Marin Area Rail Transit, North Coast Rail Authority, Northwestern Pacific Railroad and other rail entities' property, easements, operational uses or other existing or future rail related rights or uses within the project site and Water Street North area have been quitclaimed or abandoned, or have expired, or development of the Project is otherwise authorized by rights

holders so that development of the Project will not be in derogation of rights of rail entities either on the Project site or access ways required for development of the Project.

82. Prior to issuance of any construction permits, the applicant shall coordinate with the City to obtain the necessary off-site right of way required to construct Water Street North. The applicant shall ultimately be responsible for securing all right of way outside the boundary of the development project necessary for construction of Water Street North from the project site's southerly boundary to East Washington Street. Prior to issuance of any construction permits, the City will accept the existing irrevocable offer of dedication dated November 16, 2015 for APN: 006-284-018, as well as the dedication of public right of way dated November 16, 2015 for APN: 006-163-026 and APN: 006-163-028, both of which are on file with the Department of Public Works and Utilities, Brewster's Garden Public Improvement File (PLPI-15-0004). The City will also authorize construction of Water Street across APN: 006-163-054 owned by the City in accordance with any applicable City charter, municipal code or other legal requirements.
83. All existing public sanitary sewer easements (488 O.R. 108, 458 O.R. 276, 2348 O.R. 635 and 459 O.R. 60) as well as the existing temporary construction easement (D.N. 2005-138424) shall be vacated via ordinance by the City Council. The applicant shall submit a right of way abandonment application to the City to perform this process.
84. The applicant shall dedicate a public access easement to the City of Petaluma over the proposed class one bicycle/pedestrian pathway located within the boundary of the project site on the east side of Water Street North. The applicant is responsible for preparing the required grant deed, legal description and plat documents. The applicant shall be responsible for perpetual maintenance of the on-site public access pathway. Prior to the City accepting the public improvements, the applicant is responsible for establishing a maintenance agreement or other mechanism, subject to City approval.
85. A 60-foot wide public right of way, subject to improvement, shall be dedicated to the City of Petaluma via grant deed for Water Street North and Oak Street within the project frontages.
86. Dedicate the public sewer, water, storm drain, access and emergency vehicle access easements to the City of Petaluma, as necessary for implementation of the project plans in accordance with City standards. The applicant is responsible for preparing the required grant deed, legal description and plat documents.
87. Dedicate the private access, utility and drainage easements and maintenance agreements, as necessary for implementation of the project plans in accordance with City standards. The applicant is responsible for preparing the required grant deed, legal description and plat documents.
88. Prior to issuance of construction permits, all existing, unused third party/private party easements (non-City) that would conflict with development of the Project shall be quitclaimed. Recorded easement quitclaim deeds for all such easements shall be provided to the City. All quitclaimed easements as well as any proposed third party/private party easements to remain or be relocated shall be shown on the improvement plans.

Bicycle and Pedestrian

89. The proposed class one bicycle/pedestrian path shall be 10-feet wide and shall be reinforced concrete. The pathway width may be reduced to 8-feet minimum in areas near the existing City sewer pump station site as required to remain on the top of river bank, subject to City approval. Add fence and railing on the proposed class one pathway to bridge as necessary to meet code requirements. The longitudinal slope of the proposed path shall not exceed 5 percent, or if it does, shall be designed and constructed with the appropriate ramp system in compliance with

accessibility standards. The path shall connect to the existing class I path at the existing pedestrian bridge near the sewer pump station. The path shall be signed and striped in accordance with State requirements.

90. The path segment located on-site adjacent to the driveway shall include vertical delineators, signing and striping in the area between the driveway approach and parking lot to physically separate bicyclists and pedestrians from vehicles.
91. Install bike storage facilities as proposed on the proposed project site plan.

Grading and Soils

92. Improvement plans shall be prepared in accordance with the Geotechnical Investigation Report dated July 8, 2015 unless otherwise noted in City project approvals. A construction level geotechnical report will be required with the building permit and public improvement plan applications.
93. The applicant shall comply with the City's storm water requirements including submittal of a notice of intent and storm water pollution prevention plan to the Regional Water Quality Control Board.
94. Post construction storm water treatment measures shall be installed as proposed in the project storm water plan and site plan and architectural review application materials. The applicant shall be responsible for maintaining all post construction BMP's within the applicant's property in perpetuity. As to the tree wells within the portions of Oak Street and Water Street that run through the applicant's property, applicant shall maintain any landscaping and/or hydraulic capacities of post construction BMPs in the right-of-way, any required maintenance below the planting soil levels would be the responsibility of the City. The applicant shall enter into the City's standard agreement for managing storm water facilities.

Reimbursement Agreement

95. The construction of Oak Street and Water Street North, as well as other public improvements included as part of the Project, will directly benefit other properties. The cost to construct these improvements will be funded upfront by the applicant, but the applicant will be reimbursed through a reimbursement agreement with the City. Such an agreement would provide for reimbursement of the applicant from the proceeds of an assessment district formed pursuant to Chapter 13.35 of the Petaluma Municipal Code and/or other applicable law. Funding of public improvements that benefit other properties is subject to the applicant and the City approving a reimbursement agreement and successful formation of an assessment district.

Fire Department

96. Pursuant to California Fire Code Appendix D105.3, plans submitted for purposes of construction shall relocate street lights and obstructive landscaping adjacent to aerial apparatus access areas identified on the proposed plans, subject to Fire Marshal review and approval.
97. Fire apparatus access is required to 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/path-of-travel around the exterior of the building. Fully compliant access conforming to this requirement is not indicated on submitted plans. Therefore, additional fire protection features shall be required for an alternate equivalent means of protection. This shall include, but is not limited to, additional fire protection features, such as additional standpipes and fire department connections, subject to Fire Marshal review and approval. These items shall be reviewed during the building permit plan check process.

98. The Fire Flow Analysis dated September 2015 shall be updated to address the following requirements: (a) two points of connection to the existing public mains will be required for a project of this size; (b) additional on-site fire hydrants will be required (maximum 300 feet on center); (c) flow test shall be no more than 5 years old; and (d) the updated analysis shall address major changes to existing public water mains serving this project that are scheduled to be constructed in the next two years.
99. The elevator(s) must meet all requirements of the Fire and Building Code and be sized to fit gurneys and firefighters/equipment. Elevator location(s) will need to be coordinated with the Fire Marshal.
100. Per Section 510, the buildings (including the parking areas) may be subject to Emergency Responder Radio Coverage requirements.
101. Pursuant to Section 905.3.1 (Building Height) of the Petaluma Municipal Code, Class I standpipes shall be installed in buildings three stories or more in height and/or if, in the opinion of the Fire Code Official, a hazard or condition exists in which the installation of the standpipes would improve firefighting operations. Standpipes shall have approved outlets and be located on each floor level including the roof when roof access is provided. As noted at Condition No. 95, additional standpipes may be required.
102. Installation of an automatic fire sprinkler system is required. Installation the fire sprinkler system requires approved plans and permit from the Fire Prevention Bureau prior to work commencing. The owner/contractor shall submit a permit application with three (3) sets of plans, cut sheets, and calculations. This system must comply with NFPA 13.
103. Installation of the fire service underground is required. Installation of the fire service underground requires separate approved plans and permit from the Fire Prevention Bureau prior to work commencing. The owner/contractor shall submit a permit application with three (3) sets of plans, cut sheets, and calculations. This system must comply with NFPA 13 and NFPA 24.
104. The fire sprinkler system shall be monitored by a central station fire alarm system. Installation of the fire alarm system must be conducted with approved plans and permit obtained from the Fire Prevention Bureau, prior to work commencing. The fire alarm submittal shall include a permit application with three (3) sets of plans, cut sheets, and calculations for review. This system must comply with NFPA 72.
105. Provide one (1) fire extinguisher with a minimum 2A10BC-rating for each 3000 square feet. There shall be no more than 75-feet travel distance from any location to a fire extinguisher. The location is to be determined by the fire inspector at time of inspection. Fire extinguishers shall be visible and easily accessible, located in egress pathways, and mounted no higher than 5 feet from top of extinguisher to finished floor.
106. California Building Code §1030 requires all sleeping rooms to have emergency egress openings from the sleeping room to a yard or court which opens to the public way. Unit Type A9 and Unit Type A2 do not appear to meet this requirement. Plans submitted for purposes of construction shall demonstrate compliance with California Building Code §1030.