

**RESOLUTION OF THE CITY OF PETALUMA PLANNING COMMISSION APPROVING
SITE PLAN AND ARCHITECTURAL REVIEW AND ASSOCIATED SMARTCODE
WARRANTS FOR DEVELOPMENT OF THE SPIRIT LIVING GROUP MIXED-USE
COMMERCIAL AND RESIDENTIAL CARE FACILITY FOR THE ELDERLY AS PART
OF THE RIVERFRONT MIXED-USE PROJECT LOCATED AT 500 HOPPER STREET**

APN 136-690-005

File No.: PLSR-2023-006

WHEREAS, on July 14, 2014, the City Council adopted Resolution No. 2014-125 N.C.S., certifying an Environmental Impact Report (EIR) for the Riverfront Mixed-Use development, including development of the Spirit Living Group Project site on Lot 5 of the Phase 1 Riverfront Final Map located at APN 136-690-005 (“the Project”); and

WHEREAS, since approval of the Tentative Subdivision Map for the Riverfront Mixed-Use development in July 2014, the City has granted phased Final Map approvals, mass grading permits, Site Plan and Architectural Review (SPAR) approvals, infrastructure improvement permits, and building permits to implement portions of the Riverfront Mixed-Use development and a 122-room hotel and approximately 80 single-family homes are constructed and occupied, approximately 12 single-family homes are under construction, and 50 townhouses have SPAR approval and are in building plan check in the Riverfront Mixed-Use development; and

WHEREAS, at its public meetings held on July 13, 2021 and November 9, 2021, the Planning Commission held Study Sessions on conceptual development plans presented by the applicant that included development of a Residential Care Facility for the Elderly (RCFE) on Lot 5 and 6 of the Phase 1 Riverfront Final Map and provided non-binding input on the conceptual plans; and

WHEREAS, at its November 9, 2021 Study Session, the Planning Commission determined that although not included in the list of allowed uses in the SmartCode, RCFE is an allowed use in the T6 zoning district when located above the ground-floor with only ancillary support uses on the ground-floor finding pursuant to SmartCode section 8.10.020(G)(1) that: (a) the characteristics and activities associated with RCFE are similar to residential uses allowed above the ground-floor in the T6 zone and RCFE do not involve greater intensity than other uses listed in the T6 zone, (b) RCFE is consistent with the purposes of the T6 zone when developed in a vertical mixed-use configuration with ground-floor spaces that are pedestrian oriented with commercial, service, and residential uses on the upper floors, (c) RCFE above the ground floor in the T6 zone is consistent with the General Plan and the SmartCode, (d) RCFE is compatible with other uses allowed in the T6 zone including residential dwellings, commercial services, retail shops and other uses in a vibrant urban core, and (e) RCFE is not listed as an allowed use in another transect zone; and

WHEREAS, on May 17, 2022, Spirit Living Group submitted formal applications to the City of Petaluma for Site Plan and Architectural Review (SPAR) for development of Lot 5 and Lot 6 of Phase 1 of the Riverfront Final Map with a four-story, 78,768 square foot mixed-use building consisting of six work/live units on the ground floor, and a RCFE on the second through fourth floors with at total of 106 units on Lot 5 and a four-story, 133,353 square foot mixed-use building with 13 work/live units on the ground-floor and 120 apartments on the second through fourth floors on Lot 6; and

WHEREAS, the City prepared an Addendum to the certified Final Environmental impact Report for the Riverfront Mixed-Use development to analyze potential environmental consequences of the Spirit Living Group proposal submitted on May 17, 2023; and

WHEREAS, Spirit Living withdrew the application it submitted in May 2022 for development of Lots 5 and 6 and June 2, 2023, Spirit Living filed new land use applications to the City of Petaluma for Site Plan and Architectural Review (SPAR) for development of Lot 5 only with a 73,509-square foot, four-story, mixed-use building consisting of ground floor commercial space and amenities for a Residential Care Facility for the Elderly and a 106-unit Residential Care Facility for the Elderly on the second through fourth floors, and including a request for SmartCode Warrants to allow modification of the SmartCode standards for parking and building width; and

WHEREAS, at its July 25, 2023 meeting, the Planning Commission held a duly noticed public hearing to consider the Project, at which time all interested parties had the opportunity to be heard and the Planning Commission considered the Staff Report dated July 25, 2023 and all public testimony provided prior to and at the public hearing.

WHEREAS, public notice of the July 25, 2023, Planning Commission hearing was published in the Petaluma Argus-Courier, mailed to residents and occupants within 1000 feet of the Project site, and a 32-square foot sign was posted on the site in compliance with state and local law; and

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

1. Finds that 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 finds as follows:

California Environmental Quality Act

- a. There is no substantial evidence in the record as a whole, including the Project applications and technical studies, that the proposed changes to the previously approved Riverfront Mixed-Use Project will have a significant effect on the environment.
- b. The Project will not result in any new or additional significant adverse impacts that were not previously identified or analyzed, nor will the Project increase the severity of any impacts previously identified in the Riverfront Mixed-Use Project EIR (SCH No. 2013062004).
- c. An addendum is the proper and appropriate environmental document for the Project in accordance with the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)
- d. The Project will not result in substantial changes that would lead to the identification of new or previously unidentified significant environmental effects that would require revisions of the Final EIR certified for the Riverfront Mixed-Use project.
- e. No new information of substantial importance which was not known, and could not have

been known with the exercise of reasonable diligence at the time the Riverfront Mixed-Use Final EIR was certified has been discovered which would require revisions of the previously certified EIR and the addendum document addresses impact categories that warrant an update to clarify the Project modifications and most recent environmental setting.

- f. Furthermore, there are no previously infeasible alternatives that are now considered feasible and no new mitigation measures considerably different than those previously analyzed that would reduce one or more significant effects. Furthermore, none of the other factors set forth in CEQA Guidelines Section 15162(a)(3) apply to the Project.
- g. The Addendum to the Final EIR for the Riverfront Mixed-Use project, attached to the concurrent staff report as Exhibit B, is complete, adequate and in full compliance with CEQA as a basis for considering and acting upon the Project. The Addendum has been prepared as required by law and the document as adopted reflects the independent judgement and analysis of the City of Petaluma, which has exercised overall control and direction of its preparation.
- h. Therefore, no further analysis under the California Environmental Quality Act is required and the relevant Mitigation Measures have been carried forward and apply to the Project.

General Plan

- a. The Project is consistent with the City of Petaluma General Plan 2025 and the Central Petaluma Specific Plan Mixed-Use land use designation in that commercial and RCFE are principally permitted uses on the Project site, as determined through findings pursuant to SmartCode 8.10.020(G)(1), and implement, with modifications, a previously approved component of the Riverfront Mixed-use project which collectively create a mixed-use development consistent with the Mixed-Use General Plan land use designation.
- b. For the following reasons and subject to conditions of approval, the Project is consistent with applicable General Plan policies:
 - i. Policy 1-P-2 states, “Use land efficiently by promoting infill development, at equal or higher density and intensity than surrounding uses.” The proposed project is infill development within the UGB and within the development intensity criteria specified in the Smart Code. The height and floor area of the proposed project is similar to the height and floor area of the adjacent Courtyard Marriott Hotel and the Project has a higher floor area ratio than surrounding uses.
 - ii. Policy 1-P-6 states, “Encourage mixed-use development, which include opportunities for increased transit access.” Riverfront Mixed-Use development includes a mix of commercial, residential, and recreational uses within walking distance of the Downtown SMART Station and bus stops (at Lakeville Street/Caulfield Lane). The proposed project consists of commercial uses and a RCFE in the center of the Riverfront Mix-use project near planned bus stops and includes a van to shuttle employees to and from the SMART station.
 - iii. Policy 5-P-23 states, “Require the provision of pedestrian site access for all new

development.” Pedestrian access is provided to the proposed project along existing and proposed sidewalks throughout the Riverfront Mixed-Use project, and with a pedestrian breezeway to provide convenient access through the Project site between the Central Green on the east side of the Project and the play fields and tot lot on the west side of the Project.

- iv. Policy 5-P-31 states, “Make bicycling and walking more desirable by providing or requiring development to provide necessary support facilities throughout the city. Require projects subject to discretionary approval to install public benches where appropriate.” As noted above, there are multiple pedestrian access points to the project site. In addition, bicycle parking is provided in a secure and enclosed bike storage room on the ground floor of the building, a bike repair station and bike rack is provided along the Class 1 multi-use path at the east of the overall Riverfront Project; sidewalks, street trees, and public seating will be provided as a condition of approval in front of the building; and benches are provided in the Central Green and Riverfront Park and along the Class 1 trail along the perimeter of the Riverfront development.
- v. Policy 9-P-12 states, “Maintain and expand Downtown as a hub of commercial and retail activity with residential opportunities.” The project will provide 106 units in proximity to Downtown and, in doing so, will facilitate patronage as directed by this policy. Furthermore, the project provides on-site commercial space to serve the needs of the immediate Riverfront community.
- vi. Housing Element Policy 1.3 states: “Encourage infill housing development with a particular focus on facilitating development near transit and services to support City climate goals.” The proposed development will provide infill housing within one-mile of the SMART station.
- vii. Housing Element Policy 1.4 states: “Establish flexibility in the City’s standards and regulations to encourage a variety of housing types, including mixed-use and flexible-use buildings, and affordable housing development.” The Project provides housing and services for seniors in a mixed-use building.
- viii. Housing Element Policy 1.5 states: “Encourage the efficient use of residential and mixed-use land by facilitating development at the upper end of the density range.” The Project is a four-story building at the upper end of the density range with a floor area ratio of 2.39:1.
- ix. Housing Element Policy 5.4 states: “Promote the construction and maintenance of housing for the elderly and provide housing choices to allow older residents to age in place.” The Project includes housing with a range of services for seniors that live independently through those that require memory care and assistance with the activities of daily living.
- x. Housing Element Policy 5.5 states: “Promote the development of housing that is designed to accommodate the needs of persons with disabilities, including supportive housing with on- or off-site services.” The Project provides housing for seniors, including those with disabilities.

Central Petaluma Specific Plan

For the reasons described in the July 25, 2023 Planning Commission Staff Report, and subject to conditions of approval, the Project is consistent with the goals, objectives and policies of the Central Petaluma Specific Plan.

Subject to conditions of approval and as warranted below for a parking reduction and excess building width, the Project is consistent with all applicable development standards of the General Urban (T6) District of the 2013 Smart Code, including but not limited to lot coverage, setbacks, frontage type, frontage length, height, landscaping, location of parking, quality of building materials, and environmental sustainable design, and applicable sections of the Implementing Zoning Ordinance.

Warrants

SmartCode Section 8.10.020.H – Warrants.

- i. Excess Building Width—the approximately 323-foot overall building width is warranted in that the mass and scale of the building facade is broken into six elements, each ranging in width from approximately 25 feet to approximately 75 feet with recessed elements between the building masses which have the effect of visually breaking up the long overall length of the building and thereby meeting the intent of the SmartCode is to ensure development reinforces the existing character and scale of the city’s neighborhoods and downtown. Furthermore, the overall width of the building includes the sections of the building which follow the curves of the street at both the northerly and southerly ends of the building, and which cannot be seen from any one vantage point on the sidewalk or street fronting the building. Excluding the portions of the building beyond the outside corners in the curves of the building, the building width is approximately 218 feet wide.

Parking Reduction – The project generates a demand for 41 parking spaces and 40 spaces are provided, with 29 spaces on-site and 11 spaces on the Project’s street frontage. According to the W-Trans Focused Transportation Study, dated July 11, 2023, there are 63 street parking spaces within 300 feet of the north and west sides of the Project site. During the peak parking demand of the uses on which the 63 surrounding parking spaces front (Courtyard Marriott hotel, the office building proposed next to the hotel, and the play fields), 27 of the 63 street parking spaces (in addition to the on-site parking for these uses) would be occupied leaving a surplus of 36 street parking spaces of which one would be needed for the proposed project. Therefore, there is an adequate parking supply to meet the needs of the project as proposed and approval of the parking reduction is warranted.

Implementing Zoning Ordinance

The project is consistent with Implementing Zoning Ordinance §24.050 – Site Plan and Architectural Review, in that the Planning Commission finds the Project meets the standards for Site Plan and Architectural Review as follows:

- i. There is an appropriate use of quality materials and harmony and proportion of the

overall design. As designed, the project uses stucco, wood panels, vertical wood-formed concrete, and anodized storefronts. The main mass of the building, proportion of the building elements, the size and placement of windows, and the building projections are in harmony and in proportion with the overall building design.

- ii. The architectural styles are appropriate for the project, and compatible with the overall character of the neighborhood. Contemporary building architecture is proposed, and it has design elements, building mass, and scale which is consistent with the mass, scale, and contemporary design elements of the four-story Courtyard Marriott hotel to the east of the project and adds to the diversity of the traditional architecture and smaller scale of the single-family homes to the south of the project.

The design choices are appropriate in that they provide visual interest to the streetscape, are sufficiently varied to avoid a cookie-cutter appearance and achieve a primary objective of the Riverfront project to create a pedestrian friendly environment with activated storefronts.

- iii. The siting of the structure on the property as compared to the siting of other structures in the immediate neighborhood is appropriate. The proposed mixed-use building is consistent with the standards of the SmartCode for siting structures in the T6 zone at the street-front property line with floor-to-ceiling glass at the shopfronts to encourage pedestrian interaction.
- iv. The size, location, design, color, number, lighting, and materials of all signs and outdoor advertising structures will be considered if signs are proposed and when a sign permit application is submitted.
- v. The bulk, height, and color of the proposed structures is appropriate as compared to the bulk, height, and color of other structures in the immediate neighborhood. A four-story, 73,800-square foot Courtyard Marriott hotel was recently constructed on the site to the north across Caulfield Lane Extension. To the south two-story single-family homes ranging from approximately 2,300 square feet to 2,700 square feet are being constructed in the Northbank subdivision. The hotel ranges in height from 48 feet to 53 feet and the single-family homes are 25 feet to 32 feet tall. The exterior colors of the hotel are grey and brown with burnt orange accents and the color palette for the single-family homes include reds, creams, blues, and tans.

The proposed mixed-use building is in the T6 zone where the minimum allowed building height is three stories and the maximum allowed is 6 stories. The building has 73,509 square feet, almost identical to the floor area of the adjacent hotel and is 55 feet tall (two feet taller than the hotel). Exterior colors and materials consist of white and dark gray stucco, brown wood panels and vertical board-formed concrete. As proposed, the bulk, height and colors of the Spirit Living building will be compatible with both the hotel structure and the single-family homes in the Northbank subdivision. The proposed building will not loom over the single-family homes, and it will be consistent with the size and mass of the hotel.

- vi. Landscaping to approved City standards shall be required on the site and shall be in keeping with the character or design of the site. Existing trees shall be preserved

wherever possible and shall not be removed unless approved by the Planning Commission.

Landscaping is limited to the street trees in the public right-of-way fronting the project site. No on-site landscaping is proposed and the project site has no existing trees. Street trees were reviewed and approved with Tree Advisory Committee approval for the Riverfront project.

- vii. Ingress, egress, internal circulation for bicycles and automobiles, off-street automobiles and bicycle parking facilities and pedestrian ways shall be so designed as to promote safety and convenience and shall conform to approved City standards. Any plans pertaining to pedestrian, bicycle, or automobile circulation shall be routed to the Pedestrian Bicycle Advisory Committee (PBAC) for review and approval or recommendation.

As a part of the Tentative Map process for the Riverfront project, the circulation system was reviewed and approved for the entire Riverfront project, including the subject project site. The pedestrian, bicycle and automobile circulation plan included with the subject proposal is substantially consistent with the plan reviewed and approved by the City Council during the Tentative Map stage of the project and which was found to promote safety and convenience.

- 3. Based on its review of the entire record herein, including the July 25, 2023 Planning Commission Staff Report, all supporting referenced, and incorporated documents, including the July 2023 Addendum to the Riverfront Mixed-Use Project EIR, and all comments received and foregoing findings, the Planning Commission hereby approves Site Plan and Architectural Review and associated SmartCode Warrants for the Project, subject to the conditions of approval attached hereto as Exhibit 1.