

## **EXHIBIT 1**

### **Site Plan and Architectural Review and SmartCode Warrants**

#### **CONDITIONS OF APPROVAL**

**Spirit Living Mixed-Use Project at Riverfront**

**Located at 500 Hopper Street**

**APN: 136-690-005**

**File No. PLSR 2023-006**

### **Standard Conditions of Approval**

#### **Planning Division**

1. Plans submitted to the City of Petaluma for purposes of construction shall be in substantial conformance with the plans on file with the Planning Division July 11, 2023, except as modified by these conditions of approval.
2. At building permit issuance, the applicant shall provide the City with an electronic copy of final/approved construction documents in portable document (PDF) format.
3. Prior to the issuance of any construction permits, these conditions of approval, the conditions of approval of the Riverfront Tentative Map and the MMRP of the Riverfront EIR shall be included with the plan set. A copy of the approved plans shall be maintained on-site when construction activities are occurring.
4. Prior to building permit issuance, all applicable development impact fees shall be paid.
5. At all times the site shall be kept cleared of garbage and debris.
6. The project shall comply with all performance standards of Implementing Zoning Ordinance Chapter 21 unless addressed in the Conditions of Approval of the Riverfront Tentative Subdivision Map or in the Mitigation Measures of the Riverfront EIR, in which case the Riverfront COAs and Mitigation Measures shall govern.
7. 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 insure continued regular watering of landscape areas, and health and vitality of landscape materials.
8. 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 fully commit to Integrated Pest Management techniques for the protection of bicyclists and pedestrians.

9. No signage is approved by this permit. Separate sign permits in compliance with the Smart Code or Chapter 20 of the Implementing Zoning Ordinance, as applicable, shall be obtained prior to the installation of signage.
10. 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.
11. All standpipes, check valves, and other utilities shall be placed underground or fully screened from view by decorative screening structures or landscaping to be reviewed and approved by the Planning Manager.
12. The applicant shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action, or proceeding against the City, its boards, commissions, agents, 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 applicants/developers of any such claim, action, or proceeding. The City shall coordinate 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 appellant shall reimburse City for attorneys' fees by the City.
13. All applicable Conditions of Approval of the Riverfront Tentative Subdivision Map and the mitigation measures of Resolution No. 2014-125 N.C.S. certifying the Riverfront Mixed-Use development Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program (MMRP) (herein "Riverfront Approvals") are incorporated by reference and made conditions of approval. In the event there is a conflict between the Riverfront Approvals and these conditions, the more restrictive shall govern.
14. Effective June 16, 2021, new buildings are required to have all electric construction as defined in Petaluma Municipal Code 17.36 and permanent supply of electricity as the source of energy for all space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances, and has no natural gas or propane plumbing installed in the building.

### **Special Conditions of Approval**

#### Planning Division

15. Recommendations of the March 8, 2023 Illingworth and Rodkin acoustical report to attenuate noise shall be implemented.
16. Prior to certificate of occupancy, benches and trash and recycling receptacles to match those installed in the Central Green shall be installed on the sidewalk along the project frontage. The number and location of the benches and receptacles is subject to review and approval of the Planning Manager.
17. Prior to issuance of a grading/ building permit, the applicant shall provide a lighting plan for planning staff reviewing and approval. The lighting plan shall include exterior light locations

and details of the proposed fixture type and brightness (lumens). All lighting shall be glare-free, hooded, and downcast in order to prevent light pollution and glare into bicyclists' and pedestrians' eyes.

18. The applicant shall be subject to any fees in effect at time of building permit issuance. Said fees are due at time of issuance of building permit at which time, other pertinent fees that are applicable to the proposed project will be required.
19. A refuse removal access plan and refuse removal schedule with written confirmation from waste removal provider (Recology) is recommended.

### Building Department

20. The proposed project will require building permit application and construction plan approval in compliance with current California Building Standards Code in CCR Title 24 as adopted by the City of Petaluma. The Building Division reviews applications and plans in accordance with this code. The applicant will need to demonstrate compliance with the construction documents.
  - a. Full plan submittal is required as applicable to project scope. Architectural, civil, structural, mechanical, electrical, and plumbing system drawings are to be prepared and signed by the state licensed professional responsible for their preparation. See City file preparations standards: Electronic File Preparation Standards - Petaluma ([cityofpetaluma.org](http://cityofpetaluma.org)).
  - b. Building permit construction documents are to include occupancy classifications, design occupant load, general building area and height limitations, type of construction, and fire sprinkler provisions data for each building on the subject parcels.
  - c. Identify request for deferred submittals on the cover sheet of construction documents. Typical approved deferrals include fire protection drawings or manufactured product shop drawing specifications. The applicant shall submit a statement of special inspections in accordance with 107.1 Chapter 1, Division II, as a condition for permit issuance. This statement shall be in accordance with Section 1704.3. Identify special inspections required for structural and code compliance. Please specify special inspector(s) on this form:  
<https://cityofpetaluma.org/documents/special-inspection-and-testing-procedure/>
21. Effective June 16, 2021, new buildings are required to have all electric construction as defined in Petaluma Municipal Code 17.36 and permanent supply of electricity as the source of energy for all space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances, and has no natural gas or propane plumbing installed in the building.
22. For the 2022 Building Standards Code cycle effective January 2023, the City of Petaluma has adopted CalGreen at the Tier 1 level, with the exception of Energy Efficiency, which is adopted at the mandatory level only. Applicable requirements for both Nonresidential and

Residential standards are applicable. For example, Tier 1 EV charging requirements for new multifamily construction include the following:

- a. EV Ready: 35 percent of the total number of parking spaces to be equipped with low power Level 2 EV charging receptacles.
  - b. EV Chargers: 10 percent of the total number of parking spaces to be equipped with Level 2 EVSE. At least one charger to be located in the common use parking area for use by all residents.
23. The City of Petaluma has adopted a Universal Access and Visitability Ordinance effective April 20, 2022, applicable to new dwellings. Universal access will require 30% of the new dwellings, in developments of 5 or more, to have specified access features.
  24. Accessibility of Covered Multifamily Dwellings and Public Housing may have requirements under one or more regulations and agencies both State and Federal. Provide a clear statement of applicability of these regulations and CBC Chapter 11A and 11B for this project on construction documents submitted for permit.
  25. Include compliance with CBC Chapter 32 regarding encroachments into the public right-of-way. Indicate appropriate roof drainage details to indicate storm water from roof elements will not cross public walkways. Indicate compliance of building elements where encroachment beyond the property line is proposed.

#### Department of Public Works and Utilities

26. Install driveway approach as per current Americans with Disabilities Act (ADA) requirements.
27. ADA access ramps shall be in accordance with City standards and the latest edition of the Caltrans Standard Plans and Specifications.
28. Prior to issuance of a building permit, a public improvement plan application is required to be submitted and approved for all frontage work and all on-site work within public easements. A public improvement agreement package including necessary bonds and insurance is required. A subdivision improvement agreement package is required prior to approval of the final map and subdivision improvement plans. A building permit is required for on-site grading, utility and drainage improvement work. All subdivision improvements shall be completed and accepted by the City, including on-site improvements, prior to issuance of 85% of certificates of occupancy.
29. The owner and contractor are responsible to perform Erosion Prevention and Sediment Control in accordance with chapters 15.80 and 17.31 of the City's Municipal Code and other applicable City of Petaluma regulations, and section 20 of the Caltrans Standard Specifications. Please submit the Construction Erosion and Sediment Control Plan Application Package. See Link:  
<https://storage.googleapis.com/proudcity/petalumaca/uploads/40d8a6d1-construction-erosion-sediment-control-plan-applicant-package.pdf>
30. Provide documentation that the storm water runoff area calculation is already provided in previously approved E.12 Report. Provide a copy for the permit.

31. A construction level geotechnical report is required with the subdivision improvement plan.
32. Joint Trench plans shall be submitted and approved by the City prior to starting under grounding of dry utilities.
33. If applicable, any project with a landscape area of 500 square feet or greater shall submit to the City a complete landscape and irrigation documentation package consisting of all the required elements found in the Landscape Water Use Efficiency Standards located in the Petaluma Municipal Code (PMC) Section 15.17.050.
34. A pad certification is required prior to issuance of a certificate of occupancy.
35. A pre-construction meeting with City staff and the applicant's construction team is required prior to the start of any construction.
36. Prior to the issuance of 80 percent of certificates of occupancy, City Standard Frontage improvements shall be installed and accepted.

#### Fire Department

37. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, an approved aerial fire apparatus access road shall be provided. For this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater. CFC Appendix D105.1
38. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders in the immediate vicinity of the building or portion thereof. CFC D105.2
39. The required turning radius of a fire apparatus access road shall be determined by the fire code official.
40. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders. CFC D103.1
41. Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection where construction of new roadways allows passage by vehicles in accordance with section 505.2. CFC 501.4
- a. Prior to bringing combustible building products onsite; fire hydrants will need to be fully functional and roads will need to be in good condition and able to support the weight of a fire engine in all weather conditions. Approval from the Fire Marshal and City Engineer will be required in advance of bringing combustibles onsite.

42. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designate shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. CFC 503.3
  - a. All required fire lanes will require “No Parking Fire Lane” signs with locations to be determined as this project progresses.
43. Approved fire apparatus access road shall be provided for every facility, building or portion of a building hereafter construction or move into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall 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 around the exterior of the building or facility. CFC 503.1.1
44. When access to or within a structure or area is determined by the Fire Code Official to be unduly difficulty because of secured openings (doors or gates) or due to the presence of hazardous materials or fire protection systems, a key box shall be required to be installed at an accessible location. The key box shall be an approved type and contain those keys necessary to gain access. PMC 17.20 506.1
  - a. Knox key box locations to be determined by the fire code official.
45. The Fire-flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under the horizontal projections of the roof of a building. CFC B104.3
  - a. Minimum fire flow for buildings shall be calculated as specified in the 2016 California Fire Code Appendix B, “Fire Flow Requirements for Buildings,” as amended by Petaluma Municipal Code.
  - b. The type of fire line coming into this development will need to be reviewed with the City Engineer. We expect it will be a “looped” water line for this size development.
46. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a group R fire area. CFC 903.2.8
  - a. 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.
47. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies where any of the following conditions apply: ... 1. Any dwelling unit or sleeping unit is located three or more stories above the lowest level of exit discharge. CFC 907.2.9.1
  - a. 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.
48. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow

in accordance with Health and Safety Code 13114.7. For connections to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the fire code official. CFC 903.3.5.

- a. 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 & 24.

49. 905.3. 1 Building Height. Class I standpipes shall be installed in buildings three stories or over in height and/or if, in the opinion of the Fire Chief, a hazard or condition exists in which the installation of standpipes would improve firefighting operations. Standpipes will be provided with approved outlets provided on each floor level, including the roof when roof access is provided. PMC 17.20 905.3.1

- a. Installation of the standpipe system requires a *separate* approved plans and permit from the Fire Prevention Bureau prior to work commencing. Standpipe system submittal shall include a permit application with three (3) sets of plans, cut sheets, and calculations for review. These systems shall comply with NFPA 14.

50. Portable fire extinguishers shall be installed in all of the following locations: 1. In new and existing Group... A, B, I, R-1, R-2.1... occupancies. CFC 906.1

- a. Portable extinguishers shall be installed and maintained in locations as required by California Code of Regulations, Title 19, Division 1

51. New and existing buildings shall be provided with approved illuminated or other approved means of address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall not be spelled out. Character size and stroke shall be in accordance with Section 505. 1. 1 through 505. 1. 2. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response in accordance with this code and Section 505. 1. 3. Where access is by means of a private road and the building cannot be viewed from the public way or when determined by the fire code official, a monument, pole, or other approved sign or means shall be used to identify the structure. Address identification shall be maintained. PMC 17.20 505.1

52. Each address identification character shall not be less than twelve inches ( 12") high with a minimum stroke width of one inch( 1"). Suite and unit directional numbers shall be not less than six inches ( 6") in height with a minimum stroke width of three- quarter inch( 0. 75"). Individual unit numbers shall not be less than four inches ( 4") in height with a minimum stroke width of one- half inch ( 1/ 2"). PMC 17.20 505.1.2

53. Where two (2) or more buildings cannot be viewed from the public way or when determined by the Fire Code Official, an approved illuminated complex directory, monument pole, or other approved sign or means shall be used to identify the structures at the main entrances to the property. PMC 17.20 505.1.3

54. Approved in-building, two-way emergency responder communication coverage for emergency responders shall be provided in all new buildings. In-building, two-way emergency responder

communication coverage within the building shall be based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. CFC 510.

Exceptions:

- a. Where approved by the building official and the fire code official, a wired communication system in accordance with Section 907.2.13.2 shall be permitted to be installed or maintained instead of an approved radio coverage system.
  - b. Where it is determined by the fire code official that the radio coverage system is not needed.
  - c. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.
- 55.** In buildings of combustible construction required to have automatic sprinkler system by section 903, automatic sprinkler system shall be installed prior to construction exceeding 40 feet in height above the lowest level of fire department vehicle access. Such automatic sprinkler system shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring. PMC 17.20 3314.1