

THE FLOODWAY Community Marketplace

Final Appeal to Petaluma City Council

September 11, 2023

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Agenda

- Project Description
- Lot Details & Zoning Designations
- Use Permit Challenges /
Confusion & Misstatements Addressed
- Conclusion

Project Description

COMING SOON!

THE FLOODWAY

COMMUNITY MARKETPLACE

Food Trucks | Beer & Wine | Live Music | Artists & Artisans
Outdoor Games | Family Fun | Community

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Summary of Project (1 of 2)

- Outdoor community marketplace
- 100% mobile and impermanent
- Use land during reasonable weather, vacate the lot when not
- Support local mobile vendors, give them a place to thrive
 - food trucks, craft food, craft beer & wine, artists, artisans, musicians
- ZERO development required or requested!

Summary of Project (2 of 2)

- Job creation, tax revenue, cultural diversity, community enjoyment
- Minimize blight & utilize vacant lot at the northern gateway to downtown
- Reduce traffic and parking hassles downtown by providing another destination – supports goal of 15-minute neighborhoods
- Great community support, including 633+ signatures on our petition
- Absolute best possible use of this lot
- A win-win for the city and community!

Petition details

Comments

Updates

Support small and mobile businesses in Petaluma!



Started


May 6, 2023

633

Signatures

1,000

Next Goal

 Support now

Sign this petition

First name

Last name

Email

Community Support for The Floodway



Colleen Kopp

May 7, 2023

The city needs to allow more businesses to thrive ...instead of putting up roadblocks



Jude Domino

May 9, 2023

I feel this is an amazing opportunity for small businesses to thrive in our community !



Laura Patterson

May 9, 2023

Mobile food trucks are a great option for that empty lot.



Jen Mo

May 7, 2023

We need this!



Meredith Lear

May 7, 2023

Food trucks would bring vibrancy to this area and provide jobs in a much needed depressed economy.



Renee Lande

May 7, 2023

I think the Floodway Community Marketplace would be an asset to our town.



Rene Foppe

May 7, 2023

I think this would be great for the community.



Helen Childs

May 8, 2023

I would LOVE to have a marketplace like this in N.E. Petaluma!



Patricia Crockett

May 7, 2023

I think this is a good idea for our community, and the owner is a responsible person, and ecologically alert.



trudy emmons

May 7, 2023

It would enhance life on the outskirts of Petaluma.



Siobhan Mora-Lopez

May 7, 2023

I believe it's a great community centered idea



Judith Allewelt

May 7, 2023

Sounds like a good use for this property.



Melissa Atkinson

May 30, 2023

The Floodway project would be a wonderful addition to the city and that area of Petaluma. It is exciting and long-awaited. We say YES! This is not a big unwanted development, but a huge community and economy builder! Bring it on!



Jenn Madden

May 7, 2023

I love Petaluma and this deserves to be there!



Bobbie Franklin

May 7, 2023

It's the right thing to do!! What would a couple of food trucks do that is so wrong? It would actually make that ugly corner look so much better also!



Denise Shelley

May 8, 2023

I want to support this mobile venue.



Robert Martin

May 9, 2023

I'm interested in everything that involves the floodway in Petaluma. I like the idea but I bet the local brick&mortar food vendors are uneasy about any new competition



Cat Tomlinson

May 13, 2023

Her business is mobile and can be moved in the event of a very rare occurrence of a flood.



Sophia Hall

May 13, 2023

Love supporting local businesses and food trucks!!



Gregory Schmid

1 month ago

We need more locally owned businesses by minority owners in our area. This business plan could help build community and support our local investors.



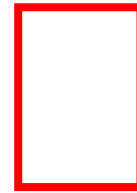
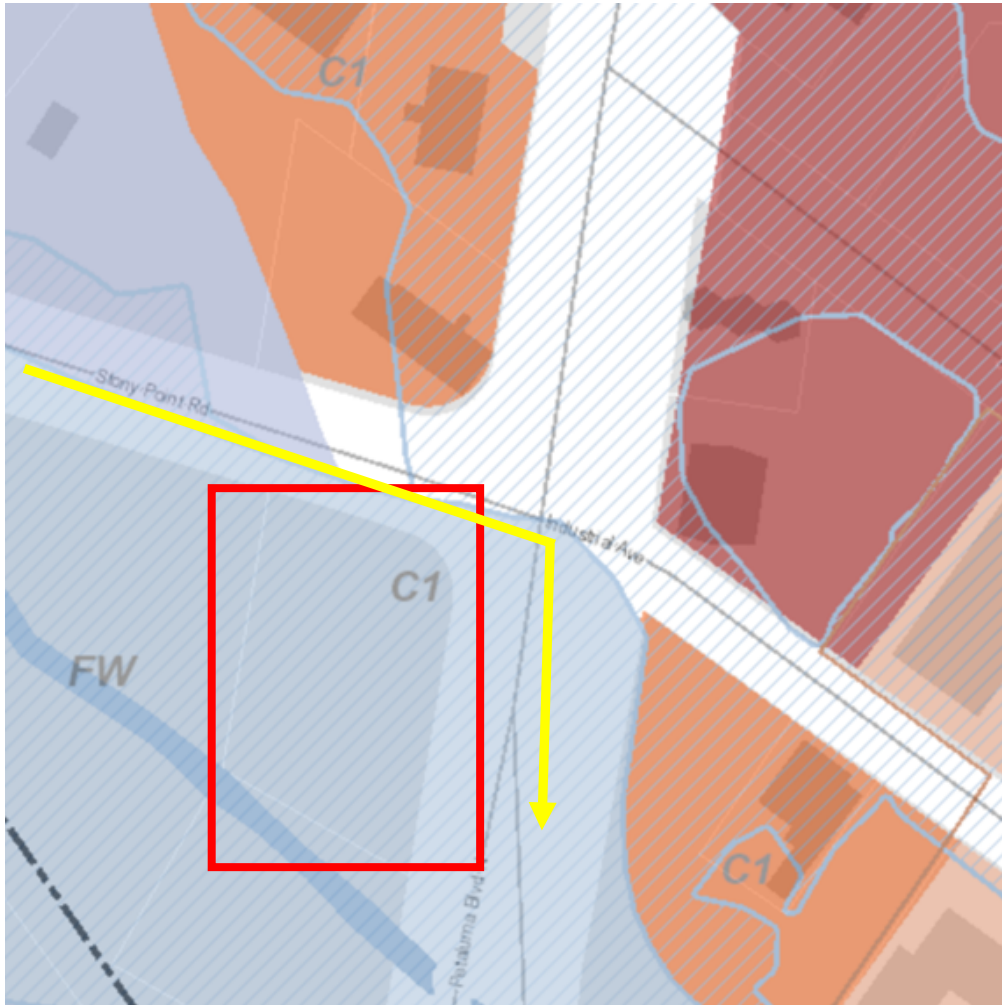
Ashley Rader

May 8, 2023

Sounds like a great use of that space!

Lot Details & Zoning Designations

Property Zoning: Commercial Neighborhood (C1) and Floodway (FW)



= Our lot located at 4875 Petaluma Blvd N @ Stony Point, APN 007-422-028



= Note that the floodway (area shaded light blue) runs down the center of Stony Point Rd and takes a hard right turn at Petaluma Blvd N



= Floodway mapping – which is created by the city in coordination with FEMA – seems arbitrary

Zoning Designations

- City's Zoning Map - as it looked before we purchased our lot and how it still looks today
- Lot sits at the northern gateway to downtown Petaluma - Petaluma Blvd N at Stony Point Rd
- Lot is clearly zoned both Floodway (FW) & Commercial Neighborhood (C1)
- Yellow arrow shows floodway designation to run south down the middle of Stony Point Rd and make a hard right turn at Petaluma Blvd N
 - Floodwaters don't obey traffic laws
 - Floodway designation appears to be arbitrary
 - Floodway designation is created by City in coordination with FEMA
- Note: see illustrations on previous slide

Commercial Neighborhood (C1) Designation

J. C1 (Commercial 1) Zone. The C1 zone is applied to existing smaller-scale shopping centers with off-street parking, or clusters of street-front stores that serve the surrounding neighborhood. The C1 zone is consistent with and implements the neighborhood commercial land use classification of the general plan, which establishes a maximum floor area ratio of 0.8 for the classification.

Source: <https://petaluma.municipal.codes/ZoningOrds/4.020>

Applicant note: a cluster of mobile vendors on our lot with off-street parking will serve the surrounding neighborhood, and therefore fits the zoning designation.

Floodway (FW) Designation

B. **Permitted Uses, Floodway Districts**. The following uses are permitted upon obtaining a Development Permit per Section 6.070(B) without a Use Permit where modification or removal of native vegetation, including trees, is not required:

1. **Open space** agricultural uses **not requiring a fence or closed building** such as cropland, orchards, and livestock feeding and grazing.
2. **Circuses, carnivals**, and other similar transient amusement enterprises provided a zoning permit has been obtained from the Community Development Department.
3. Modification of Native or Riparian Vegetation. Where modification or removal of native or riparian vegetation is required, such modification or removal may be permitted after obtaining a development permit consisting of written approval from the Director, provided that such proposed modifications in the Flood Plain have been found to be consistent with the General Plan.
4. **Any other open type of use as determined by the Zoning Administrator (Director of Planning) to be of the same general character as the above permitted uses.**
5. Periodic dredging of silt material from the navigable portions of the Petaluma River for maintenance purposes, when said silt material is removed from the floodway area.

Source: <https://petaluma.municipal.codes/ZoningOrds/6.050>

Floodway (FW) Permitted Uses (1 of 2)

- Permitted Uses in the Floodway (FW) Zone
 - All open or mobile in nature
 - No fences or permanent structures allowed
- Circuses and Carnivals
 - Retail businesses, mobile in nature
 - Travelling, non-local, move from town-to-town
 - Zoning permit required (limited to 60-day consecutive use)
 - Plenty of time for this temporary business!
 - This (section B2) is the ONLY permitted use with a time restriction

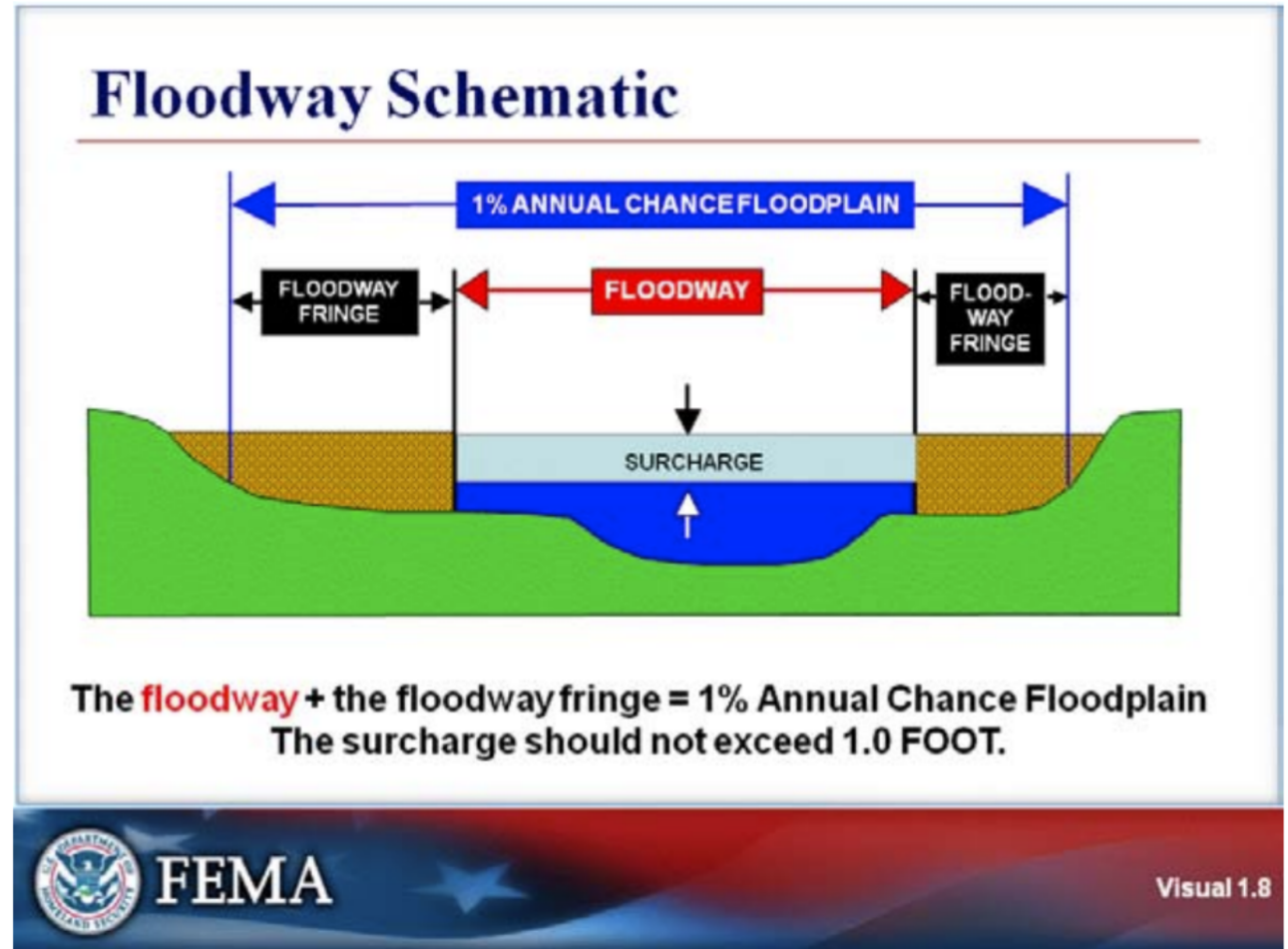
Floodway (FW) Permitted Uses (2 of 2)

- Zoning code written 50 years ago (1973)
- Section B4: “Any other open type of use as determined by the Zoning Administrator (Director of Planning) to be of the same general character as the above permitted uses.”
 - Kudos to the team who wrote this zoning code in 1973!
 - Recognized circuses & carnivals were not the be-all end-all of outdoor family entertainment
 - B4 allows today’s zoning administrator to recognize and allow similar uses, as anticipated by the 1973 team
 - Due to M-Group outsourcing, the “Zoning Administrator” and “Director of Planning” roles don’t exist, so escalation to a City employee is required

Floodway: The Textbook Definition

floodway (noun): a channel for an overflow of water caused by flooding

Source: <https://www.ahdictionary.com/word/search.html?q=floodway>



Source: <https://www.dps.arkansas.gov/wp-content/uploads/2020/05/G-284.1-Floodway-Standards-Student-Manual.pdf>

Floodway: A Real World Look



Pictured is our lot located at 4875 Petaluma Blvd N, which is **flat, level**, and serves no purpose to the containment or redirection of floodwaters. When our lot floods so will the surrounding lots.

January 8, 2023: Flooding Around our Property

- shows arbitrary nature of floodway mapping
- our lot is vacant with 6" max of water on it



ScottHessPhoto.com
Jan 8, 2023

Impact of Poor River Maintenance

- Photo of flooded 76 gas station east of our property – it is NOT in the designated “floodway”
- City focus should be on maintaining river to reduce risk of flooding
- City and M-Group – seem to have no knowledge of river maintenance responsibilities or history
- We worked with the Sonoma County Stream Maintenance program to add section of river (Zone 2A) to this summer’s cleanup schedule



January 8, 2023

Use Permit Challenges / Confusion & Misstatements Addressed

M-Group Refusal to Process or Escalate

- 6.050 B4: “Any other open type of use as determined by the **Zoning Administrator (Director of Planning)** to be of the same general character as the above permitted uses.”
- Due to M-Group outsourcing, these roles don’t exist – requires escalation to a City employee
- Our request for escalation in our use permit application was ignored
- M-Group instead dismissed our application outright
 - No communication – no phone call, no email, no meeting, didn’t even cash our check
 - No offer to work with us on a solution – simply dismissed outright
 - No City employees involved in this dismissal – all M-Group employees, including the Interim Community Development Director at the time

M-Group Abruptly Modifies Zoning

- February 28, 2023 – M-Group’s letter of denial of our use permit
 - Included unsigned attachment titled “Points of Clarification”
 - Notice of abrupt removal of the C1 zoning designation from our property, claiming it was a mapping “mistake”
 - Confirmed to be authored by Tiffany Robbe of the M-Group
- Mapping mistakes are the responsibility of the City
 - Known mapping issues – especially those related to land in the floodway
 - M-Group and Floodplain Admin in attendance, past recorded public hearings
 - Negligent of City and M-Group to have not disclosed this information to us in March 2022, in meetings prior to purchase of property
 - The City should honor the zoning designations that were published at the time we purchased our lot

Confusion & Misstatements Addressed

- “Floods are dangerous, climate change is worsening, so land in the floodway cannot be used for anything” - **FALSE**
 - **FACT:** Land in the floodway can be used most of the year without any risk
 - **FACT:** Climate change is irrelevant to the existing zoning laws and permitted uses in the floodway

Confusion & Misstatements Addressed

- “Zoning section 6.050 B4 has a time limit of 60 days per year” - **FALSE**
 - **FACT:** Only section B2 pertaining to circuses and carnivals requires a 60-day zoning permit. B4 is a permitted use of its own with no arbitrary restrictions!

B. Permitted Uses, Floodway Districts

2. Circuses, carnivals, and other similar transient amusement enterprises provided a zoning permit has been obtained from the Community Development Department.
4. Any other open type of use as determined by the Zoning Administrator (Director of Planning) to be of the same general character as the above permitted uses.

Confusion & Misstatements Addressed

- “Circuses and carnivals require development” - **FALSE**
 - **FACT:** These mobile businesses can setup anywhere and bring their own power sources.
 - **FACT:** Circus Vargas in Petaluma, August 24 – September 4, 2023
 - **FACT:** Setup on undeveloped, uneven lawn, no flooring in or around tent
 - **FACT:** Powered by multiple generators
 - See pictures next slide

Circus Vargas in Petaluma



Confusion & Misstatements Addressed

- “Retail is not allowed in the floodway” - **FALSE**
 - **FACT:** Circuses and carnivals are retail businesses and allowed in the floodway!

Confusion & Misstatements Addressed

- “ADA parking requires development, thus you can’t use lot for anything”- **FALSE**
 - **FACT:** Our lot was never deemed “non-ADA compliant” – M-Group assumption
 - **FACT:** Compacted gravel is ADA compliant, so no development is necessary
 - **FACT:** A small amount of gravel does NOT constitute “development”
 - **FACT:** Mobi-mats, etc. can be used where needed to avoid development



Petaluma River Trail (Denman Ranch Trailhead) – “ADA Parking”



Portable Mats – ADA solutions that require no development

Confusion & Misstatements Addressed

- “The M-Group offered a 60-day zoning permit to The Floodway, but they refused it” - **FALSE**
 - **FACT:** A restrictive 60-day zoning permit is NOT required (B4 allows for our use without arbitrary time restrictions), but we did apply for the 60-day permit on May 26 anyway
 - **FACT:** Zoning permit application was never accepted for review by the M-Group – application ignored
 - **FACT:** M-Group and Community Development failed to respond to any of our inquiries about status on this zoning permit – inquiries ignored
 - See screenshot from planning portal on next slide

Type: Zoning Permit
(Temporary Use Permit)

Status: Submitted - Online

Project Name:

Applied Date: 05/26/2023

Expiration Date:

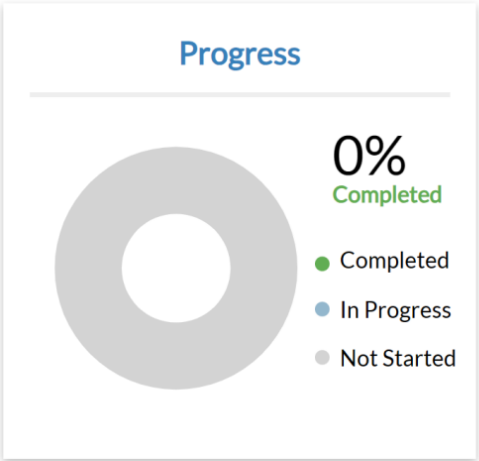
District: Petaluma

Assigned To: Robbe, Tiffany

Completion Date:

Description:

- Summary
- Locations
- Fees
- Attachments
- Contacts
- Sub-Records
- More Info



Fees

\$0.00

- Workflow
- ☐ Application accepted for review

☐ Zoning Permit (Temporary Use Permit)

☐ Final Decision

Available Actions

i

No Actions

Confusion & Misstatements Addressed

- “The Floodway Community Marketplace will double the insurance rates of poor people living in mobile homes” - **FALSE**
 - **FACT:** Our project requires NO development and has no negative impact on future flooding
 - **FACT:** Actions we have taken to date – cleaning potentially buoyant and hazardous debris from the lot and arranging for long overdue river maintenance - have REDUCED the risk of flood damage and bodily harm
 - **FACT:** Our regular presence on the lot presents a major BOOST to floodplain management, as we are paying attention while the City has ignored that area for many years

Confusion & Misstatements Addressed

- “It’s going to be a 24/7 365 day a year party at The Floodway!” - **FALSE**
 - **FACT:** We requested the maximum daily hours for flexibility in our schedule
 - **FACT:** Weather will dictate business demand, so impractical to remain open 365 days
 - **FACT:** We will use land during reasonable weather, vacate the lot when not
 - **FACT:** We offered to shut down during the historically rainiest months of the year, but our offer was rejected
 - **FACT:** We have been and remain open to working with the City, but a designated City employee contact is needed to help us see this through to completion

Confusion & Misstatements Addressed

- “The Floodway LLC is requesting a zoning exception to use their land” - **FALSE**
 - **FACT:** We have never requested an exception
 - **FACT:** We would not have purchased this lot if we thought an exception would be required
 - **FACT:** We purchased our lot in good faith that the existing zoning laws would be upheld
 - **FACT:** We are simply asking for the City to recognize and uphold existing zoning laws

Our Project – ZERO Development / ZERO Exceptions Needed

Project	THE FLOODWAY	Riverbend	Hotel Weaver	Chick-fil-A
Development Required?	No	Yes	Yes	Yes
Exception Needed?	No	Yes	Yes	Yes
Exception Proposed or Granted	N/A	3 Homes Built in Floodway	Overlay to Bypass Existing Zoning Laws	Freeway-Facing Signs

Note: The Floodway Community Marketplace is the ONLY small business in this group, the ONLY business not in need of an exception, and the ONLY business to be denied outright by the M-Group.

Riverbend – 3 Homes Built in Floodway

ABOUT

SERVICES



PROJECT DESCRIPTION

The Riverbend residential subdivision project was approved by the Planning Commission on July 14, 2020 for a Zoning Map Amendment, Zoning Text Amendment, Vesting Tentative Subdivision Map, Mitigated Negative Declaration (MND) and Site Plan and Architectural Review (SPAR) to construct thirty, two-story single-homes, a private street, improvements to Lynch Creek Trail and the dedication of .32-acre riverfront park to the City of Petaluma. The project is located on a 3.36 acre site, within the Residential 3 (R3) and Floodway zones, at 529 Madison Street.

Source: <https://cityofpetaluma.org/riverbend/>

Hotel Weaver – M-Group Collaboration to Bypass Existing Zoning Laws via Overlay

EKN APPELLATION (FORMERLY HOTEL WEAVER) PROJECT



The proposed hotel development would exceed current Floor Area Ratio (FAR), building height, and lot coverage maximums.

For details/information regarding the proposed Downtown Housing & Economic Opportunity Overlay that covers the project site and other portions of downtown, please view www.cityofpetaluma.org/downtown-housing-and-economic-opportunity-overlay.

Source: <https://cityofpetaluma.org/ekn-appellation/>

Statement from Developer: “The work of this [overlay] study is a result of a collaborative effort in partnership with the Petaluma Planning City Staff [outsourced M-Group].”

Source: <https://cityofpetaluma.org/documents/hotel-weaver-building-form-overlay-proposal-2/>

Chick-fil-A – Freeway-Facing Signs Exception

Planning Commission approves site plan that would shutter Cattlemens restaurant

As part of the plan, the existing 9,040-square-foot Cattlemens restaurant would be demolished and replaced by a new 5,100-square-foot Chick-fil-A. | 7



“The [Petaluma Planning] commissioners allowed two freeway-facing signs, though such signs are not explicitly allowed in city code.”

Source: <https://www.petaluma360.com/article/news/petaluma-planning-commission-approves-site-plan-that-would-shutter-cattlemens/>

Conclusion

Win-Win for the City and Community!

- 100% mobile, ZERO development
- Support of mobile vendors and our local economy
- Clean up blight, make use of vacant lot at northern gateway to downtown Petaluma, support City goal of 15-minute neighborhoods
- Strong community support
- No negative impact on future flooding
- Improved management of the floodplain / active stewards of the environment
- City of Petaluma can be proud to support many small businesses through this creative use of land in the floodway – set an example for other cities to follow!

Requests of City Council

- Please support us in setting an example of a responsible use of land in the floodway where blight is minimized, jobs are created, taxes are generated, and value is added to the city without compromising the safety and well-being of the community
- Please approve our use permit as allowed by zoning code section 6.050 B4!

COMING SOON!

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