

Resolution No. 92-231 N.C.S.
of the City of Petaluma, California

RESOLUTION AMENDING THE PLANNED UNIT DEVELOPMENT CONDITIONS
OF APPROVAL FOR THE CHATEAU SENIOR HOUSING PROJECT AT
333 NORTH MCDOWELL BOULEVARD
(APN 007-350-04/05; FILE NO. REZ92007)

WHEREAS, on November 14, 1988, the City Council adopted Resolution No. 88-366 upon recommendation of the Planning Commission conditionally approving the Planned Unit Development Plan for a 300 unit Chateau Senior housing project located at 333 North McDowell Boulevard; and

WHEREAS, on June 1st, 1992, Greenbrae Management Corporation applied for an amendment to the Planned Unit Development conditions of approval relating to noise mitigations and the size of individual unit kitchens; and

WHEREAS, a public hearing was held before the Planning Commission on July 28, 1992, and the Planning Commission recommended that the City Council approve the proposed changes to the conditions of approval as stated in their minutes of that meeting; and

WHEREAS, a Negative Declaration was prepared and circulated pursuant to the California Environmental Quality Act, and was adopted by the City Council on August 17, 1992 (Resolution No 92- 230) upon the recommendation of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that all other conditions of Resolution No. 88-366 not listed below remain in effect.

BE IT FURTHER RESOLVED that the City Council makes the following findings in regards to the PUD amendment:

Findings:

1. The changes to the development plan results in a more desirable use of the land and a better physical environment by allowing retention of the balconies as originally designed and eliminating the need for a large unattractive sound wall.
2. The changes to the development plan will not be detrimental to the public welfare, will be in the best interest of the City, and will be in keeping with the general intent and spirit of the zoning regulations and noise standards established by the General Plan of the City of Petaluma.

1 3. The removal of the soundwall will not result in a significant increase in the noise
2 experienced by the future residents of the project. Any additional noise impacts
3 resulting from the Rainier project will be mitigated at that time by the property
4 owners.

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6 4. The traffic mitigations adopted for the original project adequately addressed the
7 additional traffic which may result from units with full size kitchens.
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9 BE IT FURTHER RESOLVED that the City Council hereby approves the proposed
10 amendments to the conditions of approval for the Chateau Planned Unit Development
11 Plan, as originally stated in Resolution No. 88-371, as follows:
12

13 5. The mix of residential units may be amended provided that no more than 85
14 two bedroom units are provided, nor more than 270 units-(with full size
15 kitchens). Any such amendments must be reviewed and approved by the
16 Planning Director. Amendments beyond the parameters of this condition
17 require approval by the Planning Commission and City Council as a PUD
18 amendment and may require additional traffic analysis.

19
20 21. The recommendations for the Sound Solutions noise shall be incorporated
21 into the project design, to the satisfaction of the Planning Director and Chief
22 Building Official except:

23 a) No barrier shall be required along the U.S. 101 property
24 boundary as shown in Figure 2 of the Sound Solutions study
25 prepared for the project. In the event that Cal-Trans requires
26 that a sound wall be constructed along Highway 101 adjacent
27 to the Chateau project or the sound wall is included in the
28 public improvement project as a mitigation measure for noise
29 impacts associated with the Rainier overpass/interchange
30 project or other similar City of Petaluma Highway
31 improvement project (e.g., Rainier or approved alternative)
32 the Owner of the Chateau shall, upon receipt of written
33 demand by the City, be responsible for the construction of such
34 wall, or for the expense thereof; design, location and
35 installation timing subject to City approval. The owners of the

1 Chateau shall be relieved of their responsibility to construct
2 the sound wall if construction on the Rainier or similar
3 highway project is not commenced within ten years of the
4 adoption of this resolution. An acceptable means of assuring
5 said construction (e.g., performance bond, good faith cash
6 deposit, deed restriction, etc.) shall be provided to the City
7 prior to the issuance of a building permit to the satisfaction of
8 the City Manager.

9
10 b) Exterior balconies adjacent to Highway 101 shall not be
11 considered outdoor living spaces and thus shall be exempt from
12 the City's outdoor living space noise standards established by
13 the Petaluma General Plan.

14
15 31. Parking shall be provided at a ratio of at least .65 spaces per unit with a full
16 kitchen and .4 spaces/unit for all others. At least 10 spaces shall be suitable
17 for handicapped vehicles.

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19
20 chatres/dd4

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the
Council of the City of Petaluma at a (Regular) ~~(Advisory)~~ ~~(Special)~~ meeting
on the 8th day of September, 1992, by the
following vote:

Approved as to
form

City Attorney

AYES: Read, Davis, Sobel, Nelson, Vice Mayor Cavanagh, Mayor Hilligoss

NOES: None

ABSENT: Woolsey

ATTEST:

City Clerk

Mayor

Council File
Res. No. 92-231 N.C.S.

Plan

Resolution No. 88-371 N.C.S.
of the City of Petaluma, California

APPROVING THE PLANNED UNIT DISTRICT
DEVELOPMENT PLAN FOR "THE CHATEAU OF
PETALUMA", A.P. NOS. 007-350-04 and 05

WHEREAS, upon recommendation made on September 27, 1988 by the Planning Commission, 9.62 acres were rezoned Planned Unit District (PUD) to allow construction of up to 300 units of senior housing, common facilities and, upon revision to the PUD, ancillary and compatible commercial facilities commonly called "The Chateau of Petaluma"; N.C.S.,

WHEREAS, by Ordinance No. 1741 N.C.S., Assessor's Parcel Nos. 007-350-04 and 05 were rezoned to PUD to allow said development; and,

WHEREAS, a Mitigated Negative Declaration prepared pursuant to the California Environmental Quality Act was adopted by the City Council as recommended by the Planning Commission (Resolution No. 88-366 N.C.S.); and,

WHEREAS, a public hearings on this matter were held by the Planning Commission on September 13, 1988, and the City Council on October 24, 1988, at which times all written and verbal testimony (including staff reports, traffic, and noise studies) were considered prior to action;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the Chateau's PUD development plan based on the site plans dated August 10, 1988, and narrative project description provided by the applicant, on file in the Planning Department, subject to the following findings:

PUD Findings:

- A. The development plan clearly results in a more desirable use of land and better physical environment than would be possible under any other zoning district by providing optimum use and design for the specialized needs of senior citizens. The higher density and lower parking requirements are based on the senior housing aspect of the

project as discussed in the staff report and surveys of similar projects in similar jurisdictions.

- B. The property has a suitable relationship to one or more thoroughfares; and said thoroughfares are adequate to carry any additional traffic generated by the development.
- C. The proposed development, as conditioned, presents a unified and organized arrangement of buildings and service facilities which are appropriate in relation to adjacent or nearby properties and adequate landscaping and/or screening is include to insure compatibility.
- D. The natural and scenic qualities of the site are protected, with adequate available public and private spaces designated on the Unit Development Plan.
- E. The residential portion of the development of the subject property, in the manner proposed by the applicant and conditioned by the City, will not be detrimental to the public welfare, will be in the best interests of the City and will be keeping with the general intent and spirit of the zoning regulation of the City of Petaluma, with the Petaluma General Plan, and with the goals, policies and programs of the General Plan Housing Element. Through clarification of the General Plan text, compatibility of the commercial portion of the project with the General Plan's goals and policies shall be assured.
- F. By provision of 20% very low-to-low income affordable rate housing units (or the equivalent), this project qualifies for a density of 32.5 units per acre, including local and State bonuses.
- G. The two acres of commercial uses may contribute toward the residential density only if a direct supportive service relationship is maintained in a manner consistent with the General Plan.

BE IT FURTHER RESOLVED that the City Council hereby approves the development plan, subject to the conditions hereinafter set out as follows:

PUD Conditions

1. This project shall be limited to 300 units maximum.
2. The project sponsor shall enter into a development agreement or other legal mechanism with the City prior to issuance of building permits that guarantees construction of at least twenty percent (20%) of the total units for households of very low-to-low income as defined by the General Plan, for the life of the project. Said agreement shall also limit occupancy of all units to persons defined as "seniors" by State regulations to the satisfaction of the City Attorney. At a minimum, the agreement shall address the following topics: percentage of household income that may be paid toward rent; definition of rent (i.e., whether utilities or other fees are included; definition of "household income"; determine mix of very low -to-low income units as related to unit size, location, etc.; consistency of rules, fees, etc. between low income tenants vs. market rate tenants; frequency of rent adjustment with respect to changes in tenant's income; priority for Petaluma residents; record keeping by project managers; ability of City to audit records; and duration of affordability of units. Said agreement must be approved by the City Council prior to issuance of building permits.

The General Plan defines rental housing as "affordable" when a household pays less than 30 percent of its gross monthly income for housing, including taxes, insurance, and utilities. The General Plan defined "very low income households" as those earning less than 50% of the Sonoma County median income. "Low income households" earn less than 80% of the county median income. Should the project sponsor opt to provide very low-to-low income units off-site, such provisions shall receive approval by the City Council prior to issuance of building permits.

3. The two underlying parcels shall be merged, or adjusted to separate the residential from the commercial portions of the site, prior to issuance of building permits.
4. The site plan may be adjusted beyond the requirements of these conditions, provided that the revised plan remains in substantial conformity to those approved by the Council and that overall density is not increased, residential building coverage does not exceed 30 percent of lot area, and the revisions are first reviewed and approved by the Planning Director.
5. The mix of residential units may be amended provided that no more

than 85 two bedroom units are provided, nor more than 133 independent living units (full-sized kitchens) and/or no more than 90 bed assisted units are provided within the total project. Any such amendments must first be reviewed and approved by the Planning Director. Amendments beyond the parameters of this condition require approval by the Planning Commission and City Council as a PUD amendment.

6. All site improvements, including parking and driveways, shall be excluded within 30 feet from the Lynch Creek top-of-bank or as approved subject to a reasonable engineering and architectural alternative as determined by staff. Improvement and grading plans within these areas are subject to review by the California Department of Fish and Game and Sonoma County Water Agency prior to issuance of grading/building permits.
7. All storm waters shall be collected on-site and discharged by storm drain into Lynch Creek.
8. The project sponsor shall dedicate the westernmost thirteen feet of the property (bordering US 101) to the City of Petaluma to the satisfaction of the City Engineer prior to issuance of building permits. An irrevocable offer of dedication to the City for an additional 22 feet along the westernmost property line shall be recorded with the property to accommodate future widening of US 101. All property dedicated may count as credit towards the project sponsor's fair share contribution to traffic mitigation fees. Should all major facilities traffic impact fees have been paid prior to dedication, the applicant may receive a reimbursement of fees equal to the price of said dedicated land paid by the project sponsor.
9. The buildings' construction and site improvements are subject to review and conditional approval by the Fire Marshal, Chief Building Inspector, and Chief of Police or their designated representatives.
10. Vehicular access to the residential phase of the project shall be directed to the northernmost driveway insofar as possible and practical (deliveries and employee parking excepted) as determined by staff. Principal access to the commercial portion of the site shall be via the southern (existing) driveway. No additional driveways on McDowell Boulevard shall be permitted. The suitability of vehicular access between the commercial and residential portions of the site shall be considered at the time that a proposal is submitted for development of the commercial parcel. Prior to issuance of building permits, the project sponsor shall acknowledge in writing that it is understood that both driveways to this site may at some time be restricted to right-turn only ingress and egress. right-turn only ingress and egress.
11. The project sponsor shall provide a full service shuttle schedule to provide tenant access to medical appointments, recreational events, shopping, etc. Transportation for the handicapped shall be provided. The shuttle service level to be provided shall be described in a program prepared by the project sponsor or operator and submitted to

the Planning Director for approval at or before time of initial unit occupancy.

12. General pedestrian access to Lynch Creek shall be discouraged by a visually open fence (e.g., wrought iron) or other appropriate barrier along the entire length of property line bordering the creek. Design of the fence or barrier is subject to SPARC and Police Department review and approval. Gates shall permit limited pedestrian passage. Access for project residents to the creek area shall be permitted.
13. Either through fencing or building site design, access to and from the Senior Residential phase shall be restricted or monitored from the Plaza North shopping center area. There shall not be unmonitored open access from the shopping center to the senior center, nor shall there be unmonitored open access from the shopping center to residential parking, subject to approval of the Police Department and SPARC.
14. The following conditions shall be incorporated into project design and operations to the satisfaction of the Police Department:
 - A. 24-hour security should be provided for the interior and exterior of the building. This can be accomplished through hiring security personnel and/or installation of an electronic monitoring system. Areas of critical concern include the interface with Plaza North, drop-off areas, all perimeter parking areas, and loading area.
 - B. The driveway entrance to the residential center should be posted as a private driveway and set up in such a way (either through signs or design) that it discourages access to the facility by persons who are not residents or legitimate visitors to the residences.
 - C. Adequate vandal resistant lighting needs to be placed throughout the facility. All exterior parking and entry areas must be well lighted. All interior stairwells and walkways must also be well lighted.
 - D. The lobby of the facility or main pedestrian entry way should be set up with a receptionist, security person or other staff member who can monitor those persons visiting the facility. This person will be helpful to visitors trying to locate residents as well as providing assistance to residents.
 - E. A lock box key security system or similar device should be placed in a location readily accessible to police, fire and ambulance personnel who may require emergency entrance to secure areas of the facilities.
15. Examples of permitted uses and site design for the commercial portion of this site shall be processed as an amendment to this PUD. Permitted uses of the commercial portion of this project site are limited to uses ancillary to and compatible with the senior living facility. No specific uses are approved for the commercial portion of this project at

this time. At time of PUD amendment, the commercial portion of the site must be found to be consistent with the goals and policies of the General Plan either through design and use approvals by the City Council, new City policies, or General Plan amendment.

16. The commercial building(s) may not be constructed until at least 167 units of senior housing are constructed on this PUD. Nor shall it be constructed until construction has commenced on the Rainier Avenue/US 101 interchange or until McDowell Boulevard North level of service is D or better, whichever occurs first. Consistency with the goals and policies of the General Plan must be achieved prior to construction of the commercial portion of this site.
17. Concurrent with initial site improvements for the senior units, the project sponsor shall install a bus turn-out, shelter, and pole for future signs on McDowell Boulevard, location and design of which shall be subject to approval by the City Transit Coordinator.
18. A hydraulic maintenance easement shall be provided over Lynch Creek, subject to approval of the City Engineer. As part of site preparation for this project, the City Engineer may require selective clearing within the easement area.
19. No buildings shall be located within 55 feet of the top of the bank of Lynch Creek.
20. Ninety days prior to issuance of a demolition permit for the existing church, the project sponsor shall, to the satisfaction of the Planning Director, offer the structure to non-profit organizations which may be able to move the building for their own purposes.
21. The recommendations for the Sound Solutions noise study shall be incorporated into the project design, to the satisfaction of the Planning Director and Chief Building Official except:
 - a) Placement of the soundwall shall respect the 13' increased setback along U.S. 101 (see Condition No. 8);
 - b) Exterior balconies not in compliance with noise standards shall be enclosed by greenhouse-style glass or other method that provides "outdoor" living experience with some noise attenuation, subject to SPARC approval; and,
 - c) Through-the-wall air conditioners may be used in noise sensitive walls and windows may exceed 15% of floor area for sound consideration, provided that interior noise levels shall not exceed General Plan standards (45 dB CNEL or L dn).
22. The project sponsor shall design and install a central left-turn lane in McDowell Boulevard North between the two Community Center driveways, including raised landscaped median island and striping, prior to initial occupancy, subject to City Engineer approval. An agreement between the City and project sponsor addressing the share of costs (each paying 50% for these improvements), timing of

installation, and responsibility of installation shall be prepared and executed prior to issuance of building permits. Prior to occupancy of the last 100 residential units or commercial building, whichever occurs first, the project sponsor shall pay to the City the pro-rata share of improvements to coordinate the traffic signals at Lynch Creek Way and East Madison, and widening of McDowell/Washington Street intersection, and installation of a signal at the Community Center driveway/Plaza North driveway, as determined by the City Engineer.

23. All site improvements, architecture, and utilities are subject to SPARC approval.
24. The project sponsor shall comply with all applicable flood mitigation requirements adopted by the City Council, as contained in Zoning Ordinance Article 16, and Municipal Code Chapter 17.30 "Storm Drainage Impact Fee."
25. All improvements and grading shall comply with the Sonoma County Water Agency's Design Criteria or acceptable engineering alternative as approved by the SCWA.
26. Applicant shall participate on a fair share basis in any future assessment districts or other funding mechanisms formed to improve areawide flooding, traffic congestion or other subregional problems for which development of this property is found to be a contributing factor.
27. The project sponsor shall execute a binding agreement which shall stipulate that upon issuance of a Certificate of Occupancy of each residential dwelling unit in The Chateau or the commercial building, developer shall pay \$150.00 to the City per daily trip end estimated to be generated by said residential unit and \$50.00 per daily vehicle trip for the commercial buildings. If the City establishes a Major Facilities Traffic Mitigation Fee prior to occupancy of any unit(s), the fee for said unit(s) and all subsequent units in this project thereafter shall be either \$150.00 (residential) or \$50.00 (commercial) per trip end or the Major Facilities Traffic Mitigation Fee, whichever is less on a per unit basis. Fee is subject to conciliation by the Planning Director.
28. The freeway-oriented elevations shall be designed so as not to present the appearance of a rear elevation (i.e. no loading doors or large blank walls, absence of architectural features found on other elevations, and limited landscaping as typically found on interior property lines).
29. Any outdoor advertising signs shall be submitted for review and approval of SPARC or the Community Development Department. All signs must conform to the Zoning Ordinance and be compatible with the building and surroundings.
30. Parking lots shall be designed so that spaces remaining after CalTran's use of entire 35 foot easement will conform to City standards for ingress/egress and landscaping.

31. Parking shall be provided at a ratio of at least .65 spaces per independent living unit (i.e.; full kitchen) and .4 spaces/unit for all others. At least 10 spaces shall be suitable for handicapped vehicles.
32. In the event that archaeological remains are encountered during grading, work shall be halted temporarily and a qualified archaeologist shall be consulted for evaluation of the artifacts and to recommend future action. The local Indian community shall also be notified and consulted in the event any archaeological remains are uncovered.

BE IT FURTHER RESOLVED, that the City Council finds that the requirements of California Environmental Quality Act Guidelines have been satisfied by Resolution NO. 88-366 N.C.S., adopted by the City Council on November 14, 1988.

reso.approve.pud.chateau
resol0

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a (Regular) (Adjourned) (~~Special~~) meeting on the 14th day of November, 1988, by the following vote:

Approved as to form

AYES: Cavanagh, Tencer, Sobel, Woolsey, Balshaw, Vice Mayor Davis, Mayor Hilligoss

NOES: 0

ABSENT: 0

ATTEST: Paulette Lyon
City Clerk

M. Patricia Hilligoss
Mayor.

DEPUTY CITY CLERK

Council File 8

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