

RESOLUTION 2018-26
CITY OF PETALUMA PLANNING COMMISSION

**APPROVING SITE PLAN AND ARCHITECTURAL REVIEW
WITH ASSOCIATED WARRANTS FOR THE PEP HOUSING PROJECT
LOCATED AT 951 PETALUMA BLVD SOUTH
APN 008-530-007
FILE NO. PLSR-18-0006**

WHEREAS, Robert W. Hayes, on behalf of the applicant, Petaluma Ecumenical Properties (PEP), and the property owner, the City of Petaluma, filed an application for Site Plan and Architectural Review with associated requests for Warrants for the Project; and

WHEREAS, the proposed project includes Site Plan and Architectural Review for the construction a 53 one-bedroom rental housing units that will be affordable for seniors of low and very-low income levels, plus one two-bedroom on-site manager unit and ancillary community rooms; and

WHEREAS, associated with the Site Plan and Architectural Review, is a request for Warrants for: (a) allowance of an edgeyard building placement type in a T5 zone (SmartCode §4.10(i)); (b) allowance of a side setback greater than 10 feet (SmartCode §4.10(f)); (c) a reduction to required principal building frontage from 75 percent to 62 percent of the lot frontage (SmartCode §4.10(h)); (d) reduction to the required depth of a front terrace from 8 feet to 6 feet (SmartCode §4.40.110(B)); and (e) reduction of the minimum ground floor ceiling height from 10 feet to 9.5 feet (SmartCode §4.10(m)); and

WHEREAS, the project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt pursuant to Article 12.5, Section 15194 (Affordable Housing Exemption) of the California Environmental Quality Act (CEQA) Guidelines; 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 1000 feet of the Project site in compliance with state and local law; and

WHEREAS, a public hearing sign was posted on site at least 17 days prior to the Planning Commission meeting, consistent with the City Council Resolution No. 18-107; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider the Project on August 14, 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 is consistent with the General Plan 2025 Mixed Use (MU) land use designation in

that the MU classification includes a residential use.

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-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 General Plan Land Use Map applies a Mixed Use designation to the project site and, contrary to other similarly designated properties outside the CPSP, there is no Floor Area Ratio (FAR) or residential density standard. Building FAR and residential density are, instead, indirectly regulated by the SmartCode's bulk and height standards. The project proposes a 54 unit residential project at a density permitted by the T5 zoning and is situated along the Golden Gate Transit corridor with local connectivity to Downtown Petaluma and regional connectivity to Santa Rosa and San Francisco. Although the project does feature a combination of uses, the proposed density and residential use serves to transition from the Mixed Use designated area, to the R3 (Residential 3), PUD (Planned Unit District), and C1 (Commercial 1) designated areas in close proximity to the site. The project is consistent with Policy 1-P-2 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 includes a community building for its residents at the rear of the subject property and oriented towards the riverfront. Additionally, the Project as conditioned will provide an 8-foot wide riverfront path that is publicly accessible, extends across the entire width of the property and will provide new connectivity between the site's existing publicly owned and maintained dock and the McNear Landing Park to the east. The Project is therefore, consistent with Policy 1-P-43, 1-P-44 and 1-P-45.

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 applies the Main Street Building typology in a manner that enables a substantial increase in density while complementing the scale and built form of the immediate neighborhood. 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 an appropriate residential density and building intensity. For these reasons, the Project is consistent with the aforementioned Housing Element policies.

Planning Subareas: "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-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: The subject property is within the CPSP subarea of the General Plan per Figure 2-1 of the Petaluma General Plan 2025. As noted above, the project extends an existing riverfront multi-use trail and preserves an existing dock.

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.

- vii. 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-22 states, "Preserve and enhance pedestrian connectivity in existing neighborhoods and require a well connected pedestrian network linking new and existing developments to adjacent land uses."

Policy 5-P-23 states, "Require the provision of pedestrian site access for all new

development."

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

Consistency Analysis: As previously noted the Project would construct a multi-use path along the riverfront that will provide access between an existing dock on the subject property and a public park on the adjacent McNear residential community property.

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

- viii. 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.

Central Petaluma Specific Plan: Policies

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

(Riverfront Warehouse Area) Land Use – Objective 4: Provide for a mix of compatible light industrial, office, retail and residential uses that maintains the unique character of the area.

- i. Policy 4.3 states, "Allow new housing within this area"

Consistency Analysis: The proposed project adds an additional 54 housing units to the City of Petaluma's housing stock. Additionally, the proposed architecture includes building heights from 2 to 3 stories, simple rectangular forms, recurring gabled roofs and corrugate metal finishes. The project also provides front and side setbacks, which serve to reinforce the existing irregularity of the Petaluma Boulevard South block face. For these reasons, the project is consistent and complementary to the existing scale and character of the immediate area.

SmartCode (Compliance with Standards)

- c. (Table 3.1: Building Function) As proposed, the Project would accommodate a multi-family housing use (including uses accessory thereto; e.g., gym, laundry facilities, storage space, and community rooms), which is 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: Building Placement, Private Frontage, Landscape and Utility, and Building Type, except as noted below under findings pertaining to Warrants.
- 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.
- 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.

SmartCode (Warrant: Edgeward Building Placement in a T5 Zone)

- g. SmartCode §4.10(i) and §4.30 permit the following building placements in the T5 Transect: sideyard, rearyard, and courtyard. These building placements generally minimize front and side setbacks in an effort to foster an active street frontage and enhance the spatial definition of the public thoroughfare space. The project proposes an edgeward building placement as it includes front, side and rear setbacks.

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 'Building Placement in a T5 zone' and also finds that approval is justified since (a) the proposed front setback accommodates a terrace, which promotes active engagement of the subject property with the public realm, and (b) the proposed side yards accommodate on-site vehicle and pedestrian circulation that connects the front of the property to the river and provides emergency vehicle access.

SmartCode (Warrant: Side Setback greater than 10 feet)

- h. SmartCode §4.10(f) requires that the property provide a side yard setback no greater than 10 feet. Along the east side of the subject property, the project provides a side setback, at its narrowest point, of 24 feet and thereby, deviates from the requirements of the SmartCode. The Planning Commission finds a Warrant to be the appropriate permit type for deviating from the side setback limitations because (a) it accommodates the vehicular and pedestrian on-site circulation needs noted above, and (b) positively contributes to the site design as it enables the property to transition from its high-density use to the lower density of the neighboring properties.

SmartCode (Warrant: Reduction to Required Principal Building Frontage)

- i. SmartCode §4.10(h) requires that new principal buildings in the T5 zone occupy 75 percent of the total lot frontage. The front building of the project occupies 62 percent of the total lot frontage and thereby, deviates from the requirements of the SmartCode. The Planning Commission finds a Warrant to be the appropriate permit type for deviating from the required occupied building frontage because (a) the project includes a wider side yard area, as noted above, for circulation and design purposes, and (b) the 1.31-acre lot is larger than the .5-acre scale that is otherwise anticipated as the largest lot size for the proposed main street building type.

SmartCode (Warrant: Reduction to Required Depth of Front Terrace)

- j. SmartCode §4.10(h) requires that terraced private frontages must provide a depth of at least 8 feet from the front edge of the terrace to the face of the attached building wall. The project's terrace has a depth of 6 feet and, therefore, deviates from the SmartCode urban design standards. The Planning Commission finds a Warrant to be the appropriate permit type for reducing the required depth of a front terrace because (a) the 2 feet of difference is otherwise

provided as a 3 foot deep landscaping strip between the sidewalk and the terrace; and, (b) the terrace meets all other urban design standards of the SmartCode and includes access to the residential lobby, as well as, individual access to three dwelling units.

SmartCode (Warrant: Reduction to Minimum Ground Floor Ceiling Height)

- k. SmartCode §4.10(m) requires that residential ground floor uses in the T5 transect zone have a minimum floor to ceiling height of 10 feet. The ground floor of the front building has a floor to ceiling height of 9.5 feet, and therefore, deviates from the SmartCode urban design standards. The Planning Commission finds a Warrant to be the appropriate permit type for reducing the required floor to ceiling height because (a) the ground floor is elevated one foot above the adjacent sidewalk and features a raised terrace that spans the width of the building, thereby achieving the intended pedestrian scale of the SmartCode's prescribed ground floor ceiling heights, and (b) the overall architectural detailing and three story building mass is compatible with the single and two-story developments on the adjacent properties.

Petaluma River Access and Enhancement Plan

- l. 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 along the riverfront and connecting to the adjacent property to the east.

- m. 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.

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

Consistency Analysis: See analysis under Goal 5 above.

- o. 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.

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 three building masses that are designed to be sensitive to the immediate neighborhood character. The architectural treatments of the front building resonate with the residential character of the neighboring properties to the east, and the architectural treatments of the middle and rear buildings resonate with the riverfront warehouse characteristics of properties to the west. The project expertly applies the use of quality materials to reinforce this shift between architectural vocabularies. The front building, reinforces vertical changes in plane, characteristic of residential uses, with material transition between shingle and horizontal lap siding, and integrates the overall form with a wooden cornice treatment. Casement windows with simulated divided lites, wooden lintels, and wooden balcony railings further reinforce the residential character. Conversely, the rear two building use a transition between board and batten siding, shingle siding and galvanized corrugated metal siding to evoke an industrial aesthetic while maintaining a residential scale harmonious with the site's

intended residential use.

- 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 riverfront industrial buildings, as well as traditional residential buildings. Compatibility with the neighborhood is advanced through the Project's conformance with the SmartCode frontage type standards. The project proposes a three-story building mass at the front of the property and transitions to a two-story scale closer to the river. The organization of the building into multiple vertical bays further diminishes the larger scale of the development and facilitates the project's compatibility with the neighboring properties.
- iii. The Project's siting is appropriate given its conformance to most mandatory setback standards of the SmartCode and modifications to setbacks as warranted. Furthermore, the required warrants relate directly to the proposal's approach to soften the overall massing of the development in a manner that enhances its compatibility with adjacent properties and the broader neighborhood. This is achieved through a more active and engaging street front, as well as a more distinct physical separation from the eastern neighbor – thereby also marking the end of the Central Petaluma Specific Plan area.
- 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 with the neighboring context and meets the requirements of the SmartCode. 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, landscaping along the public frontage, and throughout the on-site pedestrian pathways. The project will also retain two of the mature redwood trees on the property. Further, the project is subject to tree removal mitigation requirements specified in IZO §17.065.
- 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 the center of the site.

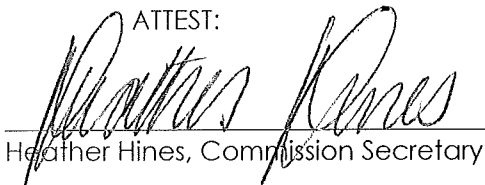
Based on its review of the entire record herein, including the August 14, 2018, Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves Site Plan and Architectural Review and Warrant for (a) allowance of an edgeward building placement type in a T5 zone (SmartCode §4.10(i)); (b) allowance of a side setback greater than 10 feet (SmartCode §4.10(f)); (c) a reduction to required principal building frontage from 75 percent to 62 percent of the lot frontage (SmartCode §4.10(h)); (d) reduction to the required depth of a front terrace from 8 feet to 6 feet (SmartCode §4.40.110(B)); and (e) reduction of the minimum ground floor ceiling height from 10 feet to 9.5 feet (SmartCode §4.10(m)); subject to the conditions of approval attached hereto as **Exhibit A**.

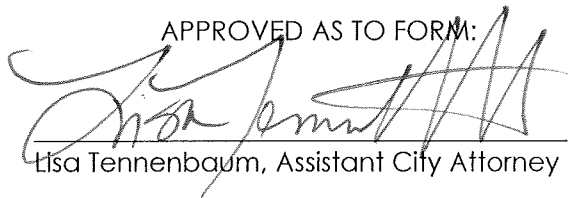
ADOPTED this 14th day of August, 2018, by the following vote:

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



Richard Marzo, Chair

ATTEST:

Heather Hines, Commission Secretary

APPROVED AS TO FORM:

Lisa Tennenbaum, Assistant City Attorney

SPAR CONDITIONS OF APPROVAL
PEP Housing Project
951 Petaluma Boulevard South
APN 008-530-007
File PLSR-18-0006

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 and received June 13, 2018, except as modified by these conditions of approval.
2. The colors and materials shall be in substantial conformance with those noted on the plan set and the color board in the project file and received June 13, 2018, except as modified by the following conditions.
3. Prior to the issuance of any development permit, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.
4. 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.
5. 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.
6. 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).
7. Prior to building permit issuance all applicable development impact fees shall be paid.
8. The site shall be kept cleared at all times of garbage and debris. No outdoor storage shall be permitted.
9. Except as modified by the conditions herein, construction activities shall comply with performance standards specified in IZO Chapter 21.
10. Noise Disturbance Coordinator: The permittee shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. This individual would most likely be the contractor or a contractor's representative. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.
11. 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 three 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 Developer 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."
12. 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.
13. In the event that paleontological resources, including individual fossils or assemblages of fossils, are encountered during construction activities all ground disturbing activities shall halt and a qualified paleontologist shall be procured to evaluate the discovery and make treatment recommendations.
14. In the event human remains are uncovered during earthmoving activities, all construction excavation activities shall be suspended 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 project sponsor shall retain a City-approved qualified archaeologist to provide adequate inspection, recommendations and retrieval, if appropriate.
 - d. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American, and shall contact such descendant in accordance with state law
 - e. The project sponsor shall be responsible for ensuring that human remains and associated grave goods are reburied with appropriate dignity at a place and process suitable to the most likely descendent.
15. 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.
 16. 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.
 17. 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.
 18. Bicycle racks shall comply with size dimensions and location requirements of the Bicycle and Pedestrian Master Plan. Applicant shall ensure adequate access to each bicycle rack from all sides and avoid placing racks too close to any wall or structure.
 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 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

Planning Division: Special Conditions of Approval

23. River Access Trail and Dock. Consistent with the requirements of the City's Request for Proposals for development of the Property and the City's River Access and Enhancement Plan, the Project will include construction of an 8-foot wide publicly accessible bicycle and pedestrian trail that will be located along the northern property line, and that will connect to existing and planned river access trail segments on the properties adjacent to the Property. In addition, the Project shall provide public access to the existing dock on the Petaluma River. The Grant Deed will include a reservation of easements for public access to the river trail and dock described in the Section 2.3.1 of the Disposition, Development and Loan Agreement.
24. 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 South;
 - h. All exterior metalwork (e.g., railings, entry gates);
 - i. All roof penetrations.
25. 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.
26. All roof-top mounted mechanical equipment shall be surrounded by a solid enclosure and which does not project above adjacent parapet walls.
27. 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 008-530-007).
28. Outdoor amplification and public address systems for purposes other than controlling access to buildings and as required by the Petaluma Fire Department are prohibited.
29. Prior to building permit issuance, replacement trees conforming to the requirements of Implementing Zoning Ordinance § 17.065 shall be provided and shown on the Final Landscaping Plans. This approval authorizes the field grown trees installed during the processing of this application to count towards the replacement requirement.
30. In order to ensure that trees to remain onsite are protected during construction activities all design measures outlined in the Arborist Report prepared by Pramuk, Trees and Associates (dated February

19, 2018) shall be depicted on construction drawings and implemented throughout all stages of construction. Tree protection measures shall include, but are not limited to the installation of protective fencing around all trees on-site and that the site margins, use of decomposed granite beneath protected trees, and minimization of soil compaction during grading. When trenching occurs within a trees dripline, the project arborist shall be present to supervise the work and provide direction on the least intrusive techniques to be used. All efforts shall be made to promote regeneration and preservation following trenching activities.

31. To prevent impacts to nesting birds covered by State and federal law (California Department of Fish and Game Code and the Migratory Bird Treaty Act), the applicant shall avoid the removal of trees, shrubs, or weedy vegetation between September 1st and January 31st, during the bird nesting period. However, if vegetation removal or construction occurs during that time period, preconstruction surveys including call sounds shall be conducted within 14 days prior to such activities to determine absence or the presence and location of nesting bird species. If active nests are present, establishment of temporary protective breeding season buffers shall be established by a qualified biologist in order to avoid direct or indirect mortality or disruption of these nesting birds, nests or young. The appropriate buffer distance is dependent on the species, surrounding vegetation and topography and will be determined by a qualified biologist to prevent nest abandonment and direct mortality during construction. Buffers may be larger for special status species. Work may proceed if no active nests are found during survey(s) or when the young have fledged a nest or the nest is determined to be no longer active.
32. Prior to and throughout construction, silt fencing and orange blaze construction fencing shall be installed and maintained to demarcate the limits of construction activity such that there is no intrusion to the inside of the top of bank.
33. Prior to demolition of the existing building onsite, an asbestos survey adhering to sampling protocols outlined by the Asbestos Hazard Emergency Response Act and material sampling to determine lead presence (in accordance with the City of Petaluma Lead Hazard Abatement Procedures) will occur. In the event that such substances are found, the applicant will adhere to all requirements put forth by OSHA and other agencies regarding the treatment, handling, and disposal of these materials.
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).

Fire Department

35. Installation of an Automatic Fire Sprinkler System is required per the Petaluma Municipal Code. Installation of the fire sprinkler system requires approved plans and permits 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.

The fire sprinkler system shall be monitored by a certain station fire alarm system. Installation of the fire alarm system must be conducted with approved plans and permits 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.

36. Installation of the fire service underground is required per the Petaluma Municipal Code. 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 24.

Public Works and Utilities Department (Engineering Division)

37. To allow for smooth and safe movement of vehicle entering and existing the development, provide signed/sealed sight distance calculations by project Civil Engineer per Caltrans standards, demonstrating that there is sufficient sight distance around the stop sign when leaving the development. Provide any offsite mitigation if parking and vegetation removal and maintenance is required.
38. Provide separate instrument easement for access and maintenance to the dock and landing at the river to the City of Petaluma.
39. A bus stop, pullout and shelter shall be installed on Petaluma Blvd. South. The exact location and amenities shall be determined by the Transit Manager during the building permit review.
40. Wayfinding signage shall be installed on the site, directing residents to nearby transit stops, schools and the SMART station.
41. Sonoma County Water Agency review and approval is required.
42. Provide storm water calculations, based on final construction drawings.
43. The developer shall submit of a notice of intent and storm water pollution prevention plan to the State and City.
44. Site work shall generally conform to the site improvements as shown on the plans provided with the application.
45. All work shall conform to the latest City standards.
46. All improvements shall be ADA accessible.
47. All existing unused water and sewer connections shall be identified on construction drawings and abandoned at the main per City standards.
48. All onsite sewer, water, and storm drainage shall be labeled private. Private maintenance.
49. Remove and replace the existing fire hydrant at driveway with latest standard. Fire hydrant location to be determined by Fire Marshal. Relocate all water meter boxes outside of the sidewalk.
50. Joint trench plans are required with the building permit/public improvement plan submittal. All existing overhead lines at the frontage shall be underground.
51. Remove and cap the existing sewer lateral as shown at the east side of the property.
52. Add a sewer drain and connection for the trash enclosure.
53. Provide final stormwater report.
54. Provide project arborist approval for the construction activities and long term water main stability, and redwood tree #6 survival at the frontage.

55. A public improvement plan application is required for all frontage work and all on-site work within public easements. A public improvement agreement package including necessary bonds and insurance is required.

Police Department

56. High definition security cameras with a minimum 15-day storage capability shall be installed and maintained. Security cameras shall cover and record all publicly accessible areas throughout the property, as well as the rear and sides of the structure.

Building Division

57. The project shall comply with current codes. The project requires complete review with building permit applications.