DATE: October 7, 2013

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Tiffany Robbe, Senior Planner
Heather Hines, Planning Manager

SUBJECT: Resolution to modify Condition 11 of City Council Resolution No. 2009-076 (Logan Place Unit Development Plan and Development Standards) to eliminate the requirement for installation of a gate to the adjacent Bounty Farm located at 1200 Petaluma Boulevard North

RECOMMENDATION

It is recommended that the City Council consider the staff report and adopt a resolution to modify Condition 11 of City Council Resolution No. 2009-076 (Logan Place Unit Development Plan and Development Standards) to eliminate the requirement for installation of a gate to the adjacent Bounty Farm (Attachment 1).

BACKGROUND

On October 7, 2008 Burbank Housing submitted an application for a Rezoning and Site Plan and Architectural Review for Logan Place Affordable Housing project located at 1200 Petaluma Boulevard North. The project consisted of 66 multi-family affordable housing units, including 6 studios, 12 one-bedroom, 21 two-bedroom, and 27 three-bedroom apartment units in four 3-story buildings and one 4-story podium building (Attachment 2). The project incorporates on-site amenities such as large outdoor common areas, a turf play area, two play structures, a sport/basketball court, laundry facilities, an indoor community room with kitchen, and office space for both property management and community service uses. Logan Place will be managed by Burbank Housing with an on-site resident manager, a community service coordinator, and a maintenance crew. The units will rent at rates affordable to those earning 30% to 60% of the area median income and will be affordable for at least 55 years.

On April 14, 2009 the Planning Commission recommended approval of the Logan Place PUD to allow a 66-unit multi-family affordable rental housing community constructed by Burbank Housing.

On May 18, 2009 the City Council adopted Ordinance No. 2325 (Logan Place PUD) and associated Resolution No. 2009-076 approving the Logan Place Unit Development Plan. At said
hearing a requirement to install a gate allowing direct pedestrian access between the Logan Place property and neighboring Petaluma Bounty Farm (which fronts on Shasta Avenue) was added to the resolution at the direction of the City Council and with the expressed willingness of Burbank Housing. Condition 11 was added, which reads, “No fence along the northern property line is required. A gate to The Bounty Farm (along the southern boundary) is required.”

On June 25, 2009 the Site Plan and Architectural Review Committee considered the project design, including the gate that had been incorporated into the site plan in response to the City Council’s condition. SPAR was approved although no specific discussion of the gate was included in the approval letter.

When construction level plans were developed for building-permit submittal a grade change of approximately three feet between the Logan Place property and the Petaluma Bounty farm site was identified. No grade change had previously been anticipated during the City Council hearing or in relation to the requirement for a gate between the two properties. The City’s Building Official confirmed that installation of a gate would be required to be ADA accessible, including an ADA accessible path to the gate. To accomplish this requirement and to address the three foot grade change at the property line, the architect found that extensive concrete ramping was necessary. The work required to meet the applicable ADA requirements would require elimination of a significant area of approved landscaping, addition of a significant amount of hardscape (which the City Council had expressly worked to reduce), and alteration of the approved site plan.

In addition to changes to the approved site plan, the requirement to install the gate was estimated to have an additional cost of $15,000 to $20,000 (Attachment 4). Additionally, Petaluma Bounty has indicated that significant insurance limitations prohibit open access to their property from the neighboring property. For these reasons Burbank Housing requested that the project be found to be in substantial conformance with the approved project without incorporating the gate called for by Condition No. 11 of City Council resolution 2009-076.

Planning Commission
The Planning Commission reviewed the request to eliminate the requirement for installation of a gate to Bounty Farm on September 24, 2013. After hearing from Planning and Housing staff and from representatives of Burbank Housing and Bounty Farm, the Commission unanimously voted to recommend the modification to the City Council (6 ayes and 1 absent) and adopted Planning Commission Resolution 2013-18. The Planning Commission staff report and Resolution are provided as Attachments 5 and 6.

At the Planning Commission meeting, Elece Hempel representing Bounty Farms, Pascal Sisich of Burbank Housing, and the City’s Housing Administrator Bonnie Gaebler stated reasons in addition to those described above for requesting that the gate requirement be eliminated. Ms. Hempel clarified that Bounty Farms is a production farm that invites the public in for specific programs, and not a “community garden” where neighbors have a plot. As a production farm, they find open access undesirable, the primary concerns being the possibility of accidents, crop damage, and harvest loss. Ms. Hempel explained that the desire of Bounty Farm is that nearby residents access the farm in the same manner as the rest of the community. Mr. Sisich highlighted that the site plan modifications necessary to accommodate the ADA gate and sidewalk would also interfere with the vegetative swales and/or storm drains necessary for water quality purposes. Additionally, Mr. Sisich stated that the cost estimate provided (see Attachment 4) was likely low given cost increases and the cost of satisfying the water quality requirement in
an alternate way. He also expressed property management concerns associated with having a gate onto private property. Both Burbank Housing and Petaluma Bounty highlighted their continued intent to have collaborative programs between the two non-profits.

**Environmental Review**

An Initial Study/Mitigated Negative Declaration was prepared for the Logan Place project, which assessed the environmental impacts of the project and was approved by the Petaluma City Council on May 18, 2009 (Resolution No 2009-072). The project is under construction and has been reviewed for consistency with all mitigations and conditions of the project approval.

There is no substantial change in circumstances under which the Logan Place project was evaluated and this project presents no new information of substantial importance relating to the prior environmental evaluation. Therefore, no additional CEQA analysis is required.

**DISCUSSION**

Condition 11 of the City Council was added as a way to facilitate access and programming between the two non-profit organizations (Burbank Housing and Petaluma Bounty). As plans for Logan Place evolved from design review level to construction level, the issue of a gate along the south property line became an increasingly difficult condition to satisfy. Because of grade changes, ADA requirements, insurance limitations, and the production farm nature of the Bounty Farm, the installation of a gate has proven to be an infeasible requirement for the Logan Place development. Additionally, the costs associated with these issues have proven to be substantial for an affordable housing project with extremely limited funding. The two non-profit organizations have each expressed a desire and commitment to offering programming to involve Logan Place residents with the neighboring Petaluma Bounty Farm. Staff believes that this commitment touches on the intent of the required gate and eliminates the significant challenges in incorporating a gate between the two properties.

As such, staff recommends that the second sentence of Condition 11 (A gate to The Bounty Farm (along the southern boundary) is required.) be eliminated.

**FINANCIAL IMPACTS**

This is a cost-recovery project with all costs of processing the application paid by the applicant. The cost recovery account maintains a positive balance.

**ATTACHMENTS**

Attachment 1: Draft Resolution of the City of Petaluma City Council to Modify Condition 11 of Previously Approved Resolution 2009-076 for Logan Place Unit Development Plan

Attachment 2: Site Plan as approved by SPARC on June 25, 2009

Attachment 3: City Council Resolution 2009-076 (Logan Place)

Attachment 4: Letter from Burbank Housing dated September 14, 2011

Attachment 5: Planning Commission staff report of September 24, 2013 without attachments (as they are the same as Attachments 2-4 above)

Attachment 6: Planning Commission Resolution 2013-18
RESOLUTION OF THE CITY OF PETALUMA CITY COUNCIL
MODIFYING CONDITION 11 OF PREVIOUSLY APPROVED RESOLUTION 2009-076
FOR LOGAN PLACE UNIT DEVELOPMENT PLAN
08-SPC-0525

WHEREAS, Section 19.040.E. of the City of Petaluma Implementing Zoning Ordinance acknowledges that modification of an approved Unit Development may be necessary and desirable from time to time; and

WHEREAS, Section 19.040.E.3. of the City of Petaluma Implementing Zoning Ordinance specifies that modification of an approved Unit Development Plan shall be made by resolution of the City Council, after receipt of recommendation of the Planning Commission; and

WHEREAS, on April 17, 2009 at a duly noticed public hearing the Planning Commission recommended City Council approval of the Logan Place PUD and associated Development Plan to allow a 66-unit multi-family affordable housing community to be constructed and managed by Burbank Housing; and

WHEREAS, on May 18, 2009 at a duly noticed public hearing the City Council adopted Ordinance No. 2325 (Logan Place PUD) and associated resolution No. 2009-076 approving the Logan Place Unit Development Plan; and

WHEREAS, at the May 18, 2009 meeting the City Council added condition 11 to Resolution No. 2009-076 requiring the installation of a gate along the south property line to allow pedestrian access between the Logan Place development and the adjacent Petaluma Bounty Farm; and

WHEREAS, on June 25, 2009 the Site Plan and Architectural Review Committee approved the final design, of the Logan Place Project, including the gate that had been incorporated into the site plan in response to the City Council’s condition; and

WHEREAS, during the development of construction level plans an approximately three foot grade difference was determined to exist between the Logan Place property and the neighboring land leased by Petaluma Bounty, where no grade change had previously been anticipated; and

WHEREAS, it was determined that the installation of a gate would require extensive concrete ramping to meet all applicable ADA requirements for the gate and associated path and resulting in significant changes to the approved site plan; and

WHEREAS, the requirement to install the gate would have significant financial and insurance related impacts to the two non-profit groups which were not anticipated during approval of the Unit Development Plan; and

WHEREAS, Burbank Housing has requested that Condition 11 be modified to eliminate the requirement to install a gate between Logan Place and the Petaluma Bounty Farm; and

WHEREAS, on September 24, 2013, the Planning Commission considered the request and related staff report and received and considered all written and oral public testimony submitted-up to the time of the public hearing in accordance with the City of Petaluma Implementing Zoning Ordinance; and

WHEREAS, at that hearing, the Planning Commission unanimously recommended that the City Council modify Condition 11 to eliminate the requirement to install a gate between Logan Place and the Petaluma Bounty Farm; and
WHEREAS, on October 7, 2013, the City Council considered the request and related staff report and received and considered all written and oral public testimony submitted up to the time of the public hearing in accordance with the City of Petaluma Implementing Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED that the City Council hereby finds that the proposed modifications to the Logan Place Unit Development Plan to eliminate the requirement to install a gate would not significantly alter the approved project or unit development plan and that all findings made by the City Council for the original approval of the plan remain in place as follows:

- **The Unit Development Plan clearly results in a more desirable use of land and in a better physical environment than would be possible under any single zoning district.**

The Logan Place project creates a neighborhood at 23.5 units to the acre with ample usable and centrally located open and community space (rather than requiring more parking than needed or one type of height separation when another type will serve as well), making development of this land under the Logan Place PUD more desirable than development under standard MUHA zoning. Furthermore, the 66 residential units will rent at a rate affordable for those earning 30 to 60 of the area median income and will be affordable for at least 55 years furthering the City's affordable housing goals. Elimination of the gate between Logan Place and Petaluma Bounty properties does not significantly alter the site layout from that originally approved by the City Council with the Unit Development Plan.

- **The PUD District is proposed on property which has a suitable relationship to one or more thoroughfares and said thoroughfare is adequate to carry any additional traffic generated by the development.**

The Project sits directly on Petaluma Boulevard North and access to the 66 apartment units will be via one of two proposed or existing driveways. The traffic impact study prepared for the proposed project concluded that levels of service (LOS) at the studied intersection would be unchanged at LOS A, in the existing condition, if project traffic were added. The study also concluded that the intersection would be at LOS C in the morning and LOS D in the evening under both the future conditions scenario and the future plus project conditions scenario. In conclusion, when the subject site is fully developed the study intersection is expected to operate at the same level in both the existing and the projected future condition, with or without the project. The proposed modification to Condition 11 does not alter the studied traffic patterns or volumes associated with the Logan Place project.

- **The plan for the proposed development 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 included if necessary to insure compatibility.**

SPARC was supportive of Logan Place site plan and elevations. The project landscaping plan called for trees to be planted along all of the property lines that adjoin existing uses as well as Petaluma Boulevard North. Elimination of the required gate on the southern property boundary will preserve the approved landscaping plan that was reviewed and approved by SPARC and will not alter the arrangement of the buildings or service facilities.
• The natural and scenic qualities of the site are protected with adequate available public and private spaces designated on the Unit Development Plan.

The project site lacks any significant natural or scenic qualities with the exception of the 0.05-acre wetlands which fall under the jurisdiction of the Army Corps of Engineers, who, in a letter dated August 2009, permitted the wetlands to be filled based on conditions that include purchase of the equivalent amount of seasonal wetland credits. The project includes many amenities, including large outdoor common areas; a turf play area, two play structures, a sport/basketball court, and an indoor community room with a kitchen. A third of the apartments have a private deck or patio. Modification to Condition 11 to eliminate the gate will not change the interior layout of the site. Access to the Petaluma Bounty farm will be within a short walk and the two non-profit organizations (Burbank Housing and Petaluma Bounty) have indicated a commitment to collaboration in programming between the residents of Logan Place and the adjacent farm.

• The development of the subject property in the manner proposed by the applicant will not be detrimental to the public welfare will be in the best interests of the City and will be in keeping with the general intent and spirit of the zoning regulations of the City of Petaluma, with the Petaluma General Plan, and with any applicable plans adopted by the City.

An Initial Study that evaluated potential environmental impacts associated with the project determined that no significant unmitigated environmental effects would result from the Logan Place development. The project will help the City meet its goals for providing affordable housing for families and individuals. It is consistent with the Zoning Ordinance General Plan and Housing Element. Elimination of the required gate will not create a situation detrimental to the public welfare or an inconsistency with applicable zoning regulations or General Plan policies.

**BE IT FURTHER RESOLVED** that the City Council does hereby modify Condition 11 of City Council Resolution No. 2009-076 to eliminate the sentence reading: "A gate to The Bounty Farm (along the southern boundary) is required."
Resolution No. 2009-076 N.C.S.
of the City of Petaluma, California

APPROVING THE UNIT DEVELOPMENT PLAN AND
DEVELOPMENT STANDARDS FOR THE
LOGAN PLACE PLANNED UNIT DEVELOPMENT, APN 019-020-013

WHEREAS, the Planning Commission filed with the City Council its report set forth in its minutes of April 14, 2009 recommending approval of a Unit Development Plan and Development Standards for the Logan Place Planned Unit Development ("the Project"); and

WHEREAS, the City Council held a noticed public hearing on said Unit Development Plan and Development Standards on May 18, 2009; and

WHEREAS, on May 18, 2009, in compliance with the California Environmental Quality Act (CEQA), 14 California Code of Regulations Sections 15000 et seq. (CEQA Guidelines) and the City of Petaluma Environmental Guidelines, the City Council adopted Resolution No. 2009-072 N.C.S., adopting a mitigated negative declaration of environmental effect for the Project.

NOW, THEREFORE BE IT RESOLVED that the City Council does hereby find:

1. The Plan clearly results in a more desirable use of land and in a better physical environment than would be possible under any single zoning district.

   Creating a neighborhood at 25-1/3 units per acre with ample, usable, and centrally located open and community space (rather than requiring more parking than needed or one type of height separation when another type will serve as well), makes the development of this land under the Logan Place PUD more desirable than development under standard MU1a zoning. Furthermore, the resultant 66 units will rent at a rate affordable for those earning 30% to 60% of the area median income and will be affordable for at least 55 years, furthering the City's affordable housing goals.

2. The PUD District is proposed on property which has a suitable relationship to one or more thoroughfares, and said thoroughfare is adequate to carry any additional traffic generated by the development.

The Project sits directly on Petaluma Boulevard North and access to the 66 apartment units will be via one of two proposed or existing driveways. The traffic impact study prepared for the proposed project concluded that the levels of service (LOS) at the studied intersection would be unchanged at LOS A, in the existing condition, if project traffic were added. The study also concluded that the intersection would be at LOS C in the morning and LOS D in the evening under both the future-conditions scenario and the future plus project conditions scenario. In conclusion, when the subject site is fully developed, the study intersection is expected to operate at the same level in both the existing and the projected future condition, with or without the project.
3. The plan for the proposed development 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 included if necessary to insure compatibility.

SPARC was supportive of the preliminary site plan. The project’s preliminary landscaping plan calls for trees to be planted along all of the property lines that adjoin existing uses as well as Petaluma Boulevard North.

4. The natural and scenic qualities of the site are protected, with adequate available public and private spaces designated on the Unit Development Plan.

The project site lacks any significant natural or scenic qualities, with the exception of the 0.05-acre wetlands which fall under the jurisdiction of the Army Corps of Engineers, who, in a letter dated August 2009, permitted the wetlands to be filled, based on conditions that include purchase of the equivalent amount of seasonal wetland credits. The site plan proposes many amenities including large outdoor common areas, a turf play area, two play structures, a sport/basketball court, and an indoor community room with a kitchen. A third of the apartments will have a private deck or patio.

5. The development of the subject property, in the manner proposed by the applicant, will not be detrimental to the public welfare, will be in the best interests of the City, and will be in keeping with the general intent and spirit of the zoning regulations of the City of Petaluma, with the Petaluma General Plan, and with any applicable plans adopted by the City.

An Initial Study that evaluated potential environmental impacts associated with the project determined that no significant unmitigated environmental effects would result from this proposal. The project will help the City meet its goals for providing affordable housing for families and individuals. It is consistent with the Zoning Ordinance, General Plan, and Housing Element.

BE IT FURTHER RESOLVED that this Resolution shall become effective upon the effective date of Ordinance No. 2325 N.C.S., Approval of Rezoning to a Planned Unit District (PUD) for Logan Place,” which is thirty (30) days after the date of the adoption of said ordinance by the Petaluma City Council.

BE IT FURTHER RESOLVED that the City Council does hereby approve, pursuant to the provisions of Zoning Ordinance No. 2300 N.C.S. and based upon the evidence contained in the record of proceedings and/or received at or before the hearing of this matter, the Logan Place Unit Development Plan set forth in Exhibit A and the Development Standards for the Logan Place Planned Unit District set forth in Exhibit B, subject to the conditions set forth below.
CONDITIONS OF APPROVAL

Logan Place Planned Unit Development
1200 Petaluma Boulevard North, APN 007-020-013
Project 08-SPC-0525-CR

From the Planning Division (778-4301)

1. Before 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 and the Mitigation Measures as notes.

2. The plans submitted for building permit review shall be in substantial compliance with the Unit Development Plan date stamped April 6, 2009.

3. All mitigation measures adopted in conjunction with the Mitigated Negative Declaration for the Logan Place are herein incorporated by reference as conditions of project approval.

4. Upon approval by the City Council, the applicant shall pay the Notice of Determination fee to the Planning Division. The check shall be made payable to the County Clerk. Planning staff will file the Notice of Determination with the County Clerk's office within five (5) days of receiving Council approval. The State Department of Fish and Game has eliminated the fee exemption for projects determined to have a de minimis effect on fish and wildlife and requires that an environmental filing fee be paid, (as required under Fish and Game Code Section 731, 4d) to the Sonoma County Clerk on or before the filing of the Notice of Determination (as of January 2009, the fee is $1,993, contact them at 944-5500 to confirm).

5. Prior to building permit approval, the plans shall note the installation of high efficiency heating equipment (90% or higher heating/furnaces) and low NOx water heaters (40 or less) in compliance with policy-4-P-15D (reducing emissions in residential units).

6. Prior to building or grading permit approval, all plans shall note the following and all construction contracts shall include the same requirements (or measures shown to be equally effective, as approved by Community Development Department), in compliance with General Plan policy 4-P-16:

   • Maintain construction equipment engines in good condition and in proper tune per manufacturer's specification for the duration of construction;
   • Minimize idling time of construction related equipment, including heavy-duty equipment, motor vehicles, and portable equipment;
   • Use alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline);
   • Use add-on control devices such as diesel oxidation catalysts or particulate filters;
   • Use diesel equipment that meets the ARB's 2000 or newer certification standard for off-road heavy-duty diesel engines;
   • Phase construction of the project; and
   • Limit the hours of operation of heavy duty equipment.
7. Prior to SPARC review, the applicant shall submit the GreenPoints-Checklist showing that the project is designed to achieve 140 GreenPoints under the Multi-family Build It Green program. Prior to building permit issuance, the Checklist shall be submitted and the building permit plans shall depict the relevant measures. Prior to building permit final, the project (or each unit or building) shall be GreenPoint Rated for 140 points.

8. Prior to issuance of any grading or building permits, Site Plan and Architectural Review Committee shall review and approve site plan design, building design, PUD Development Standards, colors and materials, landscaping, signage, and lighting. Specifically, SPARC shall:

   a. Ensure good quality lighting near the exterior bicycle rack locations.
   b. Review circulation signage and require PBAC's direction that:
   
      • Clear and visible signage is located at the southern, shared-use driveway to alert drivers to the possibility of encountering bicyclists and pedestrians when exiting and entering the site.
      • Cautionary pedestrian signage for vehicular drivers needs to be optimally visible to drivers.
      • Cautionary vehicular signage for pedestrians needs to optimally visible to pedestrians and cyclists.
   
   c. Ensure that the southern driveway is designed and signed to discourage non-resident vehicles from entering project site at this driveway.
   d. Consider white or light colored roofing material ("cool roofs") on roofs not used for solar purposes.
   e. Reduce the potential heat island effect coming off the parking lot behind the podium building by using light-colored materials on the ground or by using shade trees or shade structures (perhaps solar shades) over the asphalt.
   f. Look at tree design as a means of reducing heat gain to the buildings and look at incorporating some fruit trees into the landscape plan.
   g. Consider the incorporation of some larger balconies.
   h. Pay special attention to the color and materials of the podium building.

9. All lighting shall be glare-free, hooded, and downcast in order to prevent glare into bicyclists' and pedestrians' eyes.

10. Should use of the southerly driveway result in safety concerns, the City may limit access at this driveway to right turns in and out.

11. No fence along the northern property line is required. A gate to The Bounty Farm (along the southern boundary) is required.

12. The following points taken from Burbank Housing's May 4th letter to Mike Estournes of Lakeville Auto Body (Attachment 3) are hereby added as conditions:

   a. The shared driveway shall be "de-emphasized" as a Logan Place entry. There will not be a Logan Place sign at the entrance to the shared driveway.
   b. If approved by SPARC, signage will be placed in the shared driveway stating that there is no Logan Place guest parking available from the southerly driveway. If, at
the time of the SPARC hearing, Lakeville Auto Body desires it and SPARC approves it, the applicant shall paint "No Logan Place guest parking" on the shared driveway.
c. The 39 parking spaces accessible from the shared driveway shall be assigned to tenants.
d. An addendum shall be included in the standard tenant lease informing all new residents that the northerly driveway is the only access point for visitors and that all visitor parking spots are available only through the northerly driveway. The addendum will also acknowledge the abutting location of an auto body facility and note that in the normal course of business there may be some noise.
e. The Logan Place resident manager will work closely with Lakeville Auto Body staff to monitor the shared driveway and if necessary, advise and warn Logan residents if any use a Lakeville parking spot.
f. If desired by Lakeville Auto Body, the Logan Place applicant is willing to provide a reasonable amount of additional signage on the Lakeville Auto Body site, including parking warnings on each Lakeville parking stall, prior to completion of Logan Place.

13. 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 Native American community shall also be notified and consulted in the event any archaeological remains are uncovered.

14. The applicant shall defend, indemnify and hold harmless the City and its officials, boards, commissions, agents, officers and employees ("Indemnities") from any claim, action or proceeding against Indemnities to attack, set aside, void or annul any of the approvals of the project to the maximum extent permitted by applicable law. To the extent permitted by applicable law, the applicant's duty to defend, indemnify and hold harmless in accordance with this condition shall apply to any and all claims, actions or proceedings brought concerning the project, not just such claims, actions or proceedings brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the applicant of any such claim, action or proceeding concerning the Project. The City shall cooperate fully in the defense. Nothing contained in this condition shall prohibit the City from participating in the defense of any claim, action, or proceeding, and if the City chooses to do so, applicant shall reimburse City for attorneys' fees and costs incurred by the City to the maximum extent permitted by law.

From the Engineering Division (778-4301):

Prior to issuance of a building permit (unless otherwise noted), the following conditions shall be addressed.

15. Prior to building permit approval, an Irrevocable Offer of Dedication for pedestrian and bicycle through travel along the northern driveway from Petaluma Boulevard North to the eastern property boundary shall be submitted to the City. City staff shall be responsible for processing and recording the irrevocable offer of dedication.

16. Prior to final inspection, the applicant shall reimburse the owner of Lakeville Autobody for any oversized components of utilities that will be used to serve the Logan Place development. The applicant shall coordinate directly with the owner of Lakeville
Autobody and provide the City sufficient evidence that any necessary paybacks have occurred.

17. Frontage improvements shall be installed per the civil engineering site plan set dated April 6, 2009 including, but not limited to, new concrete, sidewalk removal and replacement of broken curb and gutter, pedestrian ramps, streetlights, crosswalks, landscaping, fire hydrants, etc.

18. All existing overhead utilities along the project frontage or traversing the site shall be placed underground.

19. The necessary right of way shall be dedicated along the Petaluma Blvd. North project frontage to the City of Petaluma.

20. An emergency vehicle access easement is required along the northern parking lot drive aisle from Petaluma Blvd. North to the rear property line.

21. Grade conforms along the project frontage shall conform to the existing street section/bike lane to the satisfaction of the City Engineer. Striping and pavement marking shall be replaced in kind.

22. The project shall provide for-zero net storm water runoff for the 10-year event to the adjacent lands of Stonitsch and property located at 41 Shasta Avenue.

23. Sonoma County Water Agency and Zone IIA review and approval is required.

24. Site work shall generally conform to the site improvements as shown on the plans provided with the application.

25. All work shall conform to the latest City standards.

26. All improvements shall be ADA accessible. All new pedestrian ramps shall have detectible warning surfaces (truncated domes) installed.

27. Gallons per minute data for the proposed project shall be provided for the purposes of sizing the domestic water meter and supply line. City standard backflow prevention, bypass meter, control valves, etc shall be installed at the service connection to the existing water main.

28. Prior to final inspection/issuance of a certificate of occupancy, the developer shall enter into a City sub-metering agreement for domestic water supply.

29. All existing unused water and sewer mains shall be identified on construction drawings and abandoned per City standards.

30. The developer shall comply with the City's phase II storm water management plan including submittal of a notice of intent and storm water pollution prevention plan to the State and City.
31. Joint trench plans are required with the building permit/public improvement plan submittal.

32. Prior to final inspection/issuance of a certificate of occupancy, all public improvement work shall be completed.

33. Maintenance declarations shall be provided for shared facilities.

34. All new on-site storm drain water and sewer shall be privately owned and maintained.

35. 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.

From the Fire Marshal (778-4398).

36. Prior to building permit issuance, ensure that the angle of approach/departure meets the Department's ladder truck clearances (the gradient for the north entry fire apparatus access road at approximately 12% is acceptable).

37. Prior to building permit issuance, submit detail for "speed bumps" along the north access for Departmental review and approval.

38. The basketball court near the south side access drive shall remain open and clear and final design is subject to the review and approval of the Fire and Public Works Departments.

39. Prior to issuance of the building permit, proof of the required fire flow shall be provided to the Fire Marshal's office. The FMO will not accept less than minimum fire flow and pressure and it will be the developer's responsibility to make private and/or public improvements to the system to meet the water flow demand of the project. Minimum fire flow for buildings shall be calculated as specified in the 2007 California Fire Code Appendix B, "Fire Flow Requirements for Buildings." Please be advised that if building fire flow calculations cannot be made at the time of project submittal, the following fire flows shall apply: Single- and Two-Family Residential: 1500 GPM at 20 psi residual.

40. Prior to issuance of the building permit, the plans shall note the size of the fire line, and it shall meet the fire flow requirements of the sprinkler system design.

41. All building(s) (or portions thereof) shall be protected by an automatic fire sprinkler system as required by the City of Petaluma Municipal Code and shall conform to NFPA 13 requirements. The fire sprinkler system shall be provided with central station alarm system designed in accordance with NFPA 72. A local alarm shall be provided on the exterior of the building AND a normally occupied location in the interior of the building. All systems require three sets of plans to be submitted to the Fire Marshal's office for review and approval.
From the Water Resources and Conservation Department (778-4699)

42. Prior to SPARC review, the landscape plans shall be submitted to the Department for Water Conservation Ordinance review and direction.

43. Prior to building permit issuance, the landscape plans shall be submitted to the Department for Water Conservation Ordinance review and approval.

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 meeting on the 1st day of June, 2009, by the following vote:

AYES: 

NOES: 

ABSENT: 

ABSTAIN: 

ATTEST: 

City Clerk

Mayor

Resolution No. 2009-076 N.C.S.
September 14, 2011

Tiffany Robbe
City of Petaluma
11 English Street
Petaluma, CA 94952

Re: Logan Place, request to remove condition of gate access to adjoining property

Dear Tiffany:

When Logan Place was approved by SPARC in 2009, our site plan showed gate access to the adjoining property, currently being used as a Community Garden. The gate was added based on a SPARC member's suggestion that it would be nice to allow Logan residents direct access to the Garden. While the inclusion of the gate was never made a formal condition, it does appear on the approved set of plans.

I am writing to request that the gate on our plans be disregarded. While we thought the gate would be nice, we have since determined that adding this gate is impractical because it compromises other project goals, and may trigger expensive ADA requirements. Specifically, accommodating the gate to the Garden would be a challenge and impractical in the following ways:

1. **Grade differences and ADA compliance**: Given the grade difference between our site and the Garden site, adding a gate would require a ramp system. Since this gate would presumably be available to all tenants, we believe that we will be required to make it ADA compliant.

2. **Reduced planted area and storm water treatment**: Given the newly updated storm water mitigation requirements, we need to utilize as much of Logan's landscaped area for bio retention and treatment. A ramp system would reduce the planted area, and require a redesign of other areas to provide areas for storm water remediation, and would add more concrete at the expense of planted green areas.

3. **Cost prohibitive**: We estimate that adding the gate/ramp will result in an additional cost of $15,000/20,000 to the project. We are under pressure to contain costs and eliminate unessential features if they are not of direct and tangible benefit.

The idea of providing access to the Garden space was just a passing comment at SPARC. If the complexity and costs of the gate was known then, I believe the conversation would have ended at SPARC. Therefore, for these reasons, I am asking that you approve the deletion of the gate from our plans.

Sincerely,

Pascal Sisich
CITY OF PETALUMA
STAFF REPORT

DATE: September 24, 2013
TO: Planning Commission
FROM: Tiffany Robbe, Senior Planner
REVIEWED BY: Heather Hines, Planning Manager
SUBJECT: Logan Place
1200 Petaluma Boulevard North
Modification to PUD Resolution
File No. 08-SPC-0525

AGENDA ITEM NO. 6

RECOMMENDATION

Staff recommends that the Planning Commission adopt a Resolution recommending that the City Council modify Condition 11 of City Council Resolution No. 2009-076 (Logan Place Unit Development Plan and Development Standards) to eliminate the requirement for installation of a gate to the adjacent Bounty Farm, subject to the findings set forth in the attached resolution (Attachment A).

PROJECT SUMMARY:

Project: Logan Place (under construction)
1200 Petaluma Boulevard North
APN: 007-241-002

Project Planner: Tiffany Robbe, Senior Planner

Project Applicant: Burbank Housing Development Corporation
790 Sonoma Avenue
Santa Rosa, CA 95404

Nearest Cross Street: Shasta Avenue

Property Size: 2.6 acres

Site Characteristics: Construction on the site is currently 95% completed with approved 66-unit affordable housing project (Logan Place). The 2.6-acre
The project site is located on the east side of Petaluma Boulevard North, at 1200 Petaluma Boulevard North, just north of Shasta Avenue between Lakeville Auto Body and the Sheet Metal Workers Union Hall. Surrounding uses include an urban community farm, Petaluma Bounty Farm.

**Existing Use:**
Approved 66-unit multi-family affordable rental housing community (Logan Place)

**Zoning:**
Planned Unit District (PUD): Logan Place

**GP Land Use:**
Mixed Use

**BACKGROUND/PROJECT DESCRIPTION**

On October 7, 2008 Burbank Housing submitted an application for a Rezoning and Site Plan and Architectural Review for Logan Place: Affordable Housing project located at 1200 Petaluma Boulevard North. The project consisted of 66 multi-family affordable housing units, including 6 studios, 12 one-bedroom, 21 two-bedroom, and 27 three-bedroom apartment units in four 3-story buildings and one 4-story podium building (Attachment B). The project incorporates on-site amenities such as large outdoor common areas, a turf play area, two play structures, a sport/basketball court, laundry facilities, an indoor community room with kitchen, and office space for both property management and community service uses. Logan Place will be managed by Burbank Housing with an on-site resident manager, a community service coordinator, and a maintenance crew. The units will rent at rates affordable to those earning 30% to 60% of the area median income and will be affordable for at least 55 years.

On April 14, 2009 the Planning Commission recommended approval of the Logan Place PUD to allow a 66-unit multi-family affordable rental housing community constructed by Burbank Housing.

On May 18, 2009 the City Council adopted Ordinance No. 2325 (Logan Place PUD) and associated Resolution No. 2009-076 approving the Logan Place Unit Development Plan. At said hearing a requirement to install a gate allowing direct pedestrian access between the Logan Place property and neighboring Petaluma Bounty Farm (which fronts on Shasta Avenue) was added to the resolution at the direction of the City Council and with the expressed willingness of Burbank Housing. Condition 11 was added, the second sentence of which read, “A gate to The Bounty Farm (along the southern boundary) is required.”

On June 25, 2009 the Site Plan and Architectural Review Committee considered the project design, including the gate that had been incorporated into the site plan in response to the City Council’s condition. SPAR was approved although no specific discussion of the gate was included in the approval letter.

When construction level plans were developed for building permit submittal a grade change of approximately three feet between the Logan Place property and the Petaluma Bounty farm site...
was identified. No grade change had previously been anticipated during the City Council hearing or in relation to the requirement for a gate between the two properties. The City's Building Official confirmed that installation of a gate would be required to be ADA accessible, including an ADA accessible path to the gate. To accomplish this requirement and to address the three-foot grade change at the property line, the architect found that extensive concrete ramping was necessary. The work required to meet the applicable ADA requirements would require elimination of a significant area of approved landscaping, addition a significant amount of hardscape (which the City Council had expressly worked to reduce), alteration of the approved site plan.

In addition to changes to the approved site plan, the requirement to install the gate was estimated to have an additional cost of $15,000 to $20,000 (Attachment D). Additionally, Petaluma Bounty has indicated that significant insurance limitations prohibit open access to their property from the neighboring property. For these reasons Burbank Housing requested that the project be found to be in substantial conformance with the approved project without incorporating the gate called for by Condition No. 11 of City Council resolution 2009-076.

**STAFF ANALYSIS**

Condition 11 of the City Council was added as a way to facilitate access and programing between the two non-profit organizations (Burbank Housing and Petaluma Bounty). As plans for Logan Place evolved from design review level to construction levels the issue of a gate along the south property line became an increasingly difficult condition to satisfy. Because of grade changes, ADA requirements, and insurance limitations the installation of a gate has proven to be an infeasible requirement for the Logan Place development. Additionally, the costs associated with these issues have proven to be substantial for an affordable housing project with extremely limited funding. The two non-profit organizations have each expressed a desire and commitment to offering programing to involve Logan Place residents with the neighboring Petaluma Bounty Farm. Staff believes that this commitment touches on the intent of the required gate and eliminates the significant challenges in incorporating a gate between the two properties.

As such, staff recommends that the second sentence of Condition 11 be eliminated.

**ENVIRONMENTAL REVIEW**

An Initial Study/Mitigated Negative Declaration was prepared for the Logan Place project, which assessed the environmental impacts of the project and was approved by the Petaluma City Council on May 18, 2009 (Resolution No 2009-072). The project is under construction and has been reviewed for consistency with all mitigations and conditions of the project approval.

There is no substantial change in circumstances under which the Logan Place project was evaluated and this project presents no new information of substantial importance relating to the prior environmental evaluation. Therefore, no additional CEQA analysis is required.
Staff recommends that the Planning Commission adopt a Resolution recommending that the City Council modify Condition 11 of City Council Resolution No. 2009-076 (Logan Place Unit Development Plan and Development Standards) to eliminate the requirement for installation of a gate to the adjacent Bounty Farm, subject to the findings set forth in the attached resolution (Attachment A).

ATTACHMENTS

Attachment A: Draft Resolution
Attachment B: Site Plans as approved by SPARC on June 25, 2009
Attachment C: City Council Resolution 2009-076 (Logan Place)
Attachment D: Letter from Burbank Housing dated September 14, 2011
RESOLUTION NO. 2013-18

CITY OF PETALUMA PLANNING COMMISSION

RECOMMENDING THE CITY COUNCIL MODIFY CONDITION 11 OF PREVIOUSLY APPROVED RESOLUTION 2009-076 N.C.S. FOR LOGAN PLACE UNIT DEVELOPMENT PLAN
APN 007-241-002
08-SPC-0525

WHEREAS, Section 19.040.E. of the City of Petaluma Implementing Zoning Ordinance acknowledges that modification of an approved Unit Development may be necessary and desirable from time to time; and,

WHEREAS, Section 19.040.E.3. of the City of Petaluma Implementing Zoning Ordinance specifies that modification of an approved Unit Development Plan shall be made by resolution of the City Council after receipt of recommendation of the Planning Commission; and,

WHEREAS, on April 17, 2009 at a duly noticed public hearing the Planning Commission recommended City Council approval of the Logan Place PUD and associated Development Plan to allow a 66-unit multi-family affordable housing community to be constructed and managed by Burbank Housing; and,

WHEREAS, on May 18, 2009 at a duly noticed public hearing the City Council adopted Ordinance No. 2325 N.C.S: (Logan Place PUD) and associated resolution No. 2009-076 N.C.S. approving the Logan Place Unit Development Plan; and,

WHEREAS, at the May 18, 2009 meeting the City Council added condition 11 to Resolution No. 2009-076-N.C.S: requiring the installation of a gate along the south property line to allow pedestrian access between the Logan Place development and the adjacent Petaluma Bounty Farm; and

WHEREAS, on June 25, 2009 the Site Plan and Architectural Review Committee approved the final design of the Logan Place Project, including the gate that had been incorporated into the site plan in response to the City Council’s condition; and,

WHEREAS, during the development of construction level plans a three foot grade difference was determined to exist between the Logan Place property and the neighboring Petaluma Bounty property where no grade change had previously been anticipated; and,

WHEREAS, it was determined that the installation of a gate would require extensive concrete ramping to meet all applicable ADA requirements for the gate and associated path and resulting in significant changes to the approved site plan; and,

WHEREAS, the requirement to install the gate would have significant financial and insurance related impacts to the two non-profit groups which were not anticipated during approval of the Unit Development Plan; and,

WHEREAS, Burbank Housing has requested that Condition 11 be modified to eliminate the requirement to install a gate between Logan Place and the Petaluma Bounty Farm:
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby finds that the proposed modifications to the Logan Place Unit Development Plan to eliminate the requirement to install a gate would not significantly alter the approved project or unit development plan and that all findings made by the City Council for the original approval of the plan remain in place as follows:

- The Unit Development Plan clearly results in a more desirable use of land and in a better physical environment than would be possible under any single zoning district.

The Logan Place project creates a neighborhood at 23.5 units to the acre with ample usable and centrally located open and community space (rather than requiring more parking than needed or one type of height separation when another type will serve as well), making development of this land under the Logan Place PUD more desirable than development under standard MUDA zoning. Furthermore, the 66 residential units will rent at a rate affordable for those earning 30 to 60 of the area median income and will be affordable for at least 55 years furthering the City affordable housing goals. Elimination of the gate between Logan Place and Petaluma Bounty properties does not significantly alter the site layout from that originally approved by the City Council with the Unit Development Plan.

- The PUD District is proposed on property which has a suitable relationship to one or more thoroughfares and said thoroughfare is adequate to carry any additional traffic generated by the development.

The Project sits directly on Petaluma Boulevard North and access to the 66 apartment units will be via one of two proposed or existing driveways. The traffic impact study prepared for the proposed project concluded that levels of service (LOS) at the studied intersection would be unchanged at LOS A, in the existing condition, if project traffic were added. The study also concluded that the intersection would be at LOS C in the morning and LOS D in the evening under both the future conditions scenario and the future plus project conditions scenario. In conclusion when the subject site is fully developed the study intersection is expected to operate at the same level in both the existing and the projected future condition, with or without the project. The proposed modification to Condition 11 does not alter the studied traffic patterns or volumes associated with the Logan Place project.

- The plan for the proposed development 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 included if necessary to insure compatibility.

SPARC was supportive of Logan Place site plan and elevations. The project landscaping plan called for trees to be planted along all of the property lines that adjoin existing uses as well as Petaluma Boulevard North. Elimination of the required gate on the southern property boundary will preserve the approved landscaping plan that was reviewed and approved by SPARC and will not alter the arrangement of the buildings or service facilities.

- The natural and scenic qualities of the site are protected with adequate available public and private spaces designated on the Unit Development Plan.

The project site lacks any significant natural or scenic qualities with the exception of the 0.05-acre wetlands which fall under the jurisdiction of the Army Corps of Engineers, who, in a letter dated August 2009, permitted the wetlands to be filled based on conditions that include purchase of the equivalent amount of seasonal wetland credits. The project
includes many amenities including large outdoor common areas, a turf play area, two
play structures, a sport/basketball court, and an indoor community room with a kitchen.
A third of the apartments have a private deck or patio. Modification to Condition 11 to
eliminate the gate will not change the interior layout of the site. Access to the Petaluma
Bounty farm will be within a short walk and the two non-profit organizations (Burbank
Housing and Petaluma Bounty) have indicated a commitment to collaboration in
programming between the residents of Logan Place and the adjacent farm.

- The development of the subject property in the manner proposed by the applicant will
not be detrimental to the public welfare will be in the best interests of the City and will be
in keeping with the general intent and spirit of the zoning regulations of the City of
Petaluma, with the Petaluma General Plan, and with any applicable plans adopted by
the City.

An Initial Study that evaluated potential environmental impacts associated with the
project determined that no significant unmitigated environmental effects would result
from the Logan Place development. The project will help the City meet its goals for
providing affordable housing for families and individuals. It is consistent with the Zoning
Ordinance General Plan and Housing Element. Elimination of the required gate will not
create a situation detrimental to the public welfare or an inconsistency with applicable
zoning regulations or General Plan policies.

BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend
approval to the City Council to modify condition 11 to eliminate the required gate on the
southern property boundary between Logan Place and the Petaluma Bounty Farm.

ADOPTED this 24th day of September, 2013, by the following vote:

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<th>Aye</th>
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Jennifer Pierre, Chair

ATTEST: APPROVED AS TO FORM:

Heather Hines, Committee Secretary Eric Danly, City Attorney

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