



**City of Petaluma, California**  
City Council Chambers  
City Hall, 11 English Street  
Petaluma, CA 94952

Telephone 707/778-4301 / Fax 707/778-4498  
E-Mail [planning@ci.petaluma.ca.us](mailto:planning@ci.petaluma.ca.us)  
Web Page <http://www.ci.petaluma.ca.us>

1

2

**Planning Commission Minutes**

3

**July 8, 2003 – 7:00 PM**

4

5

Commissioners: *Present:* Asselmeier, Barrett\*, Dargie, Imm, McAllister

6

*Absent:* Healy, von Raesfeld

7

8

\* Chair

9

10

Staff: George White, Assistant Director, Community Development

11

Paul Marangella, Director Economic Development & Redevelopment

12

Anne Windsor, Administrative Secretary

13

14

15

**ROLL CALL:**

16

**PLEDGE OF ALLEGIANCE:**

17

**APPROVAL OF MINUTES:** Minutes of June 10, 2003. were approved as amended.

18

M/S Imm abstained.

19

**PUBLIC COMMENT:** None

20

**DIRECTOR'S REPORT:** None

21

**COMMISSIONER'S REPORT:** None

22

**CORRESPONDENCE:** Letter from Janet Gracyk regarding the Basin Street project was included in the packet.

23

24

**APPEAL STATEMENT:** Was read.

25

**LEGAL RECOURSE STATEMENT:** Was noted on the agenda.

26

27

28

Public hearing began: @ 7:00

29

30

Commissioner Dargie noted that he had met with the developer.

31

32

33

34

35

1 **COMMITTEE BUSINESS:**

2  
3 **I. PETALUMA THEATER DISTRICT, Petaluma Blvd. South, First Street and**  
4 **Second Street at C and D Streets.**

5 **AP No(s): 008-065-002 & 003; 008-068-001, 002 & 003; 008-066-002, 003,**  
6 **006, 007 & 009 and 008-121-001, 008-121-007, 008, 009, 010, 011 and 012.**

7 **File: 03-PRE-0129**  
8

9 Request for a recommendation to the City Council for a proposed mitigated  
10 negative declaration, review of a development agreement, and a Theater District  
11 combining ordinance for the Petaluma Theater District Project.  
12

13 Paul Marangella presented the staff report.

14  
15 Matt White, Basin Street Properties: Gave a history of the project.  
16

17 Public hearing opened:  
18

19 Skip Sommer, 814 "T" Street: Gave some history of the rehabilitation of historic  
20 buildings in downtown Petaluma. Urged the commission to forward a recommendation  
21 to the council.  
22

23 Mark Wolf, 222 Simon Drive: Support the project and the revitalization of downtown  
24 Petaluma.  
25

26 Barbara Lind, Jerico Products: Expressed concerns about residential development  
27 directly across the river from Jerico Products which is an industrial, river dependent  
28 business. Requested that specific language be included in the development agreement to  
29 protect the river dependent industry.  
30

31 Superb 7, 832-5<sup>th</sup> Street: Encouraged the commission to support the project.  
32

33 Hans Grunt, 346 Wilson Street: Spoke in support of the project and the developer and  
34 encouraged the commission to forward a recommendation to the City Council.  
35

36 Wayne Miller, 1 Bodega: Spoke in strong support of the project and revitalization of  
37 downtown – felt the developer has responded to the comments of SPARC and the  
38 Citizens Advisory Committee thus far in the process. Also spoke in support of Jerico  
39 Product's request for protection of river-dependent industry. Need to balance preserving  
40 Petaluma's architectural heritage and moving forward to develop contemporary uses.  
41 Would like as much free public parking as possible in the parking garage.  
42

43 Patricia Tuttle Brown, 513 Petaluma Boulevard South: Spoke highly of the developer  
44 supporting the public process. Asked the developer to consider working with the Rialto  
45 Theater. Wanted clarification regarding a 14-ft. path along the river. Want path in front  
46 of the bar ale building instead of going out to 1<sup>st</sup> Street. Would like a path on Thompson  
47 Creek. Asked the owner to contribute to restoring the trestle in front of the mill. To

Planning Commission Minutes - July 8, 2003

1 honor the working people and Jerico Products, can the residential portion of the project  
2 be shielded from the noise of this river dependent industry? Support the road diet on  
3 Petaluma Boulevard South.

4  
5 David Glass, Mayor: Advocating for downtown Petaluma – economic vitality is the only  
6 way to preserve our historical resources.

7  
8 Pamela Torliatt: This is a great investment for the City of Petaluma.

9  
10 Public hearing closed @ 8:15.

11  
12 Meeting resumed @ 8:25

13  
14 Matt White: Basin Street is in agreement with the language to protect Jerico Products,  
15 The 14-ft path referred to by Patricia Tuttle Brown is an on-bank path and the trestle is  
16 being repaired at this time.

17  
18 Commissioner Barrett: Asked Mr. White to address the issue of free public parking in  
19 the garage brought up by Wayne Miller.

20  
21 Matt White: Will be approximately 400 free spaces in the evening, approximately 225  
22 during the day.

23  
24 Commissioner Imm: What is the chance that this will change in the future?

25  
26 Matt White: The agreement is for 20-year period.

27  
28 Commissioner McAllister: Will Basin Street be coordinating the parking with  
29 Redevelopment.

30  
31 Paul Marangella: There is a Task force of downtown merchants working on a solution  
32 for the whole of downtown.

33  
34 Commissioner Imm: Is there something that can be done design wise with the residential  
35 piece on 1<sup>st</sup> Street and shielding the noise from Jerico Products for the residents so that  
36 Jerico Products can continue to have a thriving business?

37  
38 Matt White: Basin Street is very aware of the issue and will be sensitive to the residents  
39 and to Jerico Products – will setback the buildings and use landscaping – is not the ideal  
40 situation.

41  
42 Chair Barrett: Referred to the Park Central Project and the close proximity to a trucking  
43 company. The project was conditioned to be designed with a specific decibel level - this  
44 would be appropriate in this instance as well.

45  
46 Commissioner Asselmeier: Additional spaces will be available to the public once people  
47 employed in the office building vacate the garage?

Planning Commission Minutes - July 8, 2003

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

Matt White: Yes.

Commissioner Asselmeier: If the theater's seat 1400 people, seems as though the parking is deficient.

Matt White: Have tracked the parking situation – do not need 1400 parking spaces if you have a 1400 seat theater.

Commissioner Asselmeier: Do you agree to ultimately continue the pedestrian path under the bridge.

Matt White: Yes.

Commissioner Asselmeier: When will PBAC conditions apply.

George White: Will happen at SPARC.

Commissioner Asselmeier: Asked Matt White to point out all the public open space areas.

Matt White: Pointed out all the major public areas.

Commissioner Asselmeier: Will open spaces be owned by the City?

Matt White: No, will be maintained by Basin Street, however, will be open to the public.

Commissioner Asselmeier: What happens after 20 years – could there potentially be a change?

Matt White: Correct.

Chair Barrett: Can a movie be shown in another area if the theater combining district ordinance is adopted?

George White: As long as someone is not establishing a permanent theater.

Commissioner Asselmeier: What does this mean for the Factory Outlet expansion.

Paul Marangella: Is a clear policy that the theater will be in downtown.

Commissioner Asselmeier: Does it permit other theaters in this area?

Paul Marangella: Yes. Outlet Mall is in a second position if the downtown theater is not developed in a timely manner.

1 Chair Barrett: Asked about the boundaries of the theater district – what is the nexus of  
2 the development on 1<sup>st</sup> Street.

3  
4 Paul Marangella: Does not have to have a nexus.

5  
6 Chair Barrett: Who will be monitoring the moving of the livery stable – seems there will  
7 be a time lapse.

8  
9 Matt White: The City can establish whom they want to monitor, will not be a significant  
10 time gap.

11  
12 Mike Bierman, City Manager: Will be moved and rebuilt at the same time.

13  
14 Commissioner McAllister: Is there a master plan for the McNear peninsula?

15  
16 Mike Bierman: Park and Recreation has a plan.

17  
18 Chair Barrett: Asked about “interpretive display” referred to in the Initial Study.

19  
20 Vin Smith: Will be a glass case on a portion of the 2<sup>nd</sup> Street elevation with photos and  
21 artifacts.

22  
23 Chair Barrett: How will this be maintained?

24  
25 Vin Smith: Will work with the museum and Heritage Homes and Basin Street will  
26 maintain.

27  
28 Chair Barrett: Concerned with language in the mitigation monitoring report – all  
29 references to SPARC should all be changed to Historic SPARC.

30  
31 **Commission questions/comments on the Development Agreement:**

32  
33 Commissioner Asselmeier: How will the Owner Participation Agreement work?

34  
35 Paul Marangella: Is the purview of the PCDC. This Agreement provides the details of  
36 the financing and timeline for project completion.

37  
38 Commissioner Asselmeier: Asked for clarification of who is doing construction for  
39 public improvements.

40  
41 Paul Marangella: City is doing all of the design – the developer will construct the  
42 improvements under the City’s direction.

43  
44 Commissioner Asselmeier: How were the figures established and what went into the  
45 analysis.

46

1 Paul Marangella: Hired the firm of Kaiser Marsten to do an analysis on each component  
2 of the project. City felt the investment had a very good rate of return.

3  
4 Commissioner Asselmeier: 4.3 of the Development Agreement: Termination upon  
5 issuance of Certificate of Occupancy. Is this appropriate and consistent with other long  
6 term obligations that go 20 years out such as maintaining the parking structure and  
7 providing free public parking?

8  
9 Paul Marangella: Is why we have the Owner Participation Agreement. This addresses  
10 the other issues such as operating agreement on the garage which will be attached to the  
11 Owner Participation Agreement.

12  
13 Commissioner Asselmeier: 6.1: Is there anything that needs to be considered in the  
14 Development Agreement for the pending General Plan.

15  
16 Paul Marangella: We are confident that the General Plan will not be in conflict with this.

17  
18 George White: Land use designation in the Specific Plan will be on the General Plan  
19 land use map as well.

20  
21 Commissioner Asselmeier: 7.4: Timing of Development: will language be superseded  
22 by the language in Exhibit B-2 which states that phase A happens first.

23  
24 Paul Marangella: Stipulation on the theater is more urgent or the ordinance is terminated.

25  
26 Commissioner Asselmeier: The dates referred to in Exhibit B-2 instead of being  
27 estimated will say construction shall begin by a particular day.

28  
29 Paul Marangella: The dates in Exhibit B-2 can still be estimated, however, if they do not  
30 meet the requirement of the theater district then the theater district ordinance terminates.

31  
32 Commissioner Asselmeier: If the construction of the theater does not happen by the date  
33 set in the revised ordinance then does the balance of the project occur?

34  
35 Paul Marangella: Am not sure if the development could continue without the theater.

36  
37 Matt White: Have no problem making the Theater and garage a fixed Phase I.

38  
39 Commissioner Asselmeier: 9.3: Insubstantial Amendments: as I read this it says any  
40 amendments do not require a public hearing? Would rather have it read "unless it is  
41 deemed insignificant" then there is not a public hearing required as opposed to stating  
42 why you would have a public hearing. What if a change is proposed to a mitigation  
43 measure?

44  
45 George White: Is a separate process - this is only in reference to the Development  
46 Agreement. If someone was suggesting a change to the mitigation measures, that is

1 environmental review and would need to go through the same process it went through  
2 before.

3  
4 Commissioner Asselmeier: 9.5: Cancellation: Parties can agree to mutually terminate –  
5 what are provisions in Municipal Code.

6  
7 Paul Marangella: Cannot envision at the moment.

8  
9 Commissioner Asselmeier: Is the city protecting itself? If something has been started  
10 and then is discontinued, how are the loose ends dealt with?

11  
12 Paul Marangella: The only thing I can imagine would be if the project gets going and a  
13 toxic waste dump is exposed and would require so much expense to mitigate that the  
14 project loses its feasibility.

15  
16 Paul Andronico: Needs to be a mutual decision.

17  
18 Commissioner Asselmeier: 17.1: Transfers of Assignments: Would like to add a  
19 statement that the City would not be obligated to approve the transfer if the developer  
20 was in default.

21  
22 Paul Andronico: Not opposed to this, however, if the developer is in default the City  
23 would probably want to transfer to someone who is able to perform.

24  
25 Chair Barrett: 5.1 Use of the Property-Right to Develop: It points to Exhibit B, however,  
26 where is density and intensity of use.

27  
28 Paul Andronico: This is anticipated to be in the master plan which would be a list of  
29 plans approved by SPARC. Right now it is premature to attach this.

30  
31 Chair Barrett: On Exhibit B-4 statement regarding fees and dedications - what properties  
32 is this referring to?

33  
34 Paul Marangella: Any property for which a building permit has not been pulled.

35  
36 Chair Barrett: Is it referring to the properties are currently looking at or for some other  
37 property yet undesignated within this district.

38  
39 Paul Marangella: No – just these properties.

40  
41 Chair Barrett: Does this only apply to Basin Street?

42  
43 Paul Marangella: Correct.

44  
45 Chair Barrett: You are not opposed to adding the language to protect the river dependent  
46 industry, in particular Jerico Products?

47

1 Paul Marangella: No we are not opposed to this, however, we would like to craft the  
2 language.

3  
4 Chair Barrett: I would hope that the Linds could be contacted before anything is  
5 finalized.

6

7 **Commission questions/comments on the Mitigated Negative Declaration:**

8

9 Commissioner Imm: Would like to say that growing up in Petaluma, just blocks from  
10 this area, I feel it is time to do something to revitalize the area.

11

12 Commissioner McAllister: Most of the noise control treatment will need to be dealt with  
13 architecturally and not with landscaping treatments – landscaping is just a visual foil. It  
14 can possibly help with reflective noise.

15

16 George White: We believe the noise will be mitigated as it was with Park Central. We  
17 have a performance measure in our code that requires the interior dba to be at 45 or less  
18 which will happen with standard construction techniques.

19

20 Chair Barrett: Will the sound level be mitigated when Jerico has it's noisiest activities?

21

22 George White: That is the intent of this performance measure – I can't say that there  
23 won't be any individual time where there will be a particularly loud noise.

24

25 Commissioner Imm: Ask the City Council to do a whereas clause that Jerico is vitally  
26 important to the survival of commerce on the Petaluma River and vitally important to  
27 other parts of Petaluma.

28

29 George White: We applied another condition to the Park Central Project which might be  
30 applicable here which was language that would need to be in each lease that  
31 acknowledged the existence of these existing uses on the river.

32

33 Commissioner McAllister: Regarding signage – needs to be coordinated with the  
34 downtown graphics program.

35

36 George White: Can be passed on as a recommendation.

37

38 Paul Marangella: That will be included in the Scope of Work for the signage program.  
39 Will have a matrix of what signs will be used throughout the city.

40

41 Commissioner Asselmeier: Asked for an explanation of circulation of the project?

42

43 Vin Smith: Our studies have shown that the more alternatives you have the better the  
44 traffic circulation will be. Showed the circulation of the project.

45

46 Chair Barrett: Regarding the historic buildings which are to be demolished – I  
47 understand the thinking about taking the buildings down, however, I have concerns that

1 there may be public outcry because people have not been notified since the project came  
2 to SPARC preliminarily. This is the first large project and it does not look like there is  
3 too much attempt at rehabilitating these buildings. Would hate to see this set precedence  
4 for future developers. I would have preferred a more in depth environmental review.  
5 The mitigation “ the interpretive display” seems paltry – needs to be done well. Want  
6 input from historical society, the museum, heritage homes, local artists and historic  
7 SPARC. Want to see a detailed monitoring plan or how this will be developed and then  
8 maintained – want it to be successful. The more community buy in the better for the  
9 community.

10  
11 Commissioner McAllister: Only area of concern for me is the demolition of the  
12 warehouse buildings. Trying to think of a meaningful way to preserve these properties.  
13 Cannot support requiring adaptive reuse of all of these buildings. Possibly reserve a  
14 skeleton or frame of a building closest to the street as a gateway to the residential  
15 component and as part of the open space. Am not sure the display is meaningful. Want a  
16 recommendation to go to the Council to continue to work with SPARC to have a remnant  
17 of a warehouse. Would be more meaningful than the graphic display.

18  
19 Chair Barrett: Are you suggesting this as in lieu of the “interpretive display.”

20  
21 Commissioner McAllister: Possibly in lieu of or in addition to.

22  
23 Chair Barrett: Are you suggesting this as a recommendation to SPARC or an alternative  
24 mitigation.

25  
26 George White: I think that it may be in the realm of an additional mitigation measure if  
27 you have consensus.

28  
29 Commissioner Imm: Would you be comfortable not making it a mitigation, and just  
30 express your concern to SPARC in writing.

31  
32 Commissioner McAllister: Want it to have some weight – want the applicant to work  
33 with SPARC.

34  
35 George White: Mitigation measures follow the project. When it gets to SPARC  
36 mitigation measures will be applied at that point. It may be best to make it a condition or  
37 give direction to SPARC from the Council that this be attempted to the extent possible.

38  
39 Commissioner McAllister: Think it is possible, however, to what degree is the question.

40  
41 Matt White: The Specific Plan called for “E” Street to extend through, however, there is  
42 a building which does not line up with “E” Street. I am more than willing to explore  
43 using the framework of a warehouse – will leave it up to SPARC’s discretion.

44  
45 Commissioner McAllister: I am more concerned about the riverfront area.

46  
47

1 **Commission questions/comments on the Amendment to the Zoning Ordinance**  
2 **establishing a Theater Combining District Ordinance:**

3  
4 Commissioner Imm: Do not know if this is the appropriate place for the “whereas”  
5 language. I think it should be noted that the City recognizes that Jerico is a 24/7  
6 operation and the City recognizes that they need to go in and out on the tides and the City  
7 recognizes that now or any time in the future they cannot be restricted in their timing.  
8 This can be helpful 10-15 years from now.

9  
10 Chair Barrett: Could staff weigh in on where this language would be acknowledging the  
11 river dependent industry.

12  
13 George White: You could suggest a finding for the Development Agreement and add it  
14 to the findings that are attached to the staff report.

15  
16 Commissioner Imm: Could it just be a separate resolution by the Council?

17  
18 George White: You could make the suggestion that they adopt such a resolution.

19  
20 Chair Barrett: Boundaries to include areas so other theaters can be included here. Will  
21 there be independent, art and foreign films shown here? The language states “may”.

22  
23 Paul Marangella: My understanding is that at least 3 theaters will be showing  
24 independent films.

25  
26 M/S Dargie/Imm to forward a recommendation to the City Council to adopt a mitigated  
27 negative declaration for the Petaluma Theater District with a change in language from  
28 SPARC to “Historic” SPARC. 5-0.

29  
30 M/S Dargie/Asselmeier to forward a recommendation to the City Council to enter into a  
31 Development Agreement between the City of Petaluma and Basin Street Properties for  
32 the Petaluma Theater District with the recommendation to add language in response to  
33 the letter from Derek Simmons on behalf of the Linds and add a statement under  
34 Transfers of Assignments that the City would not be obligated to approve the transfer if  
35 the developer was in default. 5-0

36  
37 M/S Dargie/Imm to forward a recommendation to the City Council to amend the zoning  
38 ordinance establishing a Theater Combining District in the City of Petaluma. 5-0.

39  
40 M/S Barrett/Imm to forward the following additional recommendations to the City  
41 Council:

- 42
- 43 • Draft a separate Resolution to support the commerce on the river (Jerico in  
44 particular) in the Development Agreement
  - 45 • Recommend further study of the riverfront warehouses to “explore retaining or re-  
46 building” of the warehouse framing as part of the new development as a gesture  
47 for these historic structures to remain on site. Possible inclusions are riverside  
gables and warehouse framing near the terminus of “E” Street.

- 1 • Include a lease agreement requirement for the River Row apartments requiring
  - 2 disclosure language regarding noise on the river.
  - 3 • Signage to be coordinated with the downtown “way finding” program.
- 

5  
6 **II. FUTURE AGENDA ITEMS**

---

8  
9 **III. LIAISON REPORTS:**

- 10 a. **City Council** . None
  - 11 b. **SPARC:** St. Vincent’s playground conditions of approval returned to
  - 12 SPARC with details – is now under construction; Preliminary Review of
  - 13 of Petaluma Town Center Center; King Office building was approved for
  - 14 a remodel; Ridgeview Heights, lots 1 and 2 - #2 was approved, lot 1 will
  - 15 return for Conditions of Approval; preliminary review of Boulevard
  - 16 Apartments; Preliminary Review of Jay Palm Saddle Shop addition.
  - 17 Discussion of the use of preliminary SPARC process.
  - 18 c. **Petaluma Bicycle Advisory Committee:** None
  - 19 d. **Tree Advisory Committee:** Feels left out of the loop. Suggested that
  - 20 Tree Advisory Committee be involved in projects dealing with trees.
  - 21 Paula Lane Action Committee met with Committee – will be visiting the
  - 22 site.
  - 23
  - 24
- 

25  
26 **Adjournment: 10:10**

---

27  
28  
29  
30 S:\PC-Planning Commission\Minutes\PCMinutes03\070803.doc