

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PETALUMA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE ZONING MAP OF THE IMPLEMENTING ZONING ORDINANCE TO APPLY BUSINESS PARK, OPEN SPACE AND PARK, AND FLOODPLAIN COMBINING DISTRICT ZONING TO PRE-ZONE A 12.9-ACRE SITE LOCATED AT 5400 OLD REDWOOD HIGHWAY TO BUSINESS PARK (BP), OPEN SPACE AND PARK (OSP), AND FLOODPLAIN COMBINING DISTRICT (FP-C) ZONING DISTRICTS PRIOR TO ANNEXATION PROCEEDINGS TO BE CONDUCTED BY THE SONOMA LOCAL AREA FORMATION COMMISSION (LAFCO); APNS: 047-213-017 and 137-011-048; FILE NO. PLZA-2023-0001 AND PLAN-2024-0001**

**WHEREAS**, on June 15, 2023, the property owner, Cornerstone Properties, submitted a request for a Zoning Map Amendment to apply Business Park, Open Space, and Park, and Floodplain Combining District zoning to the ± 12.9-acre site located at 5400 Old Redwood Highway; and

**WHEREAS**, the entire project site is located within the Urban Growth Boundary and in an area classified by the City of Petaluma General Plan as Business Park and Open Space; and

**WHEREAS**, per IZO Chapters 19 and 25, an amendment to the zoning map may be requested by a property owner, and the City Council may approve an amendment upon the recommendation of the Planning Commission; and

**WHEREAS**, Retail as secondary uses are permitted within the BP zone per IZO 4.020.N, and all existing uses were legally established in the County. Upon annexation, existing Retail as primary uses on the Project Site will be subject to IZO Chapter 22 (Nonconforming Uses); and

**WHEREAS**, public notice of the Planning Commission hearing was published in the Petaluma Argus-Courier and mailed to residents and occupants within 1,000 feet of the Project site in compliance with state and local law; and

**WHEREAS**, a public hearing sign was posted on-site at least 10 days prior to the Planning Commission meeting, consistent with IZO Section 24.100.B; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing to consider the proposed amendment on January 23, 2024; and

**WHEREAS**, the Planning Commission considered the staff report dated January 23, 2024, including the California Environmental Quality Act (CEQA) determination included therein; and

**WHEREAS**, the Planning Commission considered the amendment to apply a Business Park, Open Space and Park, and Floodplain Combining District zoning to the ± 12.9-acre site located at 5400 Old Redwood Highway; 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:

California Environmental Quality Act

- a. The proposed project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15319 (Class 19 - Annexations of Existing Facilities and Lots for Exempt Facilities). This exemption includes annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. The existing site complies with all applicable City and County zoning regulations, including but not limited to density, setbacks, height, and lot coverage, and City utility services have the capacity to serve existing facilities.

If a project qualifies for the use of a categorical exemption, then the lead agency must determine whether the project is subject to any of the exceptions to the use of a categorical exemption, pursuant to CEQA Guidelines Section 15300.2. None of the exceptions to the use of a categorical exemption apply as (a) the project is not located in an area where it may impact an environmental resource of hazardous or critical concern (applies to classes 3, 4, 5, 6, and 11 only); (b) will not result in cumulative impacts; (c) does not involve an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances; (d) will not result in damage to scenic resources within a highway officially designated as a state scenic highway; (e) is not located on a hazardous waste site pursuant to Section 65962.5 of the Government Code, and (f) will not result in a substantial adverse change in the significance of a historical resource. As none of the exceptions to the exemption apply, the project would not be precluded from the use of the Class 19 exemption. Therefore, no further environmental analysis is needed.

Moreover, as the property to be annexed is within the UGB, the General Plan Environmental Impact Report, already analyzed impacts associated with this property, which included the potential for annexation.

General Plan

- b. The project site is located within the UGB with a General Plan land use designation of Business Park. The General Plan land use designation for the site would remain Business Park, and the proposed Zoning Map Amendment would be consistent with the General Plan Business Park designation in that the BP zoning district is an implementing zoning district of the Business Park land use designation.

- c. The Project, for the reasons discussed in the January 23, 2024, Planning Commission staff report, is consistent with the following General Plan principles and policies:

Policy 1-P-1 Promote a range of land uses at densities and intensities to serve the community within the Urban Growth Boundary.

Policy 1-P-29 It is the policy of the City to build within the agreed upon Urban Growth Boundary. No urban development shall be permitted beyond the Urban Growth Boundary. "Urban development" shall mean development requiring one or more basic municipal services including, but not limited to, water service, sewer, improved storm drainage facilities, fire hydrants and other physical public facilities and services; but shall not mean providing municipal or public services to open space uses, public or quasi-public uses such as schools or public safety facilities. Said municipal or public services or facilities can be developed beyond the UGB to provide services within the UGB.

Policy 1-P-35 Growth shall be contained within the boundaries of the Urban Growth Boundary. The necessary infrastructure for growth will be provided within the Urban Growth Boundary.

Policy 1-P-36 For properties adjoining the Urban Growth Boundary, it is the intent of the City that projects developed in the City or requesting City services shall be of limited density (as shown on the General Plan Land Use Map), unless greater density is required to satisfy the requirements of state housing laws, and shall be designed to preserve the visual and physical openness and preserve the aesthetic and natural features of that portion of the property proximate to the rural areas outside of the designated Urban Growth Boundary.

Policy 1-P-38 Require all development outside of city limits and within the UGB to annex to the city as a condition of extension of City services. Annexation requires the extension of both potable water and sewer services in compliance with adopted Master Plans, in conjunction with other public improvements as deemed appropriate by the City.

#### Implementing Zoning Ordinance

- d. The project is consistent with Implementing Zoning Ordinance Chapter 25 – Amendments in that all required findings found in IZO Section 25.070 can be made as follows:
- i. Pursuant to IZO Section 4.020.N (Purpose of Established Zones), the BP zone implements the Business Park General Plan land use designation and is therefore consistent with the General Plan. Additionally, the rezoning would pre-zone a property within the UGB prior to future annexation and extension of municipal services to the site. The requested amendment is consistent with the General Plan and would not change the development potential of the site. No physical changes are proposed, and the applicant intends to maintain the existing building and uses. Any future development

would be subject to compliance with the IZO and consistency with the River Access and Enhancement Plan.

- ii. The public necessity, convenience, and general welfare clearly permit the adoption of the proposed Zoning Map Amendment. The amendment will pre-zone a site within the UGB to allow a future annexation and extension of municipal services. Properties within the UGB are within the service area of the City of Petaluma, and therefore, public necessity requires the adoption of the proposed amendment in conjunction with connection to municipal services to properties within the UGB. In addition, the amendment and connection to municipal services will allow the property owner to lease additional space within the existing commercial building. Thus, the convenience of the property owner and the general welfare of the City of Petaluma merchants clearly permit the proposed amendment.
3. Based on its review of the entire record herein, including the January 23, 2024, Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received and the foregoing findings, the Planning Commission hereby recommends that the City Council approve the amendment to the Zoning Map depicted in Exhibit 1, subject to the conditions of approval attached hereto as Exhibit 3.

## **EXHIBIT 3**

### **ZMA CONDITIONS OF APPROVAL**

**5400 Old Redwood Highway Pre-Zoning for Annexation**

**Located at 5400 Old Redwood Highway**

**APNs: 047-213-017 & 137-011-048**

**File No. PLZA-2023-0001 AND PLAN-2024-0001**

#### **Planning Division**

1. Upon annexation, existing Retail as primary uses on the Project Site will be considered legal nonconforming uses and subject to IZO Chapter 22 (Nonconforming Uses).
2. All existing and future uses are required to obtain a City of Petaluma business license following annexation into the City of Petaluma.

#### **Public Works**

3. Upon annexation, the applicant shall connect to City utilities in substantial conformance with the Conceptual Utility Plan, dated October 14, 2021, including but not limited to, a connection to the existing City water line within Old Redwood Highway and a  $\pm$  736-foot sanitary sewer line extension that would connect an existing 8-inch sanitary sewer line within Redwood Way to the site via Old Redwood Highway.