

**EFFECTIVE DATE
OF ORDINANCE**

Month DD, YYYY

ORDINANCE NO. 2900 N.C.S.

Introduced by: Brian Barnacle

Seconded by: Janice Cader Thompson

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA AMENDING CHAPTER 2 OF THE PETALUMA IMPLEMENTING ZONING ORDINANCE (IZO) TO ADD THE DOWNTOWN HOUSING AND ECONOMIC OPPORTUNITY OVERLAY TO THE LIST OF OVERLAY ZONES PROVIDED IN TABLE 2-1 (ZONES); AMENDING CHAPTER 4 OF THE IZO TO ADD A FOOTNOTE REFERENCE TO TABLE 4.3 (ALLOWED LAND USES AND PERMIT REQUIREMENTS FOR MIXED USE ZONES) AND TABLE 4.10 (MU1 AND MU2 ZONE DEVELOPMENT STANDARDS) REFERENCING SECTION 5.070 OF THE IZO; AMENDING CHAPTER 5 OF THE IZO TO ADD SECTION 5.070 AND ESTABLISH THE DOWNTOWN HOUSING AND ECONOMIC OPPORTUNITY OVERLAY ZONE; AND AMENDING THE ZONING MAP OF THE CITY OF PETALUMA TO ZONE APPLICABLE PARCELS TO THE DOWNTOWN HOUSING AND ECONOMIC OPPORTUNITY OVERLAY ZONE; FILE NO: PLPJ-2022-0015 & PLZA-2023-0002

WHEREAS, the City of Petaluma Implementing Zoning Ordinance (IZO) Section 25.010 provides that no amendment that regulates matters listed in Government Code Section 65850 shall be made to the IZO unless the Planning Commission and City Council find the amendment to be in conformity with the General Plan; and

WHEREAS, pursuant to IZO Chapter 25, an amendment may be requested by a property owner, and the City Council may adopt the amendment upon the recommendation of the Planning Commission; and

WHEREAS, on April 11, 2022, Mike Jolly of EKN Development Group (herein after ‘Applicant’), applied for Historic Site Plan and Architectural Review (H-SPAR) for the EKN Appellation Hotel (herein after ‘Hotel’) to develop a 93-room hotel with ancillary food service, parking and event spaces at 2 Petaluma Boulevard South; and

WHEREAS, the Hotel would exceed the maximum FAR established by the Mixed Use (MU) 2025 General Plan Land Use Classification and exceed the maximum building height, lot coverage, and floor area ratio (FAR) established by the Mixed Use 2 (MU2) Implementing Zoning Ordinance (IZO) designation; and

WHEREAS, the City of Petaluma advised the Applicant that the Hotel must be revised to comply with applicable IZO and General Plan standards and regulations, or amendments to the IZO and General Plan must be proposed to allow for Planning review to proceed; and

WHEREAS, EKN Development Group subsequently applied for a General Plan Amendment (GPA), Zoning Map Amendment (ZMA), and Zoning Text Amendment (ZTA) to create a Building Form Overlay (later renamed the Downtown Housing & Economic Opportunity Overlay (herein after ‘Overlay’)); and

WHEREAS, the City of Petaluma conducted three publicly noticed study sessions commencing on June 13, 2023, August 8, 2023, and October 3, 2023, to develop the scope and content of the Overlay, to consist of Subareas A, B, and C; and

WHEREAS, three parcels within Subarea A, including two parcels comprising the Hotel, and one parcel within Subarea B of the Overlay are also within the boundaries of the Petaluma Historic Commercial District; and

WHEREAS, the intent of the Downtown Housing & Economic Opportunity Overlay is to facilitate the development of residential uses, orderly economic development, preservation of historic buildings and resources

and the Commercial Historic District activate the ground levels, and incorporate sites with the greatest opportunity for redevelopment activity by increasing the allowable floor area ratio from 2.5 to 6.0, building height from 45 feet to up to 75 feet subject to approval of a conditional use permit, and lot coverage from 80% to 100% subject to approval of a conditional use permit, and subject to development and design controls for properties within the proposed Overlay; and

WHEREAS, the City of Petaluma as the lead agency under the California Environmental Quality Act (CEQA) prepared a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel (the Project) to analyze potential environmental impacts; and

WHEREAS, the Draft IS/MND was made available for public and agency review from October 13, 2023, to November 14, 2023; and

WHEREAS, pursuant to IZO Sections 25.010 and 25.050.B, if the Planning Commission finds the IZO amendments to be in conformance with the Petaluma General Plan, and consistent with the public necessity, convenience, and general welfare, it may recommend amendment of the IZO to the City Council; and

WHEREAS, on November 14, 2023, the Planning Commission and Historic and Cultural Preservation Committee (HCPC) held a duly noticed public hearing to consider the Draft IS/MND, and the Overlay (GPA, ZMA, and ZTA); and

WHEREAS, at the November 14, 2023, public hearing, pursuant to IZO Section 15.020.A.6, the HCPC provided their independent analysis of the Overlay Zoning Amendments and made a recommendation on the proposed ZMA and ZTA to the Planning Commission; and

WHEREAS, on November 14, 2023, the Planning Commission provided their independent analysis of the Overlay Project, considered the recommendation provided by the HCPC on the zoning amendments, and adopted Resolutions 2023-21 and 2023-22, regarding the Downtown Housing and Economic Opportunity Overlay; and

WHEREAS, following the November 14, 2023, Planning Commission and HCPC joint public hearing, the City commenced preparation of an Environmental Impact Report (EIR) for the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel (the Project) to provide greater analysis of the potential impacts of the Project and to provide additional information for the public and reviewing bodies; and

WHEREAS, on September 24, 2024, the Planning Commission and HCPC held a duly noticed public hearing to consider information presented by staff, to receive public comments regarding the Draft EIR, and to independently consider the Draft EIR; and

WHEREAS, at the September 24, 2024, public hearing, the HCPC considered the public comments received, independently considered the Draft EIR, and by a vote of 4-0 recommended to the Planning Commission that the Commission recommend to the City Council preparation of a Final EIR for the Project, subject to recommendations; and

WHEREAS, at the September 24, 2024, public hearing, the Planning Commission adopted Resolution 2024-12, recommending that the City Council direct staff to proceed with preparation of the Final Environmental Impact Report (Final EIR) for the Project with recommendations; and

WHEREAS, on October 7, 2024, the City Council held a duly noticed public hearing to independently consider the Draft EIR and to receive public comments regarding the Draft EIR; and

WHEREAS, at the October 7, 2024, public hearing, the City Council adopted Resolution 2024-125, authorizing staff to prepare the Final EIR, inclusive of responses to public comments; and

WHEREAS, on November 18, 2024, the City Council held a duly noticed public workshop to engage in an in-depth discussion about various aspects of the Overlay; and

WHEREAS, at the November 18, 2024, workshop, the City Council directed staff to clarify the relationship between the Overlay and the ongoing General Plan Update process; to provide additional information for the Council to better understand implications of the Overlay on multi-family housing including how it relates to State Density Bonus Law, Senate Bill (SB) 35, and height increase eligibility; to bring forward potential options for supplementing the review of development projects within the proposed Overlay by design and architectural specialists in addition to the City's established SPAR process; to update Council on the ongoing efforts of the Downtown Parking Management Plan; to bring forward the Overlay for Council's consideration as recommended by the Planning Commission at the November 14, 2023, public hearing and any potential modifications from Council's input during the November 18, 2024, workshop; and to bring forward the Overlay and Final EIR directly to City Council for consideration, in lieu of returning to the Planning Commission and HCPC for their review of the Final EIR; and

WHEREAS, the proposed General Plan Amendment and Zoning Amendments are substantially the same and the proposed impacts of the amendments are substantially the same as when Planning Commission reviewed and recommended their approval to City Council on November 14, 2023, via Resolutions 2023-21 and 2023-22, and no further review by the Planning Commission is required under state or local law; and

WHEREAS, on February 24, 2025, the City Council held a duly noticed public hearing to independently consider the Final EIR and to receive public comments on the Final EIR; and

WHEREAS, at the February 24, 2025 duly noticed public hearing, the City Council certified the Final EIR by Resolution 2025-021; and

WHEREAS, at the February 24, 2025, duly noticed public hearing, the City Council took action on a Resolution to adopt a General Plan Amendment to increase the allowable Floor Area Ratio for areas within the Downtown Housing & Economic Opportunity Overlay from 2.5 to 6.0, together with findings of fact and the Mitigation Monitoring and Reporting Program; and

WHEREAS, at the February 24, 2025 duly noticed public hearing, the City Council made one or more of the required findings for each identified significant impact, supported by substantial evidence, as set forth in the Findings of Fact, attached thereto as **Exhibit A to Resolution 2025-022**, and incorporated herein by reference; and

WHEREAS, at the February 24, 2025 duly noticed public hearing, the City Council took action on a Mitigation Monitoring and Reporting Program for each project component (Overlay and Hotel), attached thereto as **Exhibit B to Resolution 2025-022** and incorporated herein by reference; and

WHEREAS, no physical development is proposed or would be approved as a result of City Council approving the General Plan Amendment and adopting the Zoning Amendments; and

WHEREAS, approval of the EKN Appellation Hotel as currently proposed is contingent upon approval of the GPA and adoption (first and second reading) of the ZMA and ZTA; and

WHEREAS, approval of the EKN Appellation Hotel is contingent upon meeting the regulations, criteria, and findings of the Overlay, subject to independent discretionary review at a separate, publicly noticed hearing of the Historic and Cultural Preservation Committee; and

WHEREAS, physical development of other sites within the Overlay would be subject to separate discretionary review processes, including Site Plan and Architectural Review (SPAR), Historic Site Plan and Architectural Review (H-SPAR), and/or Conditional Use Permit (CUP); and

WHEREAS, consistent with the California Environmental Quality Act (CEQA), these discretionary actions meet the definition of a project, and would be subject to independent CEQA analyses to determine potential impacts of site-specific developments; and

WHEREAS, all future development proposals within the Overlay would also be subject to mitigation measures contained in the adopted MMRP (City Council Resolution 2025-022, Exhibit B), including measures with clearly defined criteria for which the City of Petaluma will apply in determining the impacts of future development; and

WHEREAS, consistent with CEQA, the City of Petaluma, as the Lead Agency may rely on future studies required by mitigation measures in the adopted MMRP (City Council Resolution 2025-022, Exhibit B) for site-specific developments as these future studies will inform site-specific mitigation design to fit on-the-ground environmental conditions; and

WHEREAS, because the Overlay will not result in direct physical development, identifying site-specific mitigation measures for potential impacts to the resource areas identified in the certified EIR (City Council Resolution 2025-021) is not appropriate at this time as this would represent speculative analysis under CEQA; and

WHEREAS, the proposed Overlay will reduce the costs to a housing project by allowing greater lot coverage, floor area ratio, and additional height which enables more efficient use of land, lowers per-unit construction expenses, and reduces the financial burden of structured parking, as documented in the Strategic Economics Memorandum, attached to the concurrent staff report at **Attachment 4**; and

WHEREAS, the proposed Overlay will facilitate the development of housing due to the reduction in costs to a housing project and by increasing allowable building heights, floor area ratios, and lot coverage, and allowing ground floor residential thereby expanding development capacity and unlocking underutilized sites for residential use, as identified in the Strategic Economics Memorandum, attached to the concurrent staff report at **Attachment 4**; and

WHEREAS, the City Council's consideration and enactment of the proposed Ordinance is contingent upon the new Conditional Use Permit (CUP) process allowing additional height above 45 feet and increased lot coverage, which in turn enables the City to realize the benefits of reduced housing development costs and the facilitation of new housing production; and

WHEREAS, on February 14, 2025, a Notice of Availability, Notice of Intent to Certify, Notice of Public Hearing, and the Final EIR were filed with the State Clearinghouse and the Sonoma County Clerk, published on the City's website, circulated in the Argus Courier, mailed to interested persons who requested notification, responsible, trustee and other public agencies, and mailed to all owners and occupants of properties within a 1,000 foot radius of the perimeter of the Overlay study area, commencing the required 10-day public review period beginning on February 14, 2025, and extending through February 24, 2025; and

WHEREAS, on February 24, 2025, the City Council held a duly noticed public hearing to independently consider the proposed Ordinance and to receive public comments on the proposed Ordinance.

NOW THEREFORE BE IT ORDAINED by the council of the City of Petaluma, as follows:

Section 1. Recital Findings. The foregoing recitals are hereby declared to be true and correct and are incorporated into this Ordinance as findings and determinations of the City Council.

Section 2. CEQA Findings. The potential environmental impacts of the Downtown Housing and Economic Opportunity Overlay Project, including the proposed Zoning Text Amendments and Zoning Map Amendment, were fully analyzed in the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project Final EIR (SCH # 2024040565), containing all the requirements of CEQA Guidelines Section 15132, inclusive of references, appendices, and all attachments thereto. The Final EIR was certified pursuant to City Council Resolution 2025-021, the Findings of Fact were made pursuant to Resolution 2025-022, Exhibit A, and the MMRP was acted upon pursuant to Resolution 2025-022, Exhibit B.

Section 3. Severability If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be unconstitutional, unlawful, or otherwise invalid by a court of competent jurisdiction or preempted by State legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Petaluma hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful other otherwise invalid.

Section 4. General Plan and Public Necessity Findings. In accordance with Sections 25.010 and 25.070 of the City's Implementing Zoning Ordinance, Ordinance No 2300 N.C.S., (IZO), the proposed amendments to the IZO described in Section 5 and **Exhibit A**, **Exhibit B**, and **Exhibit C**, and Section 6 and **Exhibit D**, attached hereto and incorporated into this ordinance are in general conformity with the General Plan 2025 and that the public necessity, convenience, and general welfare require or clearly permit the adoption of the proposed amendment:

A. General Plan Consistency. For the reasons described in the concurrent City Council Staff Report dated February 24, 2025 and incorporated herein by reference, the proposed Downtown Housing and Economic Opportunity Overlay is consistent with and implements existing General Plan policies contained in the Land Use, Growth Management, and the Built Environment Element (Policies 1-P-1, 1-P-3, 1-P-6, 1-P-7, 1-P-11, 1-P-12), Community Design, Character, and Green Building Element (Policies 2-P-3, 2-P-5, 2-P-14, 2-P-17), Mobility Element (Policy 5-P-43), Economic Health and Sustainability Element (Policies 9-P-12, 9-P-13, 9-P-14), and Housing Element (Policies 1.1, 1.3, 1.4, 1.6, 1.7, 2.1)

B. Public Necessity, Convenience, and General Welfare. The public necessity, convenience, and welfare clearly permit the adoption of the proposed Zoning Text and Zoning Map Amendments in that the proposed Downtown Housing and Economic Opportunity Overlay:

- Incentivizes higher-intensity, mixed-use development in Downtown Petaluma by increasing development potential, thereby promoting infill development, increasing opportunities for transit use, creating a more walkable, vibrant Downtown, increasing the diversity of housing, retail, and cultural opportunities, and preserving and enhancing the City's historic character.
- Supports and cross-references three out of five categories of the adopted City Council Goals, for An Economy that Prospers, Spaces and Places that Inspire, and Our Environmental Legacy.
- Supports new development standards and guidelines to achieve a desired height of up to 75 feet when certain design standards are met, providing for compatible and appropriate development in the Downtown area.
- Encourages infill development of underutilized parcels in the City's Downtown, strategically located near public transit.
- Supports housing growth and strengthens the City's tax base and revenue.
- Helps to reduce urban sprawl, vehicle miles traveled, and associated greenhouse gas emissions, promoting a more sustainable, transit-oriented community.
- Promotes development within a High Resource Neighborhood Opportunity Area, as identified on the 2025 Affirmatively Furthering Fair Housing Map, which is shown by research to be associated with positive economic, educational, and health outcomes for low-income families, particularly long-term outcomes for children.
- Implements, in part, Actions TLUC-1 and TLUC-2 of the adopted Blueprint for Climate Action, as it allows for higher intensity development in the Downtown area, which increases development potential in one of the City's most walkable areas, thereby supporting development of more viable mixed-used projects near high-quality transit corridors and contributing to the vision of 15-minute neighborhoods. By supporting incremental infill development through increased development

potential, the Overlay contributes to reducing greenhouse gas emissions associated with the reliance and use of single-occupancy vehicles as it positions residential, commercial, and other uses near reliable transit, and further promotes a shift towards active transportation, directly supporting the City's climate action and sustainability goals.

- Reduces the costs to a housing development project and facilitates the development of housing, including affordable housing.

Section 5. Amendment to the Petaluma Implementing Zoning Ordinance. Based on its review of the entire record herein, including the February 24, 2025, City Council meeting staff report, all supporting, referenced, and incorporated documents and all comments received, and the foregoing findings, the City Council amends: IZO Chapter 2 (Zoning Map and Zones) to add the Downtown Housing and Economic Opportunity Overlay to the list of Overlay Zones provided in Table 2-1 (Zones) (**Exhibit A**); IZO Chapter 4 (Zone District and Allowable Land Uses) to add a footnote referencing Section 5.070 to Table 4.3 (Allowed Land Uses and Permit Requirements for Mixed Use Zones) and Table 4.10 (MU1 and MU2 Zone Development Standards) (**Exhibit B**); and IZO Chapter 5 (Overlay Zones) to add Section 5.070 Downtown Housing and Economic Opportunity Overlay (**Exhibit C**).

Section 6. Amendment to the Petaluma Implementing Zoning Ordinance Map. Based on its review of the entire record herein, including the February 24, 2025, City Council meeting staff report, all supporting, referenced, and incorporated documents and all comments received, and the foregoing findings, the City Council amends the Implementing Zoning Ordinance Map to zone applicable parcels to the Downtown Housing and Economic Opportunity Overlay Zone inclusive of Subarea A (008-063-005; 008-063-006; 008-063-007; 008-063-008; 008-063-009; 008-063-010; 008-063-011; 008-063-012; 008-064-002; 008-064-004; 008-064-005; 008-064-006; 008-064-007; 008-064-008; 008-064-009; 008-064-010), Subarea B (008-051-024; 008-051-025), and Subarea C (006-361-028; 006-361-030; 006-361-033; 006-361-039; 006-361-040; 006-362-001; 006-362-002; 006-362-003; 006-362-009; 006-362-022) (**Exhibit D**).

Section 7. Posting/Publishing of Notice The City Clerk is hereby directed to publish or post this Ordinance or a synopsis for the period and in the manner provided by the City Charter and any other applicable law.

Section 8. Effective Date The Ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council.

INTRODUCED and ordered published and posted this 24 day of February 2025.

ADOPTED this DD day of Month YYYY by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Kevin McDonnell, Mayor

ATTEST:

APPROVED AS TO FORM:

Caitlin Corley, City Clerk

Eric Danly, City Attorney

EXHIBIT A

**AMENDMENT TO CHAPTER 2 (ZONING MAP AND ZONES) OF THE PETALUMA
IMPLEMENTING ZONING ORDINANCE TO ADD THE DOWNTOWN HOUSING AND ECONOMIC
OPPORTUNITY OVERLAY TO THE LIST OF OVERLAY ZONES PROVIDED IN TABLE 2-1
(ZONES)**

EXHIBIT B

AMENDMENT TO CHATER 4 (ZONE DISTRICTS AND ALLOWABLE LAND USES) OF THE PETALUMA IMPLEMENTING ZONING ORDINANCE TO ADD A FOOTNOTE TO TABLE 4.3 (ALLOWED LAND USES AND PERMIT REQUIREMENTS FOR MIXED USE ZONES) AND TABLE 4.10 (MU1 AND MU2 ZONE DEVELOPMENT STANDARDS), REFERENCING IZO SECTION 5.070 (DOWNTOWN HOUSING AND ECONOMIC OPPORTUNITY OVERLAY ZONE)

EXHIBIT C

AMENDMENT TO CHAPTER 5 (OVERLAY ZONES) OF THE PETALUMA IMPLEMENTING ZONING ORDINANCE TO ADD SECTION 5.070 ESTABLISHING THE DOWNTOWN HOUSING AND ECONOMIC OPPORTUNITY OVERLAY ZONE AND AUTHORIZING A ZONING MAP AMENDMENT TO ZONE APPLICABLE PARCELS

EXHIBIT D

AMENDMENT TO THE ZONING MAP OF THE CITY OF PETALUMA TO ZONE APPLICABLE PARCELS TO THE DOWNTOWN HOUSING AND ECONOMIC OPPORTUNITY OVERLAY ZONE, INCLUSIVE OF SUBAREA A (008-063-005; 008-063-006; 008-063-007; 008-063-008; 008-063-009; 008-063-011; 008-063-012; 008-064-002; 008-064-004; 008-064-005; 008-064-007; 008-064-008; 008-064-010), SUBAREA B (008-051-024; 008-051-025), AND SUBAREA C (006-361-028; 006-361-030; 006-361-033; 006-361-039; 006-361-040; 006-362-001; 006-362-002; 006-362-003; 006-362-009; 006-362-022)

2.010 Purpose.

This Chapter establishes the zones applied to property within the City and adopts the City's Zoning Map.

2.020 Zoning Map and Zones.

The Council hereby adopts the City of Petaluma Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department. The Zoning Map is hereby incorporated into this Zoning Ordinance by reference as though it were fully included here.

A. *Zones established.* The City of Petaluma shall be divided into zones that implement the Petaluma General Plan. The zones shown in Table 2-1 (Zones) are hereby established, and shall be shown on the Zoning Map as the map is adopted by the Council, or as amended by the Council from time-to-time.

B. *Interpretation of zone boundaries.* If there is uncertainty about the location of any zone boundary shown on the official Zoning Map, the location of the boundary shall be determined by the Director as follows.

1. Where a zone boundary approximately follows a lot line, alley, or street line, the lot line, street or alley centerline shall be construed as the zone boundary, as applicable;
2. If a zone boundary divides a parcel and the boundary line location is not specified by distances printed on the Zoning Map, the location of the boundary will be determined by using the scale appearing on the Zoning Map; and
3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone of the adjoining property on either side of the vacated or abandoned street or alley.

Table 2-1 - Zones

Zone Symbol	Name of Zone	General Plan Designation Implemented by Zone
Natural, Rural, and Low Density Zones		
OSP	Open Space and Parks	Open Space and Parks
AG	Agriculture	Agriculture
RR	Rural Residential	Rural Residential
R1	Residential 1	Very Low Density Residential
Residential Zones		
R2	Residential 2	Low Density Residential
R3	Residential 3	Diverse Low Density Residential
R4	Residential 4	Medium Density Residential
R5	Residential 5	High Density Residential

Zone Symbol	Name of Zone	General Plan Designation Implemented by Zone
MH	Mobile Home	Mobile Home
Mixed Use Zones and Commercial Districts		
C1	Commercial 1	Neighborhood Commercial
C2	Commercial 2	Community Commercial
MU1A	Mixed Use 1A	Mixed Use
MU1B	Mixed Use 1B	Mixed Use
MU1C	Mixed Use 1C	Mixed Use
MU2	Mixed Use 2	Mixed Use
Business, Industrial and Other Special Districts		
BP	Business Park District	Business Park
I	Industrial District	Industrial
CF	Civic Facility District	Public/Semi-Public
Education		
PUD	Planned Unit District	
PCD	Planned Community District	
Overlay Zones		
-FP	Floodplain	Floodplain
-H	Historic	All
-T	Theater District	
-DHEO	Downtown Housing and Economic Opportunity Overlay	Mixed Use

Table 4.3 (Mixed Use Zones) & Table 4.10 (MU1 and MU2 Zone Development Standards)

Mixed Use Zones					
TABLE 4.3 Allowed Land Uses and Permit Requirements for Mixed Use Zones	P(16)	Permitted Use			
	CUP	Conditional Use Permit Required			
	S	Permit Requirement in Specific Use Regulations			
	A	Accessory Use			
	—	Use Not Allowed			
LAND USE TYPE (1)	Permit Required by Zone				Specific Use Regulations
	MU1A	MU1B (21)	MU1C	MU2 ²²	
INDUSTRY, MANUFACTURING AND PROCESSING					
Artisan/Craft Product Manufacturing	P	P	—	CUP(6)	
Catering Service, as a Primary Use	P(6)	P	—	P(6)	
Furniture and Fixture Manufacturing, Cabinet Making	—	P	—	—	
Laboratory – Medical, Analytical	—	P	—	—	
Manufacturing, Light	—	P(14)	—	—	
Media Production	P(6)	P	—	P(6)	
Printing and Publishing	P(6)	P	—	P(6)	
Research and Development	—	P	—	—	
LODGING					
Lodging – Short-Term Vacation Rentals	P(15)	P(15)	P(15)	P(15)	Section <u>7.110</u>
Lodging – Bed and Breakfast Inn (B&B)	—	—	—	P	
Lodging – Hotel/Motel	P	P	—	P	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY					
Cardroom	CUP	CUP	—	CUP	Chapter <u>9</u>
Community Meeting Facility	CUP	CUP	CUP	CUP	
Commercial Recreation – Indoor	CUP	CUP	—	P(6)	
Fitness/Health Facility	P	P	—	P	
Library, Museum, Art Gallery	P	P	—	P	
Park	P	P	P	P	

Table 4.3 (Mixed Use Zones) & Table 4.10 (MU1 and MU2 Zone Development Standards)

Mixed Use Zones					
TABLE 4.3 Allowed Land Uses and Permit Requirements for Mixed Use Zones	P(16)	Permitted Use			
	CUP	Conditional Use Permit Required			
	S	Permit Requirement in Specific Use Regulations			
	A	Accessory Use			
	—	Use Not Allowed			
LAND USE TYPE (1)	Permit Required by Zone				Specific Use Regulations
	MU1A	MU1B (21)	MU1C	MU2 ²²	
School – Elementary, Secondary, or College, Private	CUP	CUP	CUP	CUP	
School – Specialized Education and Training	CUP	CUP	—	CUP	
Studio – Art, Dance, Martial Arts, Music, etc.	P	P	—	P	
Theater, Cinema or Performing Arts	CUP	CUP	—	CUP	Theater District Ord. 2158
RESIDENTIAL					
Dwelling, Multiple	CUP	CUP	P	—	
Dwelling, Accessory	A,S	A,S	A,S	A,S	Section <u>7.030</u>
Dwelling, Junior Accessory	A,S	A,S	A,S	A,S	Section <u>7.035</u>
Dwelling, Single	—	—	P	—	
Home Occupation	A,S(2)	A,S(2)	A,S(2)	A,S(2)	Section <u>7.050</u>
Residential Care, 7 or More Clients	P(10)	P(10)	P	CUP(10)	
Residential Care Facility, Adult	P(6)	P(6)	—	CUP(10)	
Residential Care Facility, for the Chronically Ill	P(6)	P(6)	—	CUP(10)	
Residential Care Facility, for the Elderly	P(6)	P(6)	—	CUP(10)	
Residential in Mixed Use Building	P(6)	P(6)	P(6)	P(6)	
Work/Live	P(6)	P(6)	P	P(6)	
RETAIL					

Table 4.3 (Mixed Use Zones) & Table 4.10 (MU1 and MU2 Zone Development Standards)

Mixed Use Zones					
TABLE 4.3 Allowed Land Uses and Permit Requirements for Mixed Use Zones	P(16)	Permitted Use			
	CUP	Conditional Use Permit Required			
	S	Permit Requirement in Specific Use Regulations			
	A	Accessory Use			
	—	Use Not Allowed			
LAND USE TYPE (1)	Permit Required by Zone				Specific Use Regulations
	MU1A	MU1B (21)	MU1C	MU2 ²²	
Adult Oriented Business	CUP	CUP	—	CUP	Chapter <u>10</u>
Artisan Shop	P	P	—	P	
Auto Parts Sales	P	P	—	—	
Bar, Tavern, Night Club	CUP	CUP	—	CUP	Chapter <u>8</u>
Building and Landscape Materials Sales Indoor – 25,000 sf or Less	P	P	—	P	
Building and Landscape Materials Sales Indoor – More Than 25,000 sf	CUP(20)	CUP(20)	—	CUP(20)	
Fueling Station/Gas Station	—	—	—	—	
General Retail – 25,000 sf or Less	P	P	—	P	
General Retail – More Than 25,000 sf	CUP(20)	CUP(20)	—	CUP(20)	
Groceries/Specialty Foods – 25,000 sf or Less	P	P	—	P	
Groceries/Specialty Foods – More Than 25,000 sf	CUP(20)	CUP(20)	—	CUP(20)	
Plant Nursery	P	P	—	—	
Restaurant, Café, Coffee Shop	P	P	CUP	P	
SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL					
ATM	P	P	P	P	
Bank, Financial Services	P	P	—	P	
Business Support Service	P	P	—	P	
Medical Services – Health Care Facility	P(6)	P(6)	—	P(6)	
Medical Services – Major	P	P	—	P	
Medical Services – Minor	P(6,11)	P(6,11)	P	P(6, 11)	

Table 4.3 (Mixed Use Zones) & Table 4.10 (MU1 and MU2 Zone Development Standards)

Mixed Use Zones					
TABLE 4.3 Allowed Land Uses and Permit Requirements for Mixed Use Zones	P(16)	Permitted Use			
	CUP	Conditional Use Permit Required			
	S	Permit Requirement in Specific Use Regulations			
	A	Accessory Use			
	—	Use Not Allowed			
LAND USE TYPE (1)	Permit Required by Zone				Specific Use Regulations
	MU1A	MU1B (21)	MU1C	MU2 ²²	
Office – Government	P	P	P	P(6)	
Office – Headquarters, or Processing	P(6)	P	—	P(6)	
Office – Professional, Administrative	P	P	P	P(6)	
SERVICES – GENERAL					
Adult Day Program	CUP	CUP	CUP	P	
Child Care Center	P(6)	P(6)	—	P(6)	
Child Day Care – Large Family	—	—	A(4)	—	Section <u>7.060</u>
Child Day Care – Small Family	A(3)	A(3)	A(3)	A(3)	
Kennel, Animal Boarding	—	CUP	—	—	
Meals Assembly Business	P(12)	—	—	—	
Mortuary, Funeral Home	CUP	—	—	—	
Personal Services	P	P	—	P	
Personal Services – Restricted	P	P	—	P	
Public Safety Facility	P	P	P	P	
Vehicle Services – Minor Maintenance/Repair	—	P	—	CUP	
Veterinary Clinic, Animal Hospital	P(8)	P(8)	—	P(8)	
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE					
City Water and Sewer Facility	P	P	P	P	
Parking Facility, Public or Commercial	CUP	—	—	CUP	
Telecommunications Facility	S	S	S	S	Section <u>7.090</u> and Muni Code <u>14.44</u>

Table 4.3 (Mixed Use Zones) & Table 4.10 (MU1 and MU2 Zone Development Standards)

Mixed Use Zones					
TABLE 4.3 Allowed Land Uses and Permit Requirements for Mixed Use Zones	P(16)	Permitted Use			
	CUP	Conditional Use Permit Required			
	S	Permit Requirement in Specific Use Regulations			
	A	Accessory Use			
	—	Use Not Allowed			
LAND USE TYPE (1)	Permit Required by Zone				Specific Use Regulations
	MU1A	MU1B (21)	MU1C	MU2 ²²	
Utility Facility	CUP	CUP	—	CUP	
Zero Emission Vehicles (Battery Charging Station)	A(18)	A(18)	A(18)	A(18)	
Zero Emission Vehicles (Hydrogen Fuel Cell Station)	CUP(19)	—	—	CUP(19)	
Key to zone symbols					
MU1A - Mixed Use 1A		MU1C - Mixed Use 1C			
MU1B - Mixed Use 1B		MU2 - Mixed Use 2			

Notes:

- 1 See glossary for land use definitions.
- 2 Home occupation permit and business license required.
- 3 Business license required.
- 4 Business license and compliance with Section 7.060 required.
- 5 Site plan and architectural review required and compliance with Section 7.040 required.
- 6 Use allowed only on an upper floor or behind a ground floor street fronting use; use in other locations allowed subject to a CUP.
- 7 Permitted use (P) if limited to a maximum of 5,000 square feet on the ground floor.
- 8 A CUP is required for overnight board and care.
- 9 Neighborhood serving and open at lunch.
- 10 Allowed only on floors above the ground floor.
- 11 Urgent care facilities may be located on the ground floor as a street fronting use.
- 12 Allowed only in a shopping center.
- 13 Use permitted only on Lakeville Highway between Baywood Drive and Casa Grande Road.
- 14 See Section 21.030 (Non-Residential Uses Abutting Residential Uses).
- 15 Short-term vacation rental permit, business license and transient occupancy tax certificate required (Section 7.110).

16 Use must be at least 600 feet from a school or a childcare center, at least 200 feet from parks, youth centers, or the library, and 100 feet from residential districts as measured from property line to property line.

17 All cannabis businesses must obtain an annual commercial cannabis permit.

18 Pursuant to Government Code Section 65850.7, this Zoning Ordinance requires no permit for stations.

19 Allowed with CUP when located on site of an existing fueling station/gas station land use.

20 To be processed as a major conditional use permit at the discretion of the Planning Commission.

21 Refer to Section 5.080 for parcels in the Fairgrounds Overlay Zone.

22 Refer to Section 5.070 for parcels in the Downtown Housing and Economic Opportunity Overlay Zone.

Table 4.10. MU1 and MU2 Zone Development Standards

Development Feature	Requirement by Zone	
	MU1 Mixed Use 1	MU Mixed Use 2 ⁴
Lot size	<i>Minimum area and width required for each lot in a new subdivision</i>	
Minimum area	NA	2,000 sf
Minimum width	NA	NA
Minimum depth	NA	NA
Setbacks Primary structure	<i>Minimum setbacks required. See Chapter 12 for modifications, reductions, and encroachments. See Chapter 7 for any setback requirements applicable to a specific land use.</i>	
Front	0 ft	0 ft minimum 10 ft maximum
Side – Interior (each)	0 ft Abutting an R district: 15 ft, plus 1 ft of additional setback for each foot of building height over 20 ft	0 ft minimum 10 ft maximum Abutting an R district: 15 ft, plus 1 ft of additional setback for each foot of building height over 20 ft
Side – Street side	0 ft	0 ft minimum 10 ft maximum
Rear	0 ft Abutting an R district: 15 ft, plus 1 ft of additional setback for each foot of building height over 20 ft	0 ft Abutting an R district: 15 ft, plus 1 ft of additional setback for each foot of building height over 20 ft

Table 4.3 (Mixed Use Zones) & Table 4.10 (MU1 and MU2 Zone Development Standards)

Development Feature	Requirement by Zone	
	MU1 Mixed Use 1	MU Mixed Use 2 ⁴
Garage front	NA	NA
Detached accessory structure		
Front	Not Permitted	Not Permitted
Side – Interior (each)	4 ft	4 ft
Side – Street	10 ft	10 ft
Rear	5 ft	5 ft
Rear – Accessory dwelling	4 ft	4 ft
Site coverage Maximum coverage ²	<i>Floor Area Ratio. The gross floor area of all buildings on a lot divided by the building site area.</i>	<i>Site Coverage. The percent of the total site area covered by structures, open or enclosed, excluding uncovered steps, patios and terraces.</i>
	2.5 floor area ratio	80% 100% for structured parking
Height limit Maximum height	<i>Maximum allowable height of structures. See Glossary for height measurement requirements, and Chapter 12 for height limit modifications.</i>	
Principal building	30 ft ¹	45 ft
Accessory structure	20 ft	20 ft
Usable open space	30 sf/unit ²	30 sf/unit ²
Fencing, landscaping, and tree preservation	See Chapters 13 , 14 , and 17	
Parking	See Chapter 11	
Signs	See Chapter 20	

¹ When the building is more than 30 feet from an abutting property line, one additional foot of height is permitted with each additional foot of setback over 30 feet for a maximum building height of 45 feet.

² See Section [7.030](#). Does not apply to accessory dwelling units 800 square feet or less.

³ The minimum depth of usable open space is three feet. Usable common open space is strongly encouraged.

4 Unless specifically prescribed in Section 5.070, Downtown Housing and Economic Opportunity Overlay Zone, all other development standards shall apply.

5.070 (Downtown Housing and Economic Opportunity Overlay Zone)

5.070 Downtown Housing and Economic Opportunity Overlay Zone.

- A: Purpose.** It is the intent of the Downtown Housing and Economic Opportunity Overlay Zone to facilitate the development of residential uses, provide for orderly economic development, ensure the preservation of historic buildings, cultural resources, and the Commercial Historic District, strengthen and expand pedestrian activity through new design and land use controls, and incorporate sites with the greatest opportunity for redevelopment activity. The regulations established for this district shall apply to any property described in section 5.070.B to include the development of new floor area or new buildings, of any size.
- B: District Boundaries.** The proposed Downtown Housing and Economic Development Overlay shall apply to Subarea A, B, and C as shown in Figure 5.1 below. The boundaries of the Downtown Housing and Economic Opportunity Overlay Zone are generally described follows:
1. **Subarea A:** 13 parcels within two city blocks bounded by B Street, Petaluma Boulevard South, D Street and 4th Street;
 2. **Subarea B:** 2 parcels south of Western Avenue between Keller Street and Kentucky Street; and
 3. **Subarea C:** 10 parcels south of Washington Street, to include five parcels between Court Street and Liberty Street and five parcels on the east side of Liberty Street.

Figure 5.1: District Boundaries
Downtown Housing and Economic Development Overlay



- C: Ground Floor Uses, Pedestrian/Façade Activation Zone and Ground Floor Residential Use Zone.** To continue the land uses and forms established by the parcels that abut or confront each subarea and to allow for specific land uses and the design of new buildings to reflect the characteristics and the context of each subarea a “Pedestrian/Façade Activation Zone” & a “Ground Floor Residential Use Zone” will apply to each subarea.
1. **Pedestrian/Façade Activation Zone & Ground Floor Residential Use Zone Established.** A Pedestrian/Façade Activation Zone & a Ground Floor Residential

5.070 (Downtown Housing and Economic Opportunity Overlay Zone)

Use Zone is established as shown in Figures 5.2 through 5.4. Land uses and ground floor development standards apply as provided for in this section.

2. **Purpose.** The Pedestrian/Façade Activation Zone is intended to enhance the pedestrian experience to ensure that new buildings are occupied by pedestrian-oriented uses and that they present attractive building facades in specific locations to reflect the land use pattern and vibrancy of active pedestrian-oriented streets established in the historic core of the downtown. The Ground Floor Residential Use Zone is intended to create new opportunities for residential development and to provide a land use transition from the retail and service uses provided in the Downtown core to the lower-intensity retail and residential areas beyond the Downtown.
3. **Pedestrian/Façade Activation Zone.** Permitted Uses in any new ground floor area within 30 feet of the public right-of-way in the Pedestrian/Façade Activation Zone shall be as follows, and each use, as used in this Section, shall be deemed a ground floor activating use:
 - Artisan Shop
 - Bank, Financial Services
 - Fitness/Health Facility
 - General Retail, 25,000 sf or Less
 - Groceries/Specialty Foods, 25,000 sf or Less
 - Library, Museum, Art Gallery
 - Personal Services
 - Restaurant, Café, Coffee Shop
 - Studio - Art, Dance, Martial Arts, Music, etc.
4. **Ground Floor Uses.** New ground floor area not identified as a Pedestrian/Façade Activation Zone may be occupied by any use identified in Table 4.3 of Chapter 4.
5. **Multi-family Residential Allowed in Specific Locations.** Multi-family residential uses shall be a permitted use on the ground floor in any portion of a parcel that is not within the Pedestrian/Façade Activation Zone.
6. **Pedestrian/Façade Activation Development Standards.** Additional development standards apply to the ground floor facades of the portion of new building or new floor area constructed within the Pedestrian/Façade Activation Zone. These development standards are provided in Table 5.1, below.

Table 5.1		
Pedestrian/Façade Activation Development Standards		
Feature	Standard	Applies to First Floor:
Storefront Transparency, minimum glazing	60%	Facades facing sidewalks, pedestrian walks, or publicly accessible outdoor spaces
Blank Walls, maximum length	30'	Facades facing sidewalks, pedestrian walks, or publicly accessible outdoor spaces
Interior Partitions or shelving above 36" in height when parallel with storefront, minimum setback	30'	Tenant spaces facing sidewalks, pedestrian walks, or publicly accessible outdoor spaces; Does not apply to any partition that is perpendicular to the storefront or any shelving that is abutting a wall
Window Signs, maximum coverage	15%	Windows facing sidewalks, pedestrian walks, or publicly accessible outdoor spaces

Figure 5.2: Subarea A, Pedestrian/Facade Activation Zones + Residential Allowed Zones



Figure 5.3: Subarea B, Pedestrian/Facade Activation Zones + Residential Allowed Zones

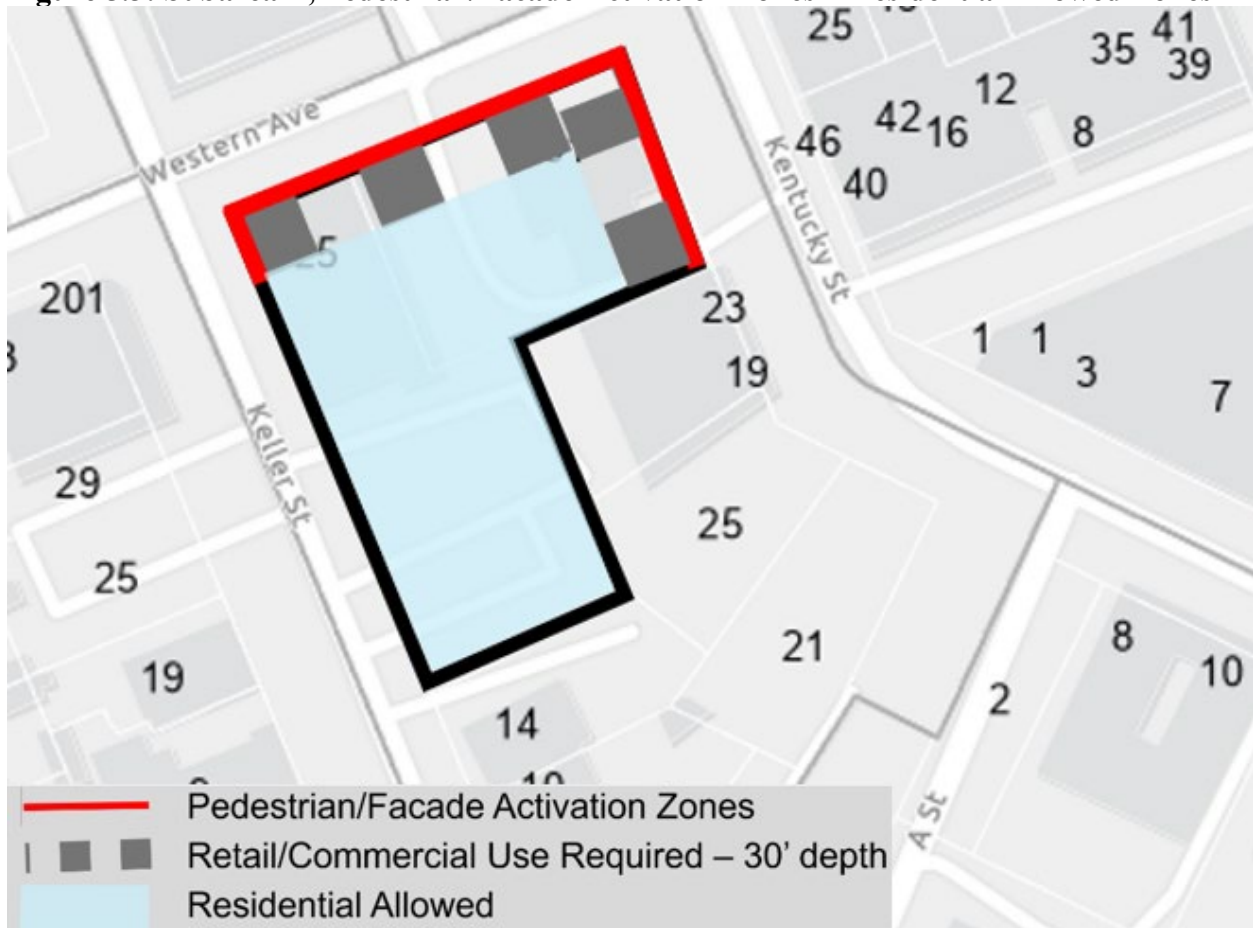
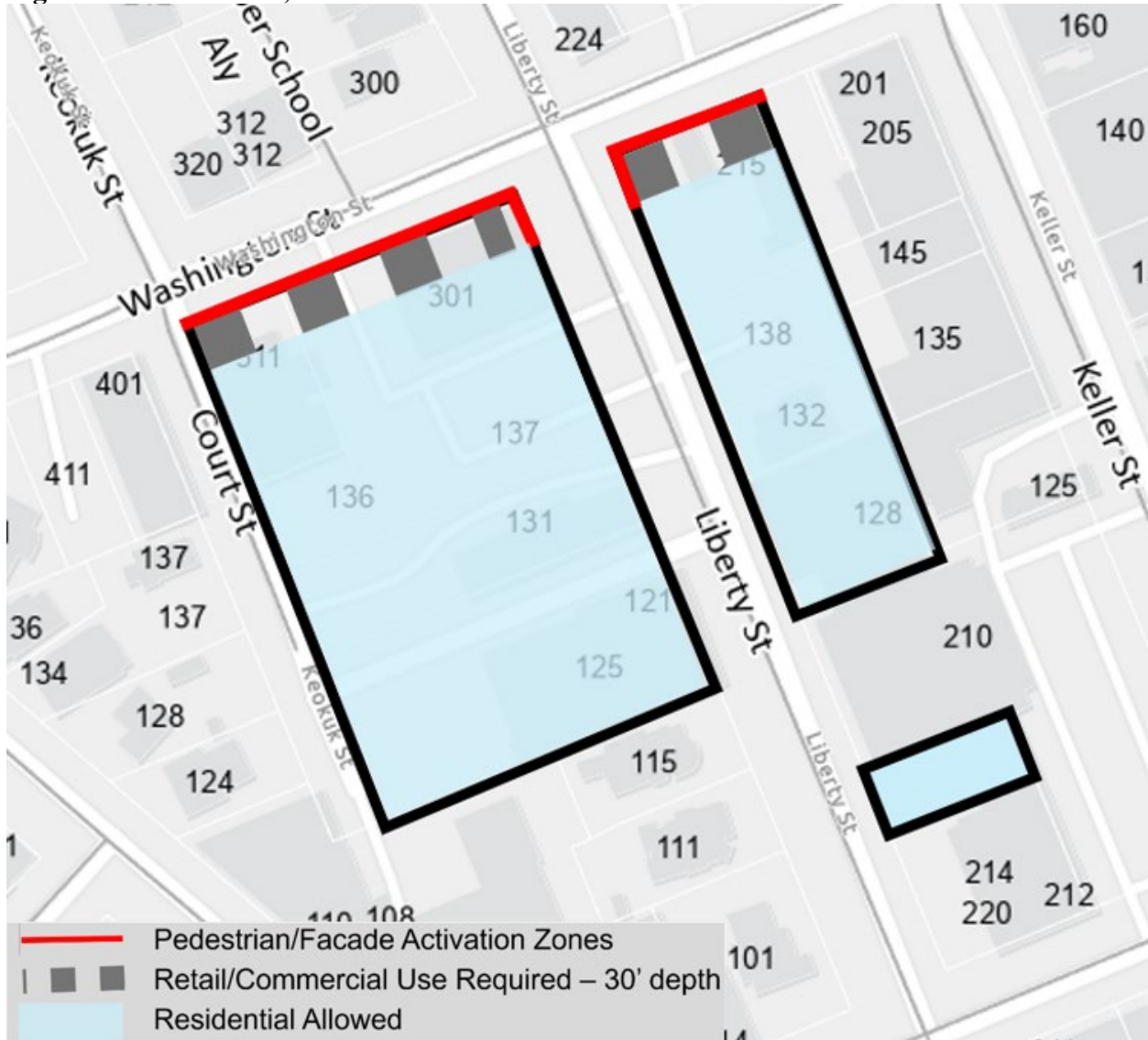


Figure 5.4: Subarea C, Pedestrian/Facade Activation Zones + Residential Allowed Zones



D: Development Standards, General. Development Standards in the Downtown Housing and Economic Development Overlay Zone shall be as provided for in Table 4.10 of Chapter 4, except as provided for in Table 5.2, below.

Table 5.2:	
Development Standard	
Setbacks	
Front	0'
Rear	0'
Street-side	0'
Interior Side	0'
Height¹	45' Max
With Conditional Use Permit ²	60' Max
With Conditional Use Permit ³	75' Max
Minimum Ground Floor Height	14' floor-to-floor for any Building over 45'
Stepbacks	Per Tables 5.2 through 5.4

5.070 (Downtown Housing and Economic Opportunity Overlay Zone)

Table 5.2:	
Development Standard	
Lot Coverage	80% Max
With Conditional Use Permit⁴	100% Max
Floor Area Ratio	6.0 Max
¹ Under the Overlay, new buildings to be constructed above the 45-foot height limit would not be subject to the height exceptions provided for in Section 12.020.	
² Additional height above 45 feet may be granted, subject to subsection F, below.	
³ Additional height above 60 feet may be granted, subject to subsection G, below.	
⁴ Additional lot coverage above 80% may be granted, subject to subsection H, below.	

- E: **Development Standards, Stepbacks Apply.** Upper floor stepbacks apply as shown in Tables 5.3 to 5.5, to require that any portion of a building above a certain height be separated from a property line. As used in this subsection, the “Primary Street Frontage” stepbacks provided in Tables 5.3 to 5.5 apply to any parcel that abuts Petaluma Boulevard South, Kentucky Street, Fourth Street, Western Avenue, and Washington Street, and “Other Street Frontage” is any other street. The stepbacks shall include usable balconies, usable open space, or be landscaped, and may not be used for mechanical equipment, storage, or other non-active uses.

Table 5.3			
Stepback: General			
	Stepback (Based on Building Height)		
	0-45¹/4-stories	Above 45¹/4-stories (whichever is less)	Above 60¹/5-stories (whichever is less)
Primary Street Frontage	NA	8' Min	16' Min
Other Street Frontage	NA	5' Min	5' Min

Table 5.4		
Stepback: Confronting a Residential Use		
	Stepback (Based on Building Height)	
	0-30¹/2-stories	Above 30¹/2-stories (whichever is less)
Primary Street Frontage	NA	10' Min
Other Street Frontage	NA	5' Min
Note: Additional 10' stepback to be applied for every story above 30 ¹ /2 stories		

Table 5.5				
Stepback: Abutting Historic Resource				
	Stepback (Based on Building Height)			
	0-30¹/2-stories	Above 30¹/2-stories (whichever is less)	Above 45¹/4-stories (whichever is less)	Above 60¹/5-stories (whichever is less)
Primary Street Frontage	NA	0	8' Min	16' Min
Other Street Frontage	NA	0	5' Min	5' Min

Table 5.5				
Stepback: Abutting Historic Resource				
Interior Side, abutting historic resource	NA	10' Min	10' Min	10' Min
Rear, abutting historic resource	0'	8' Min	8' Min	8' Min

F: **Criteria to Exceed 45 feet.** The Planning Commission may approve a Conditional Use Permit to allow for additional height up to 60 feet pursuant to the findings listed in this subsection and the review criteria set forth in Section 24.060.E:

1. That the additional height is consistent with the applicable purposes of the Overlay;
2. That the additional height makes a positive contribution to the overall character of the area and that the building will be compatible with its surroundings. The “positive contribution” and “compatibility” will be assessed using a combination of visual studies, line-of-sight drawings, photo simulations, 3-D modeling, and view shed analysis;
3. That the additional height would not adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship in terms of harmony and appropriateness with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural, or aesthetic interest or value of the district;
4. That the additional height will not result in unreasonable restrictions of light and air to adjacent properties or the public right-of-way, or otherwise be detrimental to the public health, safety, or welfare;
5. That the building design expresses a relationship to an existing datum line or lines of the street wall or adjacent historic resource, if any; and
6. That the overall building design and the use of the site demonstrates exceptional architecture/design. “Exceptional” architecture/design may be demonstrated by at least three of the following:
 - a. The use of innovative, creative or original architectural concepts, materials, or building techniques;
 - b. The use of visual elements that contribute positively to the built environment, such as well-proportioned facades, pleasing materials, and unique features;
 - c. The use of innovative building systems or forms, and/or the use of creative design, to increase building efficiency and to reduce energy consumption;
 - d. The use of low impact development and green infrastructure features in sustainable design and landscaping; or
 - e. The use of high-quality building materials that contribute to long-term durability and visual quality.

5.070 (Downtown Housing and Economic Opportunity Overlay Zone)

The determination of exceptional architecture/design shall be guided by the input of a qualified professional chosen by the City.

G: Criteria to Exceed 60 feet. The Planning Commission may allow for additional height up to 75 feet, if a Conditional Use Permit is granted per subsection 5.070.F, above, and when a proposed project includes at least 1 of the community benefits described in 1 & 2, and 1 of the community benefits described in 3, 4, or 5, below:

1. Improves the existing streetscape by providing widened sidewalks, additional street trees, new mid-block walkways/paseos, public plazas, parks, etc. For a project that would widen the sidewalk by increasing the ground floor building setback, a public outdoor amenity space shall be included in the design, and this space shall be designed and configured to provide adequate space for pedestrian movement and activity; or
2. Provides publicly accessible private open space, such as a street-level park or rooftop open space that is open to the public at least 8 hours per day and at least 120 days per year; and
3. Respects and/or preserves cultural, historical, or archaeological resources that exist or occur onsite or within the Overlay; or
4. Exceeds the minimum number of Inclusionary Dwelling units required by Section 3.040; or
5. Provides all required parking below grade.

H: Criteria to exceed 80% Lot Coverage. The Planning Commission may approve a Conditional Use Permit to allow for additional lot coverage of up to 100% pursuant to the review criteria set forth in Section 24.060.E, if any one or more of the following are true for a project:

1. The development improves the existing streetscape by providing widened sidewalks, additional street trees, new mid-block walkways/ paseos, public plazas, parks, etc.;
2. The additional lot coverage would reflect the prevailing development pattern established by the existing development within the block or abutting block;
3. The development includes adequate provision for recycling and solid waste;
4. The development includes adequate space for street trees; or
5. The development includes other measures to enhance the pedestrian environment.

I: Jobs/Housing Balance. Any application for a non-residential project or a mixed use project with a non-residential component that seeks to build above 45 feet pursuant to Section 5.070(F), must include an analysis of the impact of the project on the jobs-housing balance in the City, including how much demand for affordable housing the project will create as compared to the amount of affordable housing created as part of the project.

The analysis shall be based on available pertinent information including information provided by the applicant estimating the number of permanent jobs to be created in the operations of the project, type of job (part-time or full-time), wages, and benefits. The

developer may submit updated information to the City at any time during the application process.

This additional information is to allow the City, to the extent reasonably possible to disclose the foreseeable impact of the project on the jobs-housing balance in Petaluma.

- J: **Sunset Provision.** Unless otherwise amended by the City Council, this ordinance shall expire on the effective date of a Zoning Ordinance that implements the adopted 2040 General Plan.
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