

**EFFECTIVE DATE
OF ORDINANCE**

Month DD, 2023

ORDINANCE NO. 2867 N.C.S.

Introduced by: Michael Healy

Seconded by: Janice Cader Thompson

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA ADOPTING A ZONING AMENDMENT TO DESIGNATE THE RED BARN COMPLEX LOCATED ON PARCEL B OF THE APPROVED SCOTT RANCH SUBDIVISION PROJECT ADJACENT TO KELLY CREEK AND D STREET A LOCAL LANDMARK APN 019-1200-041 FILE NO. PLLD 2023-000

WHEREAS, in 2004 Davidon Homes submitted an application to the City of Petaluma for a 93-lot residential project located on two parcels (APN 019-120-040 and -041) and consisting of 58.66 acres at the corner of D Street and Windsor Drive and adjacent to the Helen Putnam Regional Park ("Prior Project"); and

WHEREAS, after initial review, it was determined that an Environmental Impact Report (EIR) was required based on significant biological impacts associated with the habitat for the red-legged frog; and

WHEREAS, on August 11, 2004, and August 25, 2004, scoping meetings were held to initiate the environmental review process and solicit public comment regarding the environmental analysis to be undertaken; and

WHEREAS, the Draft EIR (DEIR) was released on February 14, 2013, for public comment; and

WHEREAS, on April 15, 2013, the City Council directed staff to proceed with the preparation of a Final EIR (FEIR) and to provide additional information and clarification addressing comments on the DEIR and further analysis on the reduced project alternative; and

WHEREAS, in response to comments received on the 2013 DEIR, the applicant elected to submit a revised project with a reduced development proposal including 66-single family residential lots with associated private and public open spaces, a public park with a multi-use trail, a Class I trail along D Street, trailhead parking lots, and other infrastructure such as sidewalks, a roundabout, and sewer, water, and storm drainage infrastructure; and

WHEREAS, the City initiated the preparation of a revised DEIR (2017 RDEIR) for the 66-lot project scope and circulated it for public comment; and

WHEREAS, the City Council considered the 2017 RDEIR on June 19, 2017, and determined that the 2017 RDEIR was inadequate and that additional analysis was needed prior to the preparation of a Final EIR, and the Council by motion directed staff to revise the 2017 RDEIR to include a more robust evaluation of the 28-lot "Environmentally Preferred" alternative that was included in the 2017 RDEIR; and

WHEREAS, in June 2018, the Kelly Creek Protection Project (KCPP) of Earth Island Institute announced that it had entered into an agreement with Davidon Homes in response to comments received on the 2017 RDEIR,

and Davidon Homes and KCPP ("Applicants") submitted a revised application to the City of Petaluma for a 28-lot residential project on approximately 15 acres, along with proposed dedication of approximately 44 acres of the overall project site to Sonoma County Regional Parks as an extension to the Helen Putnam Regional Park; and

WHEREAS, entitlements submitted by the Applicants included (1) a General Plan Amendment to modify General Plan Policy 2-P-68 and Figure 5-2, (2) a Zoning Map Amendment to rezone the project site from Residential 1 (R1) to a Planned Unit District (PUD), (3) a Zoning Text Amendment to adopt the Scott Ranch Planned Unit Development Plan and Guidelines, and (5) a Vesting Tentative Subdivision Map (VTSM) to subdivide the project parcels into residential, open space, public access, and parking lot; and

WHEREAS, subsequent entitlements for the development of the Scott Ranch project include Site Plan and Architectural Review (SPAR) required for development of the single-family homes, associated landscaping, and lighting in the residential component, and for initial park improvements proposed as part of the Putnam Park Extension Project component, a Tentative Parcel Map to divide Parcel B as shown in the VTSM for dedication to the Sonoma County Regional Parks, and a Zoning Amendment to designate the Red Barn Complex a local landmark; and

WHEREAS, the City prepared and distributed copies of a 2020 RDEIR that analyzed the revised reduced 28-lot project, including the proposed General Plan Amendments; and

WHEREAS, the Planning Commission held a public hearing on February 9, 2021, to consider the 2020 RDEIR for the revised project with a reduced 28-lot residential component, the purpose of the hearing being to inform the public about the contents of the 2020 RDEIR and to receive oral comments about the adequacy and accuracy of the 2020 RDEIR; and

WHEREAS, the City Council held a public hearing on March 15, 2021, to consider the 2020 RDEIR, the purpose of the hearings being to inform the public about the contents of the 2020 RDEIR and to receive oral comments about the adequacy and accuracy of the 2020 RDEIR; and

WHEREAS, at the March 15, 2021, hearing the City Council directed that a Final EIR be prepared addressing comments and concerns raised during public comment on the 2020 RDEIR; and

WHEREAS, additional modifications to the project were made by the applicant to the proposed project in response to comments received during the discussion of the 2020 RDEIR, most specifically to further reduce the footprint of the residential component of the project; and

WHEREAS, the revised "Environmentally Preferred" residential component includes a 28-lot single-family residential subdivision, and the park component includes an increase to approximately 47 acres of open space/parkland, including multi-use trails north and south of Kelly Creek connecting the existing barn complex on the east of the site to the existing Helen Putnam Regional Park to the west; and

WHEREAS, the Revised Project continues to provide for a planned future offsite trail segment connecting the Scott Ranch property with the existing trail within Helen Putnam Regional Park; and

WHEREAS, the environmental effects of the Revised Project have been analyzed and compared to the environmental effects presented in the 2020 RDEIR, and that analysis has been included in the Final EIR; and

WHEREAS, on October 20, 2021, the Recreation Music and Park Commission (RMPC) considered and provided feedback on the Helen Putnam Regional Park expansion, Barn Center improvements, playground, amphitheater, picnic areas, multi-use trails, and other amenities proposed as part of the Putnam Park Extension component of the project; and

WHEREAS, the Planning Commission held a duly noticed public meeting on July 12, 2022, at which time it continued the item to a date certain of August 9, 2022; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 9, 2022 at which time it considered the Final EIR and project entitlements, accepted public testimony, and approved Resolution No. 2022- 08 recommending that the City Council certify the EIR; and

WHEREAS, the City Council held a duly noticed public hearing on February 27, 2023, at which time it considered the Final EIR and project entitlements and accepted public testimony; and

WHEREAS, at the February 27, 2023, public hearing the City Council approved Resolution No. 2023-023 N.C. S. certifying the EIR, making findings of fact to adopt a statement of overriding considerations, and adopting a mitigation monitoring and reporting program for the Scott Ranch Project; and

WHEREAS, also at the February 27, 2023, public hearing the City Council approved Resolution No. 2023-024 N.C.S. approving a General Plan Amendment to modify Policy 2-P-68 to in part read “Preserve the barn complex, designate the complex historic, and encourage the incorporation of a nature study area. Relocation in the same general area for purposes of stabilization and preservation shall be allowed;” and

WHEREAS, also at the February 27, 2023 public hearing the City Council approved Resolution No. 2023-025 N.C.S. which approved the Vesting Tentative Subdivision Map and included Condition of Approval #10 which requires City Council’s determination on Local Landmark Designation of the “red barn complex”, consistent with General Policy 2-P-68 for the preservation of the uniqueness of the property at the intersection of D Street and Windsor Drive (Scott Ranch); and

WHEREAS, on May 24, 2023, a Landmark Designation application for the barn complex was received by the Planning Division; and

WHEREAS, a public notice of the Historic and Cultural Preservation Committee hearing was published in the Petaluma Argus-Courier on August 25, 2023; and

WHEREAS, on or before August 26, 2023, onsite signage was posted informing residents of the barn complex landmark designation recommendation and the Historic and Cultural Preservation Committee hearing on the project; and

WHEREAS, the Historic and Cultural Preservation Committee held a duly noticed public hearing on September 5, 2023, at which time it considered the barn complex landmark designation recommendation, accepted public testimony, and approved HCPC Resolution No. 2023-03 recommending local landmark designation of the Red Barn Complex to the Planning Commission; and

WHEREAS, a notice of public hearing for the October 10, 2023 Planning Commission meeting was published in the Petaluma Argus-Courier on September 30, 2023 and mailed to property owners and tenants within 1,000 feet of the project site in compliance with Implementing Zoning Ordinance Section 24.100; and

WHEREAS, on or before September 30, 2023 onsite signage for the October 10, 2023 Planning Commission hearing was posted on the project site consistent with requirements in Implementing Zoning Ordinance Section 24.100; and

WHEREAS, on October 10, 2023 the Planning Commission held a duly noticed public hearing at which time it considered the HCPC's recommendation for designation, received public testimony, and ultimately approved Planning Commission Resolution No. 2023-13 recommending the City Council approve a Zoning Amendment to designate the red barn complex a local landmark; and

WHEREAS, as part of the approval of Resolution No. 2023-16 the Planning Commission made findings consistent with the Petaluma Implementing Zoning Ordinance (IZO) Section 25.050.B that the proposed Zoning Amendment is consistent with the Petaluma General Plan and furthers the public convenience and necessity; and

WHEREAS, also as part of the approval of Resolution No. 2023-16 the Planning Commission considered the recommended Zoning Map Amendment and found the action consistent with the environmental analysis done as part of the Environmental Impact Report for the Scott Ranch Residential Project as certified by the Petaluma City Council on February 27, 2023 (SCH #2004072137); and

WHEREAS, additionally as outlined in Resolution No. 2023-16 the Planning Commission found the recommended action for approval of a Zoning Amendment to designate the Red Barn Complex a local landmark is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308 for Class 8 – Actions by Regulatory Agencies, which includes actions taken by regulatory agencies to assure protection of the environment, such as landmark designation of a unique local resource, CEQA Guidelines Section 15301 for Class 1 – Existing Facilities, which includes renovation with no expansion of existing or former use, and CEQA Guidelines Section 15305 for Class 5, which includes minor alterations in land use; and

WHEREAS, Section 15.040 of the IZO allows City Council by ordinance to designate a historic landmark when “One or more individual structures or other features, or integrated groups of structures and features on one or more lots or sites, having a special character or special historical, architectural, or aesthetic interest of value;” and

WHEREAS, a notice of public hearing for the November 6, 2023 City Council meeting was published in the Petaluma Argus-Courier on October 27, 2023 and mailed to property owners and tenants within 1,000 feet of the project site in compliance with Implementing Zoning Ordinance Section 24.100; and

WHEREAS, on or before November 6, 2023 onsite signage for the November 6, 2023 City Council hearing was posted on the project site consistent with requirements in Implementing Zoning Ordinance Section 24.100; and

WHEREAS, on November 6, 2023 the City Council held a duly noticed public hearing at which time it considered the HCPC and Planning Commission's recommendations for designation, received public testimony, and ultimately introduced Ordinance No. 2867 N.C.S. to approve a Zoning Amendment to designate the Red Barn Complex a local landmark.

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

Section 1. Findings for Designation as a Local Landmark. The City Council hereby designates the Red Barn Complex located at 1680 D Street on Parcel B of the approved Scott Ranch Subdivision Project adjacent to Kelly Creek and D Street, APN 019-120-041, as a local landmark pursuant to Petaluma Implementing Zoning Ordinance (IZO) Section 15.040 based on the following findings:

- A. The foregoing recitals are true and correct and incorporated herein into this resolution as findings of the Petaluma Planning Commission.
- B. An Environmental Impact Report for the Scott Ranch project, inclusive of the local landmark designation, was certified by the City Council on February 27, 2023 (SCH #2004072137). Additionally, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308 for Class 8 - Actions by Regulatory Agencies, which includes actions taken by regulatory agencies to assure protection of the environment, such as landmark designation of a historic resource, CEQA Guidelines Section 15301 for Class 1 – Existing Facilities, which includes renovation with no expansion of existing or former use, and CEQA Guidelines Section 15305 for Class 5, which includes minor alterations in land use.
- C. In accordance with Sections 25.010 and 25.070.A of the City’s Implementing Zoning Ordinance, Ordinance No. 2300 N.C.S., the designation of the Red Barn Complex as a local landmark is consistent with Petaluma General Plan Policy 2-P-68 in that it preserves the barn complex, facilitates creation of a nature study area, and approves relocation of the barns within the same general area for purposes of stabilization and preservation.
- D. In accordance with Sections 25.010 and 25.070.A of the City’s Implementing Zoning Ordinance, Ordinance No. 2300 N.C.S., the designation of the Red Barn Complex as a local landmark is consistent with the Petaluma General Plan 2025 in that it identifies, recognizes, and protects a resource that is part of Petaluma’s unique and irreplaceable cultural heritage (Policy 3-P-1) and designates a local landmark as part of the development review process for the larger Scott Ranch Project (Program 3-P-1D).
- E. In accordance with Sections 25.010 and 25.070.A of the City’s Implementing Zoning Ordinance, Ordinance No. 2300 N.C.S., the designation of the Red Barn Complex as a local landmark is consistent with Petaluma General Plan Policy 1-P-3 in that designating the barn complex as a local landmark helps to preserve the visual corridor, existing rural character, and picturesque views of the Red Barn Complex within the rolling hills at the edge of Petaluma city limits. Additionally, the existing low density residential character of the area is preserved by clustering the Scott Ranch residential component near Windsor Drive and outside of the visual corridor of the Red Barn Complex.
- F. Designation of the Red Barn Complex as a local landmark implements Condition of Approval #10 of City Council Resolution No. 2023-025 N.C.S. which approved the Vesting Tentative Subdivision Map for the Scott Ranch Project.
- G. In accordance with Sections 25.070.B of the City’s Implementing Zoning Ordinance, Ordinance No. 2300 N.C.S., the designation of the Red Barn will further implement historic preservation objectives outlined in Chapter 15 of the Implementing Zoning Ordinance (IZO) in that it will serve to promote the health, safety, and general welfare of the public through the protection and enhancement of a collection of barns within a visual back drop of rolling hills at the edge of Petaluma city limits that serve as a reminder of Petaluma’s agricultural past by ensuring that

significant changes to the barns and their context as discussed in more detail below are subject to the preservation controls and standards in said Chapter.

- H. On September 5, 2023 the Historic and Cultural Preservation Committee approved Resolution No. 2023-03 recommending local landmark designation and finding the Red Barn Complex to be locally significant for designation based on the visual prominence as a notable feature at the City's gateway on D Street, for its visual backdrop of rolling hills at the edge of Petaluma city limits, and its association with Petaluma's agricultural history.
- I. The Historic and Cultural Preservation Committee further found the Red Barn Complex to have unique significance in its setting within the undeveloped rolling hills of rural Petaluma as viewed from D Street and as representative of Petaluma's agricultural past of the late 19th to mid 20th century
- J. While the Red Barn Complex was determined not to be eligible for listing under state or federal criteria of historic significance, as discussed in a Historic Resource Evaluation prepared by WRA in 2003 and peer reviewed by Brunzell Historical in 2014 for purpose of the preparation of the Environmental Impact Report, the Historic and Cultural Preservation Committee recognized the special local importance of the barn complex within the visual corridor and determined local landmark designation to be the best tool available to preserve the Red Barn Complex.
- K. Acknowledging that the significance of the Red Barn Complex is not based on unique architectural style or a master craftsman, the following features of the Red Barn Complex are found to be contributing to the overall visual resource:
 - a. Grouping of the three existing barns in general proximity to each other and generally as sited on the larger property
 - b. Horizontal wood siding
 - c. Gable roofs
 - d. Wood framed windows
 - e. Openings of doors and windows

Section 2. Unique Considerations for the Local Landmark. Based on the unique findings for designation as outlined above, the following considerations shall apply to any modification or work on the site designated local landmark.

- A. Minor modifications to the existing barn structures, maintenance and repair, stabilization including relocation of the barns within the general proximity, maintaining the general siting relationship on the property and in proximity to each other for the purpose of stabilization and rehabilitation of the existing barns may be approved administratively at the discretion of the Community Development Director.
- B. Major modifications to the Red Barn Complex, including demolition or new construction, or significant alterations to the setting that is determined to threaten the existing character of the visual corridor shall require review by the HCPC consistent with IZO Section 15.050 (or similar section regulating alterations to landmark properties at the time modifications are proposed) and shall consider the Secretary of the Interior's Standards for the Treatment of Historic Properties.

- C. Chemical or physical treatment to the existing barn structures shall be undertaken using the gentlest means possible to avoid damage to the historic materials.
- D. Discretionary review shall be required pursuant to City Council Resolution No. 2017-122 N.C.S. for demolition of any contributing features of the Red Barn Complex.
- E. Consistent with Mitigation Measure CUL-1a, prior to the relocation of the barn structures, a qualified historic preservation architect shall be selected by the City of Petaluma to review the relocation plans and verify that the relocation is not affecting the building structures and character defining features. To ensure the barn structures would retain their eligibility for local designation, the barn structures shall be relocated within the same general area and the new location shall be compatible with their original character and use.
- F. Consistent with Mitigation Measure CUL-1b, the applicants shall retain a qualified preservation architect to oversee the relocation process and ensure that all the relocation activities are implemented in compliance with the relocation plans reviewed under Mitigation Measure CUL-1a.
- G. Consistent with Mitigation Measure CUL-2a, prior to excavation and construction on the proposed project site, the prime construction contractor and any subcontractor(s) shall be informed by a qualified archaeologist retained by the project applicants, on the legal and-or regulatory implications of knowingly destroying cultural resources or removing historic or prehistoric artifacts, human remains, and other cultural materials from the project site as outlined in Mitigation Measure CUL-2b.
- H. Consistent with Mitigation Measure CUL-2b, prior to commencing any demolition, excavation, or other ground-disturbing activities, the project applicants shall retain a qualified archaeologist to monitor construction activity. The City shall approve the selected project archaeologist prior to issuance of the grading and/or demolition permit. The selected project archaeologist shall be present at the preconstruction meeting to discuss what protocols should be followed with respect to the potential discovery of prehistoric or historic artifacts of possible significance. The selected project archaeologist shall have the authority to perform full time or spot check monitoring of subsurface construction and watch for and evaluate artifacts or resources that may be uncovered.

The selected project archaeologist shall have the authority to halt excavation and construction activities in the immediate vicinity (distance to be determined by the project archaeologist) of a find if significant or potentially significant cultural resources are exposed and could be adversely affected by construction operations. Construction activities could continue in other areas of the project site where no cultural resources have been identified.

- I. Consistent with Mitigation Measure CUL-2c, should archaeological resources be encountered during ground-disturbing activities (i.e., grading and excavation), the project archaeologist shall initiate sampling, identification, and evaluation of the resources. If the archaeological resources are found to be significant, the archaeologist shall take appropriate actions in conjunction with the City for preservation and/or data recovery, including recordation with the California Historic Resources Information System (CHRIS) and professional museum curation as appropriate. Following the completion of evaluation and data recovery, the archaeologist shall prepare a professional report detailing the results of the find and submit it to the City of Petaluma Community Development Department and to CHRIS along with a DPR form to ensure that resource inventories are accurately updated.

- J. Consistent with Mitigation Measure CUL-3, Procedures to be implemented following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are discovered at the project site during construction, work at the specific construction area at which the remains have been uncovered shall be suspended, and the City of Petaluma and County of Sonoma coroner shall be immediately notified. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (“MLD”) of any human remains. The guidelines of the NAHC shall be adhered to in the treatment and subsequent disposition of the remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, re-inter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD’s recommendations, the owner or the descendent may request mediation by the NAHC.
- K. Consistent with Mitigation Measure RPT CUL-1a, if archaeological materials, artifacts, culturally modified soil deposits, or other indicators of a potentially significant cultural resource are encountered anywhere in the project site, all work should be halted in the vicinity and an archaeologist consulted immediately.
- L. Consistent with Mitigation Measure RPT CUL-1b, if human remains are encountered anywhere on the property, all work must stop in the immediate vicinity of the discovered remains and the County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a “Most Likely Descendant” can be designated.

Section 3. Recordation of Designation. Consistent with IZO Section 15.040.J, upon designation by the City Council the City Clerk shall cause a copy of the designating ordinance, or notice thereof, to be recorded in the office of the County Recorder.

Section 4. -H Overlay. Parcel 019-1200-041 shall be designated by the symbol -H on the City of Petaluma Zoning Map. Upon recordation of the Parcel Map to create Parcel B as shown on the approved Scott Ranch Subdivision, the -H overlay shall only apply to the new APN identified as Parcel B.

Section 5. 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, or otherwise invalid.

Section 6. Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council.

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 a manner provided by the City Charter and other applicable laws.

Introduced and ordered published and posted on this 6th day of November 2023.

Adopted this 20th day of November 2023 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Kevin McDonnell, Mayor

ATTEST:

APPROVED AS TO FORM:

Kami Noriega, Interim City Clerk

Eric Danly, City Attorney