

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF PETALUMA PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ADDING
SECTION 5.080 TO THE CITY OF PETALUMA IMPLEMENTING ZONING
ORDINANCE, ORDINANCE 2300 N.C.S., AND AMENDING THE ZONING MAP TO
ZONE APPLICABLE PARCELS TO THE PROPOSED
FAIRGROUNDS OVERLAY ZONE**

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, the City of Petaluma Planning Director may initiate an amendment, and the City Council may adopt the amendment upon the recommendation of the Planning Commission; 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 December 31, 2023, the 4th District Agricultural Association (DAA) lease for management and maintenance of the Fairgrounds property will expire; and

WHEREAS, on January 1, 2024, upon expiration of the DAA lease, the City of Petaluma will assume site control of the Fairgrounds property; and

WHEREAS, the City of Petaluma will be responsible for all operations on-site, including facility and grounds maintenance, sub-user interactions, event bookings, programming, and all other related responsibilities; and

WHEREAS, through an extensive year-long public engagement process, the community communicated the desire for (1) continued operation of the annual fair, (2) better management of the property, and (3) more accessible, affordable community events and uses; and

WHEREAS, based on community input received during the public engagement process, on October 24, 2022, the City Council, through Resolution 2022-167 N.C.S., adopted eight (8) Guiding Principles to guide all future efforts of Petaluma City staff to act on and implement feedback from the Petaluma community and the City Council regarding future uses of the Fairgrounds property; and

WHEREAS, on October 2, 2023, the City Council, through Resolution 2023-157, authorized the City Manager to execute, on behalf of the City, license agreements with each of the

nine existing tenants, to become effective upon the expiration of the DAA lease agreement on December 31, 2023; and

WHEREAS, the license agreements with each of the nine existing tenants establish terms of use for the continued operation of existing tenants over the next 3-5 years; and

WHEREAS, some uses established on the site are not expressly permitted within the zoning districts within which they are located as the historic operation of the site by the 4th DAA was not subject to local regulations during the period the lease is in effect; and

WHEREAS, continued operation of uses onsite are in the public interest as they provide multiple community benefits, generate revenue that supports overall site operations, and allow for ongoing interim use over the next 3-5 years until such time as a Master Plan for the Fairgrounds is adopted and implemented; and

WHEREAS, the Fairgrounds Overlay Zone is a tool that can be used to ensure ongoing operation of the Fairgrounds property meets the needs of the community; and

WHEREAS, the Fairgrounds Overlay Zone will effectively permit all existing uses, subject to provisions that preclude enlargement, extension, or relocation onsite; and

WHEREAS, the Fairgrounds Overlay Zone will continue to permit short-term activities, subject to the approval of a Zoning Permit as set forth in Section 7.070 of the Implementing Zoning Ordinance; and

WHEREAS, the Fairgrounds Overlay Zone will allow for site modifications, such as additional landscaping, site access and circulation improvements, and similar improvements, subject to review and approval of Site Plan and Architectural Review by the Planning Commission; and

WHEREAS, the Fairgrounds Overlay Zone will allow for the establishment of new uses, subject to Planning Commission recommendation and City Council approval, provided that the new use is in alignment with the visioning of the ongoing General Plan update, is in alignment with the Guiding Principles set forth in City Council Resolution 2022-167 N.C.S., and that the new use provides a public benefit; and

WHEREAS, the Fairgrounds Overlay Zone will allow for the establishment of new accessory and ancillary uses, subject to approval of a Minor Use Permit by the Planning Director, provided that such uses are in alignment with the visioning of the ongoing General Plan update, are in alignment with the Guiding Principles set forth in City Council Resolution 2022-167 N.C.S., and that the new uses provide a public benefit; and

WHEREAS, the Fairgrounds Overlay Zone will provide near-term operation of temporary and semi-permanent uses that help to achieve four (4) of the eight (8) Guiding Principles adopted by City Council Resolution 2022-167 N.C.S.; and

WHEREAS, allowing for the establishment of new accessory and ancillary uses, such as community gardens and farmers markets, would achieve several citywide goals and priorities, including priority item 96, which seeks to improve access to healthy, sustainable food throughout the community, including consideration of community garden sites and farmers market locations (e.g., fairgrounds), and events and provides an opportunity to incorporate elements of the Sonoma County Healthy and Sustainable Food Action Plan; and

WHEREAS, the Fairgrounds Overlay Zone would contribute to community needs in the near term and would provide an opportunity for the city and the community to assess the appropriateness of new uses, such as community gardens, farmers markets, and mobile vendors operating at the site, using real-world examples to inform long-term operations at the Fairgrounds; and

WHEREAS, the Fairgrounds Overlay Zone Ordinance is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations); and

WHEREAS, on December 1, 2023, the City's Notice of Public Hearing to be held on December 12, 2023, before the City of Petaluma Planning Commission, was published and mailed to all residents and property owners within 1,000 feet of the perimeter of the proposed Fairgrounds Overlay Zone; and

WHEREAS, the Planning Commission held a duly noticed public hearing on December 12, 2023, at which time all interested parties had the opportunity to be heard and voted 4-0, with 3 absences, to recommend that City Council adopt the Fairgrounds Overlay Ordinance.

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 as findings of the Petaluma Planning Commission.
2. Based on the staff report, staff presentation, comments received, and the public hearing, the Planning Commission makes the following findings based on substantial evidence in the record:
 - a. California Environmental Quality Act Findings:

The Fairgrounds Overlay Ordinance is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations).
 - b. General Plan Findings:

The proposed overlay is consistent with the Petaluma General Plan, specifically these policies and programs:

 - **2-P-82** Work with the Sonoma-Marin Fair to explore more optimal use or relocation of the Fair's site. A. Optimal use could include redesign and

intensification of the existing acreage; reduction and intensification of the existing site; or master planning of the Fairground and adjacent property(ies) to create an improved layout of the fairground; improve compatibility with existing neighborhoods and enhance adjacent development potential. *The Fairgrounds Overlay is consistent with this General Plan policy as it will allow for ongoing operation of the existing tenants and uses, including the annual fair, and will encourage the development of accessory and ancillary uses that are in alignment with adopted Guiding Principles for the site, and provide a public benefit. Allowing for the ongoing operation of existing uses as well as new uses that align with the community's goals will help to inform master planning efforts for the site and will ensure optimal use is achieved in the near-, medium- and long-term.*

- **2-P-83** Work with the Sonoma-Marin Fair to explore opportunities to achieve a joint-use agreement and/or year-around use of open space/green field areas of the fairgrounds for public access and/or recreational activities, including group sports. *The Fairgrounds Overlay provides a mechanism to explore opportunities for certain new uses and tenants to use the Fairgrounds, including the use of open spaces for public access and recreational activities, which is consistent with this General Plan policy, is in alignment with the stated vision and principles for the site, and provides opportunities for public benefits.*
- **6-P-1-G** Encourage and support the collaboration of local school districts, non-profit organizations, and private parties in the use of public lands for outdoor education opportunities such as community gardens. *The Fairgrounds Overlay will allow ongoing operation during this interim planning period of Live Oak Elementary and Middle School, Happy Hearts Preschool, and Rebuilding Together, and is also proximate to the Petaluma Regional Library and Kenilworth Teen Center. The presence of these uses within the Overlay as well as in proximity to the Overlay provides an opportunity for collaboration to establish new uses such as community gardens which can be used by the general public as well as provide educational opportunities for nearby schools, nonprofits, and other organizations. The proposed Overlay is consistent with this General Plan policy as it encourages and supports collaboration to use public lands to establish community gardens.*
- **6-P-1-H** Improve community health and unity by providing community-wide, family-oriented special events that bring the community together. *The Fairgrounds Overlay provides opportunities to establish new uses and programs that provide community benefits, such as community gardens and farmers markets, which encourage health and unity by providing access to healthy foods and additional community gathering spaces in a centralized location within the City. As such, the proposed Overlay is consistent with this General Plan policy.*

- **6-P-1-I** Where feasible, acquire and/or restore, maintain, and use for the community's benefit, local historic assets. *The Fairgrounds Overlay Zone is consistent with this General Plan policy as the City will manage and operate its fairgrounds and start to manage the Fairgrounds on January 1, 2024. The Overlay will allow ongoing operation during this transition period of legacy uses, which provide services for the community's benefit and also provide provisions that allow the property to evolve over time with uses that align with the community's vision for the property and provide additional community benefits. The Fairgrounds will also allow the City to implement potential new programs for the Community's benefit.*
- c. The public necessity, convenience, and general welfare clearly permit the adoption of the proposed Zoning Map Amendment in that:
The continued operation of uses on site is in the public interest as they provide multiple community benefits, generate revenue that supports overall site operations, and allow for ongoing interim use over the next 3-5 years until such time as a Master Plan for the Fairgrounds is adopted and implemented. Additionally, the Fairgrounds Overlay will allow the City to establish new uses and programs through approval of a Minor Use Permit for uses that provide Community benefits, such as farmers' markets, healthy food vendors, and a community garden. Additionally, the Fairgrounds Overlay will allow the City to establish new uses and programs through the approval of a Minor Use Permit for uses that provide Community benefits.
- 3. Based on its review of the entire record herein, including the December 12, 2023, 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 adopt an Ordinance to amend the Zoning Text and Map as shown in **Exhibits 1 and 2**.

Chapter 5 OVERLAY ZONES**Sections:**

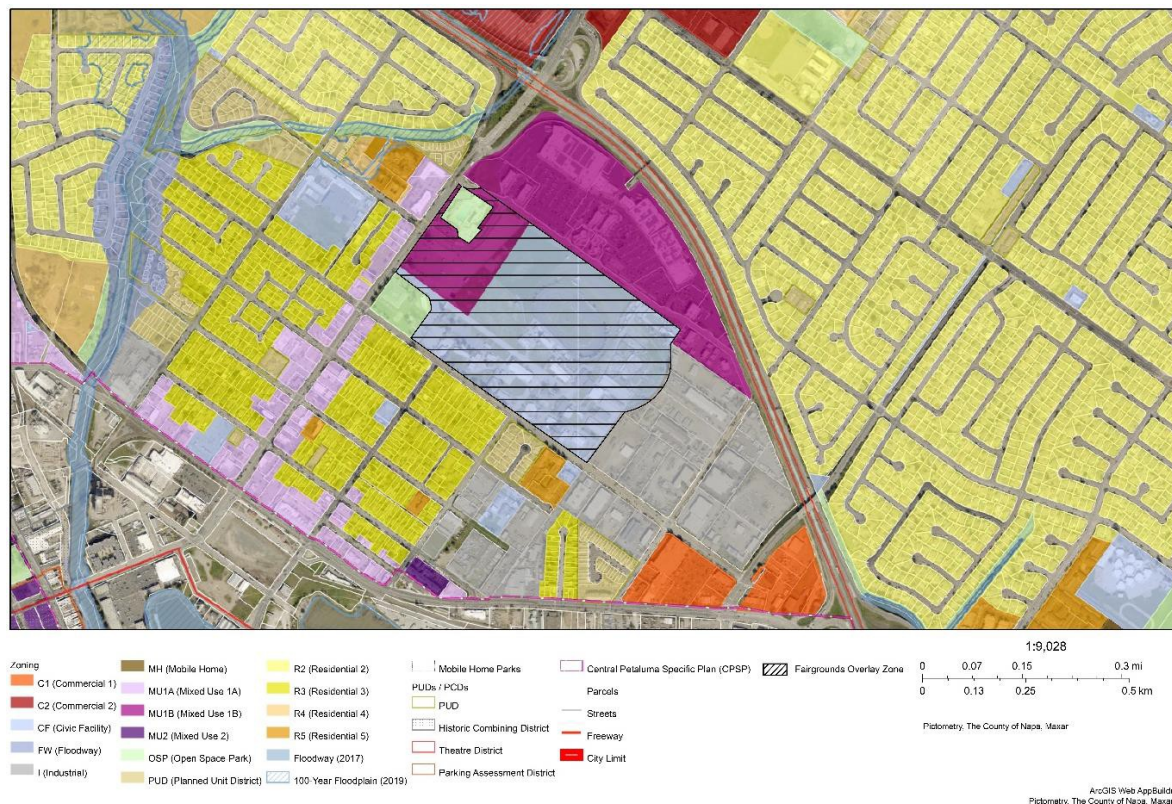
5.010	Purpose.
5.020	Applicability of Overlay Zones.
5.030	Flood Plain Overlay Zone.
5.040	Historic District Overlay Zone.
5.050	Theater District Overlay Zone.
5.060	Senior Mobilehome Overlay District
5.080	Fairgrounds Overlay Zone

5.080 Fairgrounds Overlay Zone.

- A: **Purpose and Intent.** The purpose and intent of the Fairgrounds Overlay Zone is to allow operation of existing uses on the City-owned Fairgrounds property, provide specifications for establishment of new, beneficial uses of the Fairgrounds, including temporary uses, permanent uses and structures and site improvements as set forth in subsection D, consistent with the Guiding Principles adopted in City Council Resolution 2022-167 N.C.S., and to ensure ongoing operation of the site and its uses are in the best interest of the public health, safety, and welfare while a master plan and associated land use policies and zoning are prepared and adopted for the Fairgrounds property.
- B: **District Boundaries.** The proposed Fairgrounds Overlay Zone applies to areas of the city-owned property, generally referred to as the Fairgrounds, identified as Assessor's Parcel Numbers (APNs) 007-031-004 and 007-031-005 and zoned Civic Facility (CF) and Mixed Use 1B (MU1B) as shown in Figure 5.1 below. The boundaries of the Fairgrounds Overlay Zone are generally described follows:

The Fairgrounds Overlay Zone is generally bounded by East Washington Street to the west, Kenilworth Drive to the north (excluding the area known as the Petaluma Swim Center), APNs 005-010-008, -037, -038, -039, 005-020-049, and 007-473-042 to the east, and Payran Street to the south (excluding the area known as the Petaluma Regional Library, Kenilworth Teen Center, and Kenilworth Park).

**Figure 5.1: District Boundaries
Fairgrounds Overlay Zone**



C: Definitions

1. **Mobile Food Vendor.** A transient business selling goods in the city in a manner that is intended to be temporary or is capable of being moved from one location to another.
2. **Public Benefits.** Examples of public benefits concerning uses within the Fairgrounds Overlay Zone include, but are not limited to, uses that: have an educational component; provide access to arts and cultural programs and events; offer recreational opportunities; improve transit access and mobility options; and any other uses that help support maximizing public access to and use of the Fairgrounds property, and/or that promote the public health, safety, welfare, and sustainability consistent with the City Council's adopted Guiding Principles concerning the Fairgrounds.
3. **Site Improvements.** Horizontal improvements made on the land such as landscaping, drainage, circulation, parking, utilities, signage, and fencing.
4. **Temporary Use.** A use of land that is designed, operated and occupies a site for a limited period of time, typically less than 90 60 days or less.

D: Existing and New Permitted Uses and Activities

1. **Existing Uses Permitted.** The existing uses listed in Table 5.1 below are expressly permitted within the Fairgrounds Overlay Zone, subject to the terms and conditions in applicable license agreement(s) between the City of Petaluma and licensee(s). In addition to the terms and conditions in license agreements and other permits or other authorizations issued by the City to allow use of the Fairgrounds, all such licenses, permits or other authorizations

allowing use of the City's Fairgrounds property shall also be subject to the requirements in a-e of this subsection.

Table 5.1

Licensee	Use
El Roy's	Mobile Food Vendor
Java Hut	Restaurant, Café, Coffee Shop
Airport Express	Parking Facility, Commercial
Happy Hearts Preschool	Child Care Center
Rebuilding Together	Office (Professional/Administrative)
Play Dog Play	Kennel, Animal Boarding
Playland	Commercial Recreation, Outdoor
Live Oak Elementary and Middle School	School
Glad Enterprises	Commercial Recreation, Outdoor

- a. *Modifications to Existing Permitted Use.* Permitted uses existing as of the effective date of this section or subsequently approved in accordance with this section shall not be enlarged, extended, or relocated except as expressly authorized in accordance with the applicable license agreement, and applicable regulations in the Zoning Ordinance.
 - b. *Change of Existing Permitted Use.* Permitted uses existing as of the effective date of this section or subsequently approved in accordance with this section shall not be changed to another permitted use, except as allowed in accordance with Section 22.030(C) of the Zoning Ordinance, and subject to a license agreement, permit, or other City authorization.
 - c. *Change of Operator.* Permitted uses existing as of the effective date of this section or subsequently approved in accordance with this section shall not be transferred from one operator to another without prior approval by an authorized City official or body, subject to a new or amended license agreement, permit, or other City authorization.
 - d. *Discontinuation of a Use.* Absent express authorization of an authorized City official or body, a use shall be considered abandoned and may not be renewed but shall require a new use application and issuance of a new authorization in accordance with all applicable requirements of D(2) of this Section if such use has been discontinued for a period of 3 months or more.
 - e. *Maintenance and Repair.* Nothing in this section shall be deemed to prohibit normal maintenance and repair of any use or structure permitted pursuant to this section, subject to all requirements of any applicable license, permit or other City authorization, or the carrying out, upon the issuance of a building or other permit as required for structural alterations, demolition or other alterations necessary or desirable in the interest of public safety as determined by an authorized City official or body. Where applicable, modifications to existing structures and site improvements shall address historic eligibility of the structure or improvement as set forth in the Sonoma-Marin Fairgrounds Historic Resources Documentation, prepared by Page & Turnbull, July 1, 2022, and shall carry out modifications in a manner that will not result in a substantial adverse change in the significance of a
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historic resource. Where applicable, a Historic Site Plan and Architectural Review (HSPAR), or Site Plan and Architectural Review (SPAR) permit shall be obtained for exterior modifications meeting the criteria set forth in Section 24.050.

2. *Annual Sonoma-Marin Fair.* The Sonoma-Marin Fair shall be permitted to operate, subject to the terms and conditions in applicable license agreement(s) between the City of Petaluma and licensee(s), and all applicable requirements of this section and applicable law, including applicable rules and regulations of the City.
3. *Temporary Uses.* The Planning Director may approve a Zoning Permit for temporary uses in the Fairgrounds Overlay Zone in accordance with applicable requirements in Section 7.070 of the Zoning Ordinance.
4. *New Public Benefit Uses Allowed Administratively.* The Planning Director may approve a minor use permit to allow new uses that are not otherwise allowed pursuant to Subsection (D) of this Section in the Fairgrounds Overlay Zone pursuant to the findings set forth in Section 24.060(E) of the Zoning Ordinance and affirmative findings that:
 - a. The use will not involve construction of new permanent structures.
 - b. The use is consistent with Guiding Principles adopted in City Council Resolution 2022-167 N.C.S.
 - c. The use provides a public benefit.
 - d. The use satisfies all applicable requirements of this section, and is subject to a license agreement, permit, or other City authorization as approved by an authorized City official or body.
5. *New Uses Allowed by City Council.* The City Council, upon recommendation of the Planning Commission may approve new conditional use permits for new uses on the City's Fairgrounds property that are currently otherwise permitted by-right or conditionally permitted within the base zoning districts in which they are located. Such approvals shall be subject to and in accordance with the review criteria and findings set forth in Section 24.060(E), and additional affirmative findings that:
 - a. The use is consistent with the Guiding Principles adopted in City Council Resolution 2022-167 N.C.S.
 - b. The use provides a public benefit.
 - c. The use satisfies all applicable requirements of this section, and is subject to a license agreement, permit, or other City authorization as approved by an authorized City official or body, subject to approval of the use by the City Council.
6. *Major Site Improvements.* The City Council, upon recommendation of the Planning Commission, may approve a Site Plan and Architectural Review (SPAR) permit to allow major site improvements such as new construction of buildings in the Fairgrounds Overlay Zone pursuant to the findings set forth in Section 24.050(E) of the Zoning Ordinance. The Director may grant administrative site plan and architectural review approval to minor additions or modifications, or may refer such development proposals to the Planning Commission.

E: Prohibited Uses and Activities

1. *New Permanent Structures and Uses.* No new permanent structures, other than those permitted in accordance with subsection (D) of this Section shall be permitted within the Fairgrounds Overlay Zone.
 2. *New Uses.* No new uses, other than those permitted in accordance with subsection (D) of this Section, shall be permitted within the Fairgrounds Overlay Zone.
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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 ²²	MU1C	MU2	

Notes:

²² Refer to Section 5.080 for parcels in the Fairgrounds Overlay Zone

Civic Facility Zone		
TABLE 4.5 Allowed Land Uses and Permit Requirements for Civic Facility Zone	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
	CF²⁰	

Notes:

²⁰ Refer to Section 5.080 for parcels in the Fairgrounds Overlay Zone