

**EFFECTIVE DATE
OF ORDINANCE**

February 7, 2024

ORDINANCE NO. 2877 N.C.S.

Introduced by: Michael Healy

Seconded by: Janice Cader Thompson

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA AMENDING CHAPTER 5 OF THE PETALUMA IMPLEMENTING ZONING ORDINANCE TO ADD SECTION 5.080 ESTABLISHING A FAIRGROUNDS OVERLAY ZONE AND AUTHORIZING A ZONING MAP AMENDMENT TO ZONE A PORTION OF TWO EXISTING PARCELS LOCATED AT 866 E WASHINGTON AND 0 E WASHINGTON ST; APNS: 007-031-004; 007-031-005

WHEREAS, on December 18, 2023, City Council adopted an urgency ordinance and introduced the proposed ordinance, by a vote of 6-0, with one recusal; and

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, pursuant to IZO Sections 25.010 and 25.070, if the City Council 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 amend the Zoning Code; 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 recommended that Council adopt the proposed ordinance; and

WHEREAS, in compliance with the City's noticing requirements for zoning amendments, staff mailed to all residents and property owners within 1,000 feet of the perimeter of the proposed Fairgrounds Overlay Zone that there would be a public meeting to discuss the proposed amendments.

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

Section 1. Recitals Made Findings. The above recitals are hereby declared to be true and correct and hereby incorporated into this ordinance as findings of the City Council.

Section 2. Exemptions from CEQA Findings. Finds the proposed Fairgrounds Overlay Zone is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities), which includes operation, repair, maintenance, permitting, leasing, licensing, and minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. As proposed, the Fairgrounds Overlay Zone will allow for ongoing operation of existing uses and maintenance of the property and structures as needed to ensure public safety. The Fairgrounds Overlay Zone proposes that major site improvements would go through a follow up discretionary process (Site Plan and Architectural Review, or SPAR). Through a separate discretionary process (CUP), the proposed Fairgrounds Overlay Zone also provides an avenue for the City to permit the operation of a community garden, farmer's market, and mobile vendors at the site, which represent temporary and semi-permanent uses that are consistent with existing uses at the site. The key consideration in the use of the Class 1 exemption is whether the project involves negligible or no expansion of use. Adoption of the proposed Overlay will not result in expansion of use. Future site improvements would be determined through the SPAR process.

Additionally, the Fairgrounds Overlay Zone is exempt from CEQA pursuant to Section 15305 (Minor Alterations in Land Use Limitations), which consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. As proposed, the Fairgrounds Overlay Zone will effectively permit the ongoing operation of existing land uses, which will not change land use or density at the site. In addition, the Overlay provides opportunities, subject to additional discretionary review,

for site improvements and operation of a community garden, farmer's market, and mobile vendors, which are consistent with current commercial and community gathering operations of the site. Furthermore, none of the exceptions to the use of a categorical exemption as set forth in Section 15300.2 of the CEQA Guidelines apply to the project. As such, no further review under CEQA is required at this time.

Section 3. General Plan and Public Necessity Findings. Finds that 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 contained in Section 5 and Exhibit A, 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:

The proposed Fairgrounds Overlay Zone is consistent with existing General Plan policies and programs including the following:

- **Policy 1-P-7:** Encourage flexibility in building form and in the nature of activities to allow for innovation and the ability to change over time.

The Fairgrounds Overlay Zone allows for ongoing operation of existing uses and provides an opportunity for the site to change in the near-term, which will help to inform use of the site in the long-term. The transition of the property from the 4th DAA to the City of Petaluma presents an opportunity for innovation through establishment of uses that provide community benefits such as community spaces, gardens, farmers markets, uses with a recreational, educational, or agricultural component, nonprofit organizations, and uses that provide opportunities for community gatherings. The proposed Overlay is intended to provide flexibility and innovation, consistent with this general plan policy.

- **Policy 2-P-82:** Work with the Sonoma-Marin Fair to explore more optimal use or relocation of the Fair's site. 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 development of accessory and ancillary uses that are in alignment with adopted Guiding Principles for the site, and provide a public benefit. Allowing for 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.

- **Policy 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 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.

- **Policy 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. As such, the proposed Overlay is consistent with this General Plan policy as it encourages and supports collaboration to use public lands to establish community gardens.

- **Policy 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.

- **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 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 provides 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.

B. Public Necessity, Convenience, and General Welfare:

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.

Section 4. Amendment to Chapter 5 of the Petaluma Implementing Zoning Ordinance. Based on its review of the entire record herein, including the December 18, 2023, City Council meeting staff report, all supporting, referenced, and incorporated documents and all comments received, and the foregoing findings, the City Council adopts an Ordinance to amend the Implementing Zoning Ordinance as shown in Exhibit A.

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 other otherwise invalid.

Section 6. 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.

INTRODUCED and ordered published and posted this 18th day of December 2023.

ADOPTED this 8th day of January 2024 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

REGULAR ORDINANCE AMENDING CHAPTER 5 OF THE PETALUMA IMPLEMENTING ZONING ORDINANCE TO ADD SECTION 5.080 ESTABLISHING A FAIRGROUNDS OVERLAY ZONE AND AUTHORIZING A ZONING MAP AMENDMENT TO ZONE A PORTION OF TWO EXISTING PARCELS LOCATED AT 866 E WASHINGTON AND 0 E WASHINGTON ST; APNS: 007-031-004; 007-031-005