

**EFFECTIVE DATE
OF ORDINANCE**

Month DD, YYYY

ORDINANCE NO. ____ N.C.S.

Introduced by: _____

Seconded by: _____

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

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

WHEREAS, on January 23, 2024, the Planning Commission held a duly noticed public hearing to consider the amendment to apply Business Park (BP), Open Space and Park (OSP), and Floodplain Combining District (FP-C) zoning to the ± 12.9-acre site located at 5400 Old Redwood Highway, subject to annexation proceedings; and

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

WHEREAS, the Planning Commission adopted a Resolution to recommend that the City Council adopt the pre-zoning amendments at the subject public hearing; and

WHEREAS, on or before June 7, 2024, public notice of the June 17, 2024, City Council hearing was published in the Petaluma Argus-Courier and mailed to residents and occupants within 1,000 feet of the site; and

WHEREAS, on or before June 7, 2024, the applicant installed signs on-site to inform the public of this meeting with the City Council and pursuant to IZO Section 24.100.B; and

WHEREAS, the City Council considered the staff report dated June 17, 2024, including the California Environmental Quality Act (CEQA) determination included therein; and

WHEREAS, on June 17, 2024, the City Council of the City of Petaluma held a duly noticed public hearing to consider the amendments; and

WHEREAS, on or before October 11, 2024, public notice of the October 21, 2024, City Council hearing was published in the Petaluma Argus-Courier and mailed to residents and occupants within 1,000 feet of the

site; and

WHEREAS, on or before October 11, 2024, the applicant installed signs on-site to inform the public of this meeting with the City Council and pursuant to IZO Section 24.100.B; and

WHEREAS, the City Council considered the staff report dated October 21, 2024, including the California Environmental Quality Act (CEQA) determination included therein; and

WHEREAS, on October 21, 2024, the City Council of the City of Petaluma held a duly noticed public hearing to consider the amendments; and

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

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

WHEREAS, per IZO Chapter 25, amendments to the zoning map and to any planned community district may be requested by a property owner, and an amendment to either may be adopted by the City Council upon the recommendation of the Planning Commission; and

WHEREAS, pursuant to Implementing Zoning Ordinance (IZO) Chapter 25, review of the Amendment is subject to review and adoption by the City Council, after a recommendation from the Planning Commission, and that the Planning Commission made a recommendation that the City Council approve these amendments; and

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

Section 1. Recital Findings The City Council hereby finds and determines the foregoing recitals to be true and correct and hereby incorporates them into this Ordinance as findings and determinations of the City Council.

General Plan

a. The project site is located within the UGB with General Plan land use designations of Business Park and Open Space. The General Plan land use designations for the site would remain Business Park and Open Space, and the proposed Zoning Map Amendment would be consistent with the General Plan Business Park and Open Space designations in that the BP and OSP zoning districts are implementing zoning districts of the Business Park and Open Space land use designations.

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

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

Policy 1-P-29 It is the policy of the City to build within the agreed upon Urban Growth Boundary. No urban development shall be permitted beyond the Urban Growth Boundary. “Urban development” shall mean development requiring one or more basic municipal services

including, but not limited to, water service, sewer, improved storm drainage facilities, fire hydrants and other physical public facilities and services; but shall not mean providing municipal or public services to open space uses, public or quasi-public uses such as schools or public safety facilities. Said municipal or public services or facilities can be developed beyond the UGB to provide services within the UGB.

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

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

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

Implementing Zoning Ordinance

- c. The project is consistent with Implementing Zoning Ordinance Chapter 25 – Amendments, in that all required findings found in IZO Section 25.070 can be made as follows:
 - i. Pursuant to IZO Section 4.020 (Purpose of Established Zones), the BP and OSP zones implement the Business Park and Open Space General Plan land use designations and are therefore consistent with the General Plan. Additionally, the rezoning would pre-zone a property within the UGB prior to future annexation and extension of municipal services to the site. The requested amendment is consistent with the General Plan and would not change the development potential of the site. No physical changes are proposed and the applicant intends to maintain the existing building and uses. Any future development would be subject to compliance with the IZO and consistency with the River Access and Enhancement Plan.
 - ii. The public necessity, convenience, and general welfare clearly permit the adoption of the proposed Zoning Map Amendment. The amendment will pre-zone a site within the UGB to allow a future annexation and extension of municipal services. Properties within the UGB are within the service area of the City of Petaluma, and therefore public necessity requires the adoption of the proposed amendment in conjunction with connection to municipal services to properties within the UGB. The amendment and connection to municipal services will allow the property owner to lease additional space within the existing commercial building. Thus, the convenience of the property owner and general welfare of City of Petaluma merchants clearly permit the proposed amendment. The pre-zone would allow for future annexation of the property, which would generate added sales tax thus benefiting the City's general welfare. Additionally, future annexation of the property would allow the City to apply Floodplain Combining District regulations and Zero Net Fill policies that safeguard public health, safety, and general welfare.

Section 2. Exemptions from CEQA Based on the record of the January 23, 2024, Planning Commission meeting, and the staff report, staff presentation, comments received at the June 17, 2024 and October 21, 2024 public hearings, the City Council makes the following findings based on substantial evidence in the record:

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

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

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

Section 3. Zoning Map Amendment City of Petaluma Zoning Map contained in the Implementing Zoning Ordinance, Ordinance No. 2300 N.C.S., is hereby amended to apply Business Park, Open Space and Park, and Floodplain Combining District zoning to the ± 12.9-acre site located at 5400 Old Redwood Highway, attached hereto as Exhibit 1.

Section 4. Pre-Annexation Agreement The City Manager is authorized to execute in substantially similar form the Pre-Annexation Agreement which is attached to the concurrent staff report as Attachment 12.

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.

Section 7. 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 21st day of October 2024.

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

Ayes:

Noes:

Abstain:

Absent:

Kevin McDonnell, Mayor

ATTEST:

APPROVED AS TO FORM:

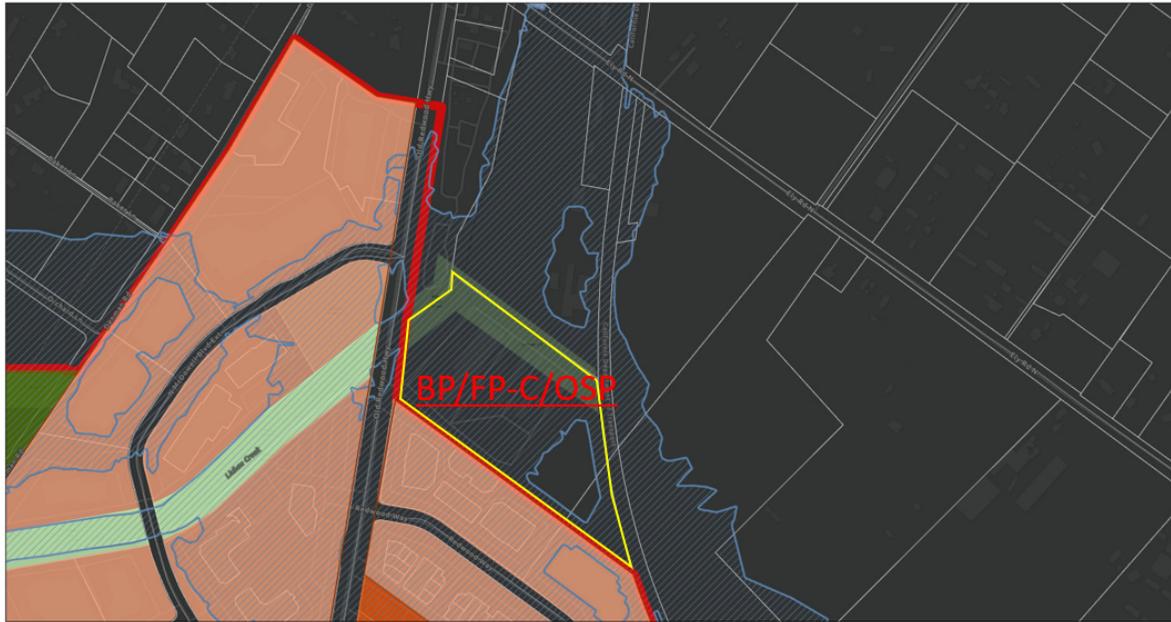
Caitlin Corley, City Clerk

Eric Danly, City Attorney

EXHIBIT A

Amended Zoning Map

Amended Zoning Map



12/20/2023, 2:27:27 PM

Zoning

AG (Agriculture)

C1 (Commercial 1)

OSP (Open Space-Park)

PCD (Planned Community District)

Floodway (2017)

100-Year Floodplain (2019)

PUDs / PCDs

PCD

Parks

Parcels

Streets

City Limit

1:4,514



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