

**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 ADOPTING A ZONING TEXT AMENDMENT OF THE IMPLEMENTING ZONING ORDINANCE SECTION 11.040 (ALTERNATIVES TO ON-SITE PARKING) AND ASSOCIATED REFERENCES IN SECTION 11.030 (OFF-STREET PARKING – GENERAL REGULATIONS) AND SECTION 11.065 (POWER OF THE ZONING ADMINISTRATOR (DIRECTOR) TO MODIFY REQUIREMENTS)

WHEREAS, City of Petaluma Implementing Zoning Ordinance (IZO) §25.010 provides in pertinent part that no amendment that regulates matters listed in Government Code § 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 is in the public necessity, convenience, and general welfare; and

WHEREAS, to address statewide climate and housing challenges, the State has acted to reform parking mandates; and

WHEREAS, Assembly Bill 744, passed in 2015, limited the maximum parking requirement to .5 parking spaces per bedroom for housing near transit and for affordable low-income households; and

WHEREAS, in 2016, Senate Bill 1069 and Assembly Bill 2299, which eliminate off-street parking requirements for ADUs under specific conditions, including within a half-mile radius of transit and within designated historic districts; and

WHEREAS, in 2021, Assembly Bill 1401, prohibits a public agency with a population of 75,000 to 600,000 from imposing minimum parking requirements on residential or commercial development within ¼ mile of public transit; and

WHEREAS, in September 2022, Governor Gavin Newsom signed Assembly Bill 2097 which precludes a city from imposing or enforcing minimum parking requirements on residential, commercial, or other development projects within ½ mile of a major transit stop and instead, allows the market to determine the optimal number of parking spots needed in each project, as defined by Govt. Code Section 65863.2(e)(6); and

WHEREAS, eliminating minimum parking standards, not only disincentivizes people to drive and own vehicles which contributes to carbon neutrality goals, but it reduces barriers to the production of affordable housing; and

WHEREAS, many Bay Area cities have eliminated minimum parking requirements for designated areas of their communities and others, have eliminated the minimum parking requirements citywide such as San Francisco, Alameda, Emeryville, and Berkeley; and

WHEREAS, the City of Petaluma City Council declared a climate emergency in the spring 2019 in order to address the adverse effects of climate change and reduce greenhouse gas emissions to the highest extent possible in future years; and

WHEREAS, the City pursued a goal of achieving carbon neutrality by the year 2030 via an adopted Climate Emergency Framework and corresponding Climate Ready 2030 initiative; and

WHEREAS, the framework recognizes that one of the City's largest increasing contributors to greenhouse gas emissions is transportation and to achieve the carbon neutrality goal, the City must reduce its dependence on automobiles and identify potential parking and transportation alternatives for all Petalumans; and

WHEREAS, on March 28, 2022, the City held a study session to discuss how parking and associated parking regulations shape the character and behavior of the City and best practices and tools to guide the development of new off-street parking policies to meet the City's General Plan and the Climate Ready 2030 goal of reducing Petaluma's car dependency and achieving carbon neutrality by updating the City's parking rules and increasing transportation options; and

WHEREAS, a robust study of existing street parking conditions is forthcoming in addition to another workshop at City Council, and Nelson\Nygaard's study will feed into updates to the City's Implementing Zoning Ordinance and new parking rules for development projects in Petaluma; and

WHEREAS, a Zoning Text Amendment application was received by Arris Studio Architects on behalf of BPR Properties LLC to modify the required parking requirement for the Hampton Inn Petaluma (formerly the Silk Mill) Lodging – Hotel/Motel land use to support their Historic Site Plan and Architectural Review (HSPAR) application to expand the hotel by 18 guest rooms and maintain the existing number of parking spaces; and

WHEREAS, Planning's response to this application has been to develop a City-wide parking reduction Zoning Text Amendment; and

WHEREAS, the proposed Zoning Text Amendment, attachment 2 to the concurrent staff report, is an effort to reduce parking demand for all uses under special circumstances due to changing transportation needs with the prevalence of ride-hailing car services utilized by hotel guests; and

WHEREAS, the proposed Zoning Text Amendment is broadly written to be applicable to all land uses as described in Tables 4.1 – 4.5 of Chapter 4 – Zone Districts And Allowable Land Uses to allow greater flexibility in reducing minimum parking requirements and would allow the IZO to continue to be responsive to evolving multi-modal transportation patterns, our needs, City goals and to align with local and state parking reform mandates regardless of other changes in the future; and

WHEREAS, the proposed amendment to IZO Section 11.040, and amendment of associated references in Section 11.030 and Section 11.065, would grant designated review authorities the discretion to reduce a project's minimum parking requirement in cases where the project can demonstrate that demand for parking would be less than that required by the Table 11.1 and where the review authority can make certain additional findings in order to approve such a request; and,

WHEREAS, the proposed amendment outlines two processes to reduce the minimum parking required, including:

1. A minor adjustment to required onsite parking of 20 percent or less may be approved at the discretion of the Director or the review authority for associated project entitlements if it is determined that the reduction is consistent with the certain findings;
2. Major Adjustment. A reduction to required onsite parking greater than 20 percent may be granted through Conditional Use Permit approval if it is determined that the reduction is consistent with certain findings; and

WHEREAS, each of these processes would require that the applicant provide a parking demand analysis (Minor Adjustment) or parking demand study (Major Adjustment) adequately demonstrating that the number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of use and that the review authority make certain findings to that effect; and

WHEREAS, the Planning Commission and Historic and Cultural Preservation Committee held a duly noticed public hearing to consider the Zoning Text Amendment on November 15, 2022, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission considered the staff report dated November 15, 2022, including the California Environmental Quality Act (CEQA) determination, included therein; and

WHEREAS, after said public hearing, the Planning Commission adopted its Resolution No. 2022-17, recommending that the City Council adopt the zoning text amendment; and

WHEREAS, on November 25, 2022, a public notice of the December 5, 2022, public hearing before the City Council to consider the amendment was published in the Argus-Courier; and,

WHEREAS, on December 5, 2022, the City Council of the City of Petaluma held a duly noticed public hearing to consider the amendment.

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

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

Section 2. In accordance with Sections 25.010 and 25.070 of the City's Implementing Zoning Ordinance, finds that the proposed amendment to the Implementing Zoning Ordinance Section 11.040 and associated references in Section 11.030 and Section 11.065, Attachment 2 to the Staff Report and incorporated herein, is in general conformity with the Petaluma General Plan 2025 in that the amendment implements the policies of the Petaluma General Plan, as described in City Council staff report dated December 5, 2022..

Section 3. In accordance with Section 25.070 of the IZO, the proposed amendment is consistent with the public necessity, convenience and welfare in that it will reduce vehicle-related air pollution and provides an alternative to on-site parking for visitors, which supports policies of the General Plan..

Section 4. Finds that the proposed Zoning Text Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed amendment only modifies the parking requirements for allowable land use and CEQA does not consider parking an environmental impact. Therefore, it can be seen with certainty the proposed amendment would not cause a direct or indirect significant effect on the environment. Additionally, the Zoning Text Amendment is also categorically exempt pursuant to CEQA Guidelines Section 15305 (minor alterations to land use limitations).

Section 5. Except as amended herein, the City of Petaluma Implementing Zoning Ordinance, Ordinance No. 2300 N.C.S. remains unchanged and in full force and effect.

Section 6. 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 7. Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council.

Section 8. 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 law.

INTRODUCED and ordered published and posted this 5th day of December 2022.

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

Ayes:

Noes:

Abstain:

Absent:

Teresa Barrett, Mayor

ATTEST:

APPROVED AS TO FORM:

Kendall Sawyer, CMC, City Clerk

Eric Danly, City Attorney