

**EFFECTIVE DATE
OF ORDINANCE**

Month DD, YYYY

ORDINANCE NO. 2838 N.C.S.

Introduced by: Mike Healy

Seconded by: Janice Cader Thompson

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA TO ADOPT (1) A ZONING MAP AMENDMENT OF THE IMPLEMENTING ZONING ORDINANCE, ORDINANCE 2300 N.C.S., TO CHANGE THE ZONING DESIGNATION FOR 6.51-ACRES FROM PLANNED COMMUNITY DISTRICT TO BUSINESS PARK AND (2) AN AMENDMENT TO THE LAKEVILLE BUSINESS PARK PLANNED COMMUNITY DISTRICT TO REMOVE REFERENCES TO PORTIONS OF THE PROPERTY LOCATED AT 3200 LAKEVILLE HIGHWAY & 1677 FISHER DRIVE FILE NO. PLZA-2022-0006

WHEREAS, on July 27, 2022, Greg LeDoux of Greg LeDoux & Associates, Inc., on behalf of the property owner, Labcon North America, submitted an application for Site Plan and Architectural Review for the construction of a ±176,000 square foot manufacturing building including associated site improvements, located at 3200 Lakeville Highway & 1677 Fisher Drive; and

WHEREAS, on July 28, 2022, Greg LeDoux of Greg LeDoux & Associates, Inc., on behalf of the property owner, Labcon North America, submitted a request for a Zoning Map Amendment and for an amendment to the Lakeville Business Park PCD to change the zoning designation for a 6.51-acre portion of the site from PCD to BP and related amendments to the Lakeville Business Park Planned Community District to remove all references to the portion of the site within the Lakeville Business Park Planned Community District; and

WHEREAS, on August 26, 2022, pursuant to Public Resources Code Section 21080.3.1(d), notice was delivered to the Federated Indians of Graton Rancheria, and the Federated Indians of Graton Rancheria requested consultation on September 7, 2022, within the statutory timeframe provided by Public Resources Code Section 21080.3.1(d); and

WHEREAS, on October 17, 2022, the City and the Federated Indians of Graton Rancheria met in consultation, and consultation concluded with an agreement to impose Tribal monitoring as a project condition of approval; and

WHEREAS, on or before January 14, 2023, the applicant installed three signs on-site to inform the public of this meeting with the Planning Commission and pursuant to Section 24.100.B of the Implementing Zoning Ordinance (IZO), each sign was at least 32 square feet in area and placed in a position most visible to the public along the Lakeville Highway, Cader Lane and Fisher Drive frontages; and **WHEREAS**, on or before January 14, 2023, public notice of the January 24, 2023, Planning Commission hearing was published in the Petaluma Argus-Courier and mailed to residents and occupants within 1,000 feet of the site; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider the amendments on January 24, 2023; and

WHEREAS, the Planning Commission considered the staff report dated January 24, 2023, including the California Environmental Quality Act (CEQA) determination included therein; and

WHEREAS, the Planning Commission considered the amendment to change the zoning designation for 6.51-acres of the site from Planned Community District to Business Park & related amendments to the Lakeville Business Park Planned Community District to remove all references to the portion of the site within the Lakeville Business Park PCD, and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider the amendments on January 24, 2023, and adopted Resolution 2023-01 to recommend that the City Council adopt the amendments; and

WHEREAS, pursuant to IZO Chapter 24, review of Site Plan and Architectural Review was subject to review and approval by the Planning Commission, and that the Planning Commission approved Site Plan and Architectural Review on January 24, 2023; and

WHEREAS, on or before January 27, 2023, public notice of the February 6, 2023, 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 February 6, 2023, 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 Planning Commission staff report dated January 24, 2023, including the California Environmental Quality Act (CEQA) determination included therein; and

WHEREAS, the City Council considered the amendment to change the zoning designation for 6.51-acres of the site from Planned Community District to Business Park & related amendments to the Lakeville Business Park Planned Community District to remove all references to the portion of the site within the Lakeville Business Park PCD, and

WHEREAS, the entire project site is in an area classified by the General Plan as Business Park (BP), including a 9.82-acre portion within the Business Park (BP) zone and the 6.51-acre portion within the Planned Community District (PCD) zone; and

WHEREAS, per IZO Chapters 19 and 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 IZO Chapters 19 and 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. Findings. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Exemptions from CEQA.

Based on the record of the January 24, 2023, Planning Commission meeting, and the staff report, staff presentation, comments received at the February 6, 2023, public hearing, the City Council makes the following findings based on substantial evidence in the record:

A. California Environmental Quality Act (CEQA) Findings:

California Public Resources Code Section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183(a) mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

CEQA Guidelines Section 15183(b) specifies that in approving a project meeting the requirements of Section 15183, examination of environmental effects shall be limited to those that:

1. Are peculiar to the project or the parcel on which the project would be located,
2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent,
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

CEQA Guidelines Section 15183(c) specifies that impacts which are not peculiar to the project site which have been addressed as a significant effect in the prior EIR or can be substantially mitigated by applying uniformly applied development standards and policies shall not require preparation of an additional EIR on the basis of that impact. As such, this project is required to implement all applicable mitigation measures set forth in the General Plan EIR to avoid, reduce, or offset environmental impacts. In addition, the project is subject to conditions of approval that will be applied to the project to demonstrate compliance with mitigation measures set forth in the program level EIR, and policies, programs, and goals of the General Plan.

The proposed Labcon North America Expansion Project is consistent with the General Plan land use designation and zoning for the site, as documented within the January 24, 2023, report to the Planning Commission, and is subject to the streamlining provisions under CEQA Guidelines Section 15183(d)(1)(C) as follows:

1. The Petaluma General Plan 2025 was adopted in 2008 and the Petaluma General Plan EIR (SCH# 2004082065) was certified April 7, 2008. The Petaluma General Plan and General Plan EIR contemplated an additional 6.1 million square feet of non-residential space above the 2008 baseline conditions, which could result in approximately 23 million square feet of non-residential floor area in Petaluma at buildout of the General Plan, whereas approximately 2 million square feet of new non-residential floor area has been or is being constructed in Petaluma since 2008 and the Project proposes a new ±176,000 square foot non-residential building.
2. The Petaluma General Plan 2025 classification for the site is Business Park, and the Light Manufacturing/Processing and Wholesaling and Distribution uses proposed for the site are consistent with the General Plan land use classification for the site. In addition, the total floor area ratio proposed for the site is less than the limit set by the General Plan (.41 proposed, with a maximum of 1.5).
3. The Project is consistent with General Plan Policies which promote a range of land uses and employment opportunities, seek to use land efficiently through promoting infill development, and encourage efficient use of resources. The Environmental Checklist for Streamlined Review prepared for this project demonstrates that the project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR because the level of development

proposed is within the development assumptions analyzed in the program level EIR for the General Plan, and furthermore, the Project does not contain elements that are peculiar to the Project or project site.

As described in the Environmental Checklist for Streamlined Review prepared for this project, the proposed project is within the scope of development projected under the General Plan and analyzed in the General Plan EIR. The proposed project will implement applicable mitigation measures identified in the General Plan EIR to address potential environmental impact and these have been incorporated as environmental conditions of project approval. In addition, the Project would be required to comply with applicable conditions of approval from planning, building, public works, fire, police, and other City departments as applicable. With implementation of identified conditions of approval, the Project would not result in a substantial increase in the severity or significant impacts that were previously identified in the program level EIR, nor would the Project introduce any new significant impacts that were not previously identified. Therefore, there would be no additional environmental impacts beyond those analyzed in the General Plan EIR and additional environmental review is not required for this project.

Section 3. General Plan Findings: The amendment to change the zoning designation for a 6.51-acre portion of the site from PCD to BP, as depicted in Exhibit A, along with an amendment to remove all references to the Lakeville Business Park PCD as depicted in Exhibit B, for the 6.51-acre portion of the site is in general conformity with the Petaluma General Plan 2025 in that the amendments implement the policies of the General Plan as described in the February 6, 2023, staff report. The public necessity, convenience, and general welfare clearly permit the adoption of the proposed each amendment. The amendments will create a single zone for a single parcel of land and will allow for one set of rules to apply to the site.

That per IZO Section 25.010, the Council finds that the amendments are in conformity with the General Plan

Section 4. Zoning Code Amendments.

1. City of Petaluma Zoning Map contained in the Implementing Zoning Ordinance, Ordinance No. 2300 N.C.S., is hereby amended to change the zoning designation for 6.51-acres of the site from Planned Community District to Business Park for the property at 3200 Lakeville Highway & 1677 Fisher Drive, attached hereto as Exhibit A.
2. City of Petaluma Lakeville PCD contained in the Implementing Zoning Ordinance, Ordinance No. 2300 N.C.S., is hereby amended to remove all references for 6.51-acres of the site within the Lakeville Business Park Planned Community District for the property at 3200 Lakeville Highway & 1677 Fisher Drive, attached hereto as Exhibit 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 law.

INTRODUCED and ordered published and posted this 6th day of February 2023.

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

Ayes:

Noes:

Abstain:

Absent:

Kevin McDonnell, Mayor

ATTEST:

APPROVED AS TO FORM:

Kendall Sawyer, CMC, City Clerk

Eric Danly, City Attorney