

**EFFECTIVE DATE
OF ORDINANCE**

Month DD, YYYY

ORDINANCE NO. 2839 N.C.S.

Introduced by: Mike Healy

Seconded by: Janice Cader Thompson

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA APPROVING A ZONING MAP AMENDMENT OF THE IMPLEMENTING ZONING ORDINANCE, ORDINANCE 2300 N.C.S., TO AMEND THE APPLICABLE ZONING DISTRICT FOR THE PROPERTY LOCATED AT 1860 D STREET (APN 019-120-140 and 019-120-141) FROM RESIDENTIAL 1 (R1) ZONING DISTRICT TO THE SCOTT RANCH PLANNED UNIT DISTRICT
FILE NO. PLZA-2022-0001**

WHEREAS, in 2004 Davidon Homes submitted an application to the City of Petaluma for a 93-lot residential project located on two parcels (APN 019-120-040 and -041) and consisting of 58.66 acres at the corner of D Street and Windsor Drive and adjacent to the Halen Putnam Regional Park ("Prior Project"); and

WHEREAS, after initial review it was determined that an Environmental Impact Report (EIR) was required based on significant biological impacts associated with habitat for the red legged frog; and

WHEREAS, on August 11, 2004, and August 25, 2004, scoping meetings were held to initiate the environmental review process and solicit public comment regarding the environmental analysis to be undertaken; and

WHEREAS, the Draft EIR (DEIR) was released on February 14, 2013, for public comment; and

WHEREAS, on April 15, 2013, the City Council directed staff to proceed with preparation of a Final EIR (FEIR) and to provide additional information and clarification addressing comments on the DEIR and further analysis on the reduced project alternative; and

WHEREAS, in response to comments received on the 2013 DEIR, the applicant elected to submit a revised project with a reduced development proposal including 66-single family residential lots with associated private and public open space, a public park with multi-use trail, a Class I trail along D Street, trailhead parking lots, and other infrastructure such as sidewalks, a roundabout, and sewer, water, and storm drainage infrastructure; and

WHEREAS, the City initiated preparation of a revised DEIR (2017 RDEIR) for the 66-lot project scope and circulated for public comment; and

WHEREAS, the City Council considered the 2017 RDEIR on June 19, 2017 and determined that the 2017 RDEIR was inadequate and that additional analysis was needed prior to preparation of a Final EIR, and the Council, by motion directed staff to revised the 2017 RDEIR to include a more robust evaluation of the 28-lot "Environmentally Preferred" alternative that was included in the 2017 RDEIR; and

WHEREAS, in June 2018, the Kelly Creek Protection Project (KCPP) of Earth Island Institute announced that it had entered into an agreement with Davidon Homes in response to comments received on the 2017 RDEIR, and Davidon Homes and KCPP ("Applicants") submitted a revised application to the City of Petaluma for a 28-

lot residential project on approximately 15 acres, along with proposed dedication of approximately 44 acres of the overall project site to Sonoma County Regional Parks as an extension to the Helen Putnam Regional Park; and

WHEREAS, current entitlement submitted by the Applicants include (1) a General Plan Amendment to modify General Plan Policy 2-P-68 and Figure 5-2, (2) a Zoning Map Amendment to rezone the project site from Residential 1 (R1) to a Planned Unit District (PUD), (3) a Zoning Text Amendment to adopt the Scott Ranch Planned Unit Development Plan and Guidelines, and (5) a Vesting Tentative Subdivision Map (VTSM) to subdivide the project parcels into residential, open space, public access, and parking lot; and

WHEREAS, subsequent entitlements for the development of the Scott Ranch project include Site Plan and Architectural Review (SPAR) required for development of the single-family homes, associated landscaping, and lighting in the residential component, and for public improvements proposed as part of the Putnam Park Extension Project component, a Tentative Parcel Map¹ to divide Parcel B as shown in the VTSM for dedication to the Sonoma County Regional Parks, and for designation of a historic landmark to designate the barn complex as a local historic resource; and

WHEREAS, the applicant has proposed a Zoning Map Amendment to change the zoning designation of the project site from Residential 1 (R1) to Planned Unit Development (PUD); and

WHEREAS, the proposed Zoning Map Amendment to create a new PUD zoning area was submitted and reviewed consistent with provisions outlined in Implementing Zoning Ordinance (IZO) Chapter 19; and

WHEREAS, the proposed establishment of the Scott Ranch PUD allows for clustering the minimum density for the 58.66 acre site designated as Very Low Density Residential in order to minimize disturbance of sensitive ecological habitat found on the project site and utilize existing access from Windsor Drive and D Street; and

WHEREAS, a Zoning Text Amendment to adopt the Scott Ranch PUD Guidelines and Unit Development Plan is being concurrently processed for adoption with the proposed Zoning Map Amendment; and

WHEREAS, IZO §25.010 provides for Zoning Map Amendments which in this case has been initiated by the project applicant.

WHEREAS, the City prepared and distributed copies of a 2020 Revised Draft Environmental Impact Report (RDEIR) that analyzed the revised reduced 28-lot project and including the proposed General Plan Amendments; and

WHEREAS, the Planning Commission held a public hearing on February 9, 2021 to consider the 2020 RDEIR for the revised project with a reduced 28-lot residential component, the purpose of the hearing being to inform the public about the contents of the 2020 RDEIR and to receive oral comments about the adequacy and accuracy of the 2020 RDEIR; and

WHEREAS, the City Council held a public hearing on March 15, 2021 to consider the 2020 RDEIR, the purpose of the hearings being to inform the public about the contents of the 2020 RDEIR and to receive oral comments about the adequacy and accuracy of the 2020 RDEIR; and

WHEREAS, as a result of these hearings, the Planning Commission recommended, and City Council directed, that a Final EIR be prepared addressing comments and concerns raised during public comment on the 2020 RDEIR; and

WHEREAS, the applicant made additional modifications to the project in response to comments received during discussion of the 2020 RDEIR, most specifically to further reduce the footprint of the residential component of the project; and

WHEREAS, the revised “Environmentally Preferred” residential component includes a 28-lot single-family residential subdivision and the park component includes an increase to approximately 47 acres of open space/parkland, including multi-use trails north and south of Kelly creek connecting the existing barn complex on the east of the site to the existing Helen Putnam Regional Park to the west; and

WHEREAS, offsite public improvements proposed as part of the project include a roundabout on City right-of-way at the intersection of D Street and Windsor Drive and an approximately 800-foot offsite sidewalk gap closure on the east side of D Street between Windsor Drive and Sunnyslope Avenue; and

WHEREAS, the Revised Project continues to provide for a planned future offsite trail segment connecting the Scott Ranch property with the existing trail within Helen Putnam Regional Park; and

WHEREAS, the Revised Project boundaries remain unchanged and refinements to the project are limited to reducing the building development footprint by further clustering lots, reducing setbacks, and building sizes; and

WHEREAS, the environmental effects of the Revised Project have been analyzed and compared to the environmental effects presented in the 2020 RDEIR, and that analysis has been included in the Final EIR; and

WHEREAS, on February 4, 2021, the Applicants held a neighborhood meeting to create dialogue with community members, provide information and updates on the Project, and address concerns; and

WHEREAS, on October 6, 2021, the Pedestrian and Bicycle Advisory Committee (PBAC) considered the project and provided feedback on the pedestrian and bicycle facilities proposed by the project including sidewalks and pedestrian crossings, bicycle rack location, access and connectivity to Helen Putnam Regional Park, trail alignments and features, and the proposed amendment to General Plan Figure 5-2, Bicycle Facilities; and

WHEREAS, on October 20, 2021, the Recreation Music and Park Commission (RMPC) considered and provided feedback on the Helen Putnam Regional Park expansion, Barn Center improvements, playground, amphitheater, picnic areas, multi-use trails, and other amenities proposed as part of the Putnam Park Extension component of the project; and

WHEREAS, on June 20, 2022, onsite signage was posted informing residents of the availability of the Final EIR, project entitlements and the Planning Commission hearing on the project; and

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

WHEREAS, pursuant to IZO Section 25.050, the Planning Commission held a duly noticed public meeting on July 12, 2022, at which time it continued the item to a date certain of August 9, 2022; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 9, 2022 at which time it considered the Final EIR and project entitlements, accepted public testimony, and approved Resolution Nos. 2022-08, 2022-09, 2022-10, 2022-11, and 2022-12 recommending that the City Council certify the EIR and approve project entitlements for the Scott Ranch project; and

WHEREAS, on February 16, 2023, onsite signage was posted informing residents of the availability of the Final EIR, project entitlements, and the City Council hearing on the project; and

WHEREAS, the City Council held a duly noticed public hearing on February 27, 2023, at which time it considered the Final EIR and project entitlements and accepted public testimony; and

WHEREAS, at the February 27, 2023, public hearing the City Council approved Resolution No. 2023-023 N.C.S. certifying the EIR, making findings of fact to adopt a statement of overriding considerations, and adopting a mitigation monitoring and reporting program for the Scott Ranch Project.

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

Section 1. Findings The City Council of the City of Petaluma hereby finds:

1. The above recitals are hereby declared to be true and correct and are incorporated into the ordinance as findings of the City Council.
2. The potential environmental impacts of the Scott Ranch Project, including the proposed Zoning Map Amendment, were fully analyzed in the Scott Ranch Final EIR (SCH# 2004072137) containing all the requirements of CEQA Guidelines Section 1532, inclusive of the 2020 RDEIR, references, appendices, and all attachments thereto.
3. On February 27, 2023 the City Council approved Resolution No. 2023-0123 N.C.S. certifying the Final EIR, making findings of fact to adopt a statement of overriding considerations, and adopting a mitigation monitoring and reporting program for the Scott Ranch Project, pursuant to the California Environmental Quality Act.
4. The proposed Zoning Map Amendment to modify the zoning on the Scott Ranch project site from Residential 1 (R1) to Planned Unit Development (PUD) is in general conformity with the Petaluma General Plan 2025 in that it is consistent with the Very Low Density Residential land use designation and provides for a more sensitive development pattern on the project site as described in the August 9, 2022 Planning Commission staff report and February 27, 2023 City Council staff report.
5. The public necessity, convenience, and general welfare permit the adoption of the proposed Zoning Map Amendment in that the amendment will allow the project to cluster residential development that meets minimum density requirements on a small portion of the property that will, in-turn, minimize disturbance to a greater portion of the overall site, allow access in large part from existing roadways, and will allow for preservation of open space in perpetuity. The clustering of the residential component of the project on approximately 11 acres along Windsor Drive provides for preservation and dedication of the remaining approximately 47 acres to Sonoma County Regional Park for an expansion of Helen Putnam Regional Park to increase park and open space resources for Petaluma residents.

6. The Planning Commission approved Resolution No. 2022-10 recommending City Council approval of the proposed Zoning Map Amendment in accordance with IZO §25.010 and 25.050.
7. The PUD is proposed on property with a suitable relationship to Windsor Drive and D Street, which are adequate to carry the additional traffic generated by the development as analyzed in the Final Environmental Impact Report for the overall Scott Ranch project.
8. The Zoning Map Amendment, along with the proposed Scott Ranch PUD Guidelines and Unit Development Plan, presents an organized arrangement of buildings and service facilities to provide new residential consistent with the minimum density requirement called for in the Very Low Density Residential Land Use Designation and provides for amenities and resources to support and supplement the proposed Helen Putnam Regional Park expansion.
9. The natural and scenic qualities of the site are protected in that the designation for the PUD, including both the Zoning Map Amendment and associated Zoning Text Amendment, minimizes the development footprint and provides for a 47-acre regional park expansion. As discussed in the FEIR, the proposed project minimizes disturbances to sensitive habitat on the project site and provides for conservation easement to protect the open space in perpetuity. Additionally, the proposed PUD provides for local landmark designation of the barn complex to continue to preserve the scenic quality of the viewshed of the property from D Street as called for in General Plan policy 2-P-68.
10. The proposed development of the Scott Ranch project has been significantly reduced since the original 93-lot project was originally submitted in order to respond to community input while meeting the minimum residential density requirement of the General Plan. The limited development of 28 single family lots clustered on 11 acres along Windsor Drive and the protection and dedication of the remaining 47 acres as expansion of Helen Putnam Regional Park will not be detrimental to the public welfare in that it will expand and enhance the community's access to open space and parkland while ensuring that the appropriate conservation easements are in place to protect the natural systems on the property in perpetuity.
11. The proposed Zoning Map Amendment to designate a PUD on the Scott Ranch property is in keeping with the general intent and spirit of the zoning regulations and Petaluma General Plan as discussed above and in greater detail in the August 9, 2022, Planning Commission staff report and February 27, 2023 City Council staff report.

Section 2. 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 3. 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 of the provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful, or otherwise invalid.

Section 4. 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.

Section 5. Effective Date. This 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 27th day of February 2023.

ADOPTED this 20 day of March 2023 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