

RESOLUTION NO. ____

**RESOLUTION OF THE CITY OF PETALUMA PLANNING COMMISSION
RECOMMENDING THE CITY COUNCIL ADOPT A ZONING MAP AMENDMENT TO THE
SMARTCODE REGULATING PLAN ZONING MAP TO CHANGE THE ZONING
DESIGNATION FOR AN 1.86-ACRE PORTION OF A 3.86-ACRE PARCEL FROM RIVER
DEPENDENT INDUSTRIAL DISTRICT (D3) TO URBAN CENTER (T5) FOR THE OYSTER
COVE MIXED USE NEIGHBORHOOD PROJECT LOCATED AT
100 EAST D STREET; ASSESSOR PARCEL NUMBER 007-700-006
FILE NO. PLZA-2022-0004**

WHEREAS, Joseph Scott Ward of Oyster Cove, LLC, on behalf of the property owner, the Lind Family Trust, submitted a General Plan Map Amendment application to change the land use designation of an approximately 1.86-acre portion of the 3.86-acre parcel addressed as 100 East D Street (Assessor Parcel Number 007-700-006) from River Dependent Industrial (RDI) to Mixed Use (MU), a Zoning Map Amendment application to change the SmartCode Regulating Plan zoning on that same portion of the 3.86-acre parcel from River Dependent Industrial District (D3) to Urban Center (T5), and a Tentative Subdivision Map for Condominium Purposes (TSM) application and associated SmartCode warrant requests, for the Oyster Cove Mixed Use Neighborhood Project (“Project”); and

WHEREAS, the Project involves a 6.13-acre site that is comprised of three parcels, including 100 East D Street (APN 007-700-006; 3.86 acres) that is within the River Dependent Industrial District (D3) (1.86 acres) and Urban Center (T5) (2.0 acres) zoning districts; 0 East D Street (APN 007-700-003; .64 acres) that is within the T5 zoning district; and 0 Copeland Street (APN 007-700-005; 1.6 acres) that is within the T5 zoning district; and

WHEREAS, the Project involves a request to amend the SmartCode Regulating Plan zoning for 100 East D Street, to replace the D3 zoning that applies to a 1.86-acre portion of the parcel with T5 zoning; and

WHEREAS, Site Plan and Architectural Review is required prior to the Project commencing construction, and the application for this required entitlement will be submitted subsequent to City Council adoption of the requested General Plan and Zoning Map Amendments and approval of the Tentative Subdivision Map application and associated SmartCode warrant requests; and

WHEREAS, on November 2, 2022, pursuant to Public Resources Code Section 21080.3.1(d) and Government Code Section 65352.3, a notice of this Project was delivered to the Federated Indians of Graton Rancheria, and the Federated Indians of Graton Rancheria requested consultation on December 6, 2022; and

WHEREAS, on March 1, 2023, the City and the Federated Indians of Graton Rancheria met in consultation, and the consultation concluded with an agreement to impose Tribal monitoring as a project condition of approval; and

WHEREAS, the City prepared an Initial Study for the Project consistent with California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15163, and determined that a Mitigated Negative Declaration (MND) was required to analyze the potential for new or additional significant environmental impacts of the Project beyond those identified in the General Plan EIR; and

WHEREAS, while the Initial Study/MND for the Project identified potentially significant impacts, all significant impacts are mitigated to a less than significant level, and therefore the Project would not result in any significant impacts to the environment; and

WHEREAS, on April 7, 2023, the City published the Notice of Availability (NOA) of an Initial Study/MND on the City Project webpage, in the Petaluma Argus, filed the NOA with the Sonoma County Clerk, posted the NOA to CEQAnet, and mailed the NOA to all residents and property owners within 1,000 feet of the Project providing for a 30-day public comment period commencing April 7, 2023, and ending May 8, 2023; and

WHEREAS, on April 28, 2023, the applicant installed required on-site signage to inform the public of this meeting with the Planning Commission, and pursuant to Section 24.100.B of the IZO, signage was at least 32 square feet in area and placed in a position most visible to the public along the East D Street frontage; and

WHEREAS, on April 28, 2023, public notice of the May 9, 2023, Planning Commission public 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 May 9, 2023; and

WHEREAS, the Planning Commission considered the staff report dated May 4, 2023, including the CEQA determination included therein; and

WHEREAS, the Planning Commission considered the amendment to change the zoning designation for approximately 1.86-acres of the 3.86-acre parcel located at 100 East D Street (Assessor Parcel Number 007-700-006) from D3 to T5, and

WHEREAS, the Planning Commission also considered a related resolution to change the General Plan classification from River Dependent Industrial (RDI) to Mixed Use (MU), to cover the same portion of the site as the Zoning Map Amendment; and

WHEREAS, per IZO Chapter 25, an amendment to the zoning map may be requested by a property owner, and the City Council may adopt the amendment upon the recommendation of the Planning Commission.

NOW THEREFORE, BE IT RESOLVED by the Petaluma Planning Commission as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.

2. Based on the staff report, staff presentation, comments received, and the public hearing, the Planning Commission makes the following findings based on substantial evidence in the record:

- a. California Environmental Quality Act Findings:

An Initial Study/MND was prepared, and proper notice was provided in accordance with CEQA and local Guidelines.

Based on its review of the entire record herein, including the MND, the Initial Study, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission finds that there is no substantial evidence that the Project as mitigated will have a significant effect on the environment, and hereby recommends that the City Council adopt the MND for the Project, including the Mitigation Monitoring and Reporting Program.

The Project does have the potential to affect wildlife resources as defined in the Fish and Game Code, either individually or cumulatively; However, with mitigation, these potential environmental impacts would be reduced to a less than significant level and is not exempt from Fish and Wildlife filing fees.

The Planning Commission reviewed the Initial Study/MND and considered the comments before making a recommendation on the project. Pursuant to the analysis in the Initial Study/MND, the Project does not make a cumulatively considerable contribution to the significant and unavoidable cumulative traffic or noise impacts identified in the General Plan 2025 EIR.

The Project is located on a site listed on a Hazardous Waste Site List compiled by the State pursuant to Section 65962.5 of the Government Code; with mitigation, any potential environmental impact would be reduced to a less than significant level.

Pursuant to the analysis in the Initial Study, the Project does not make a cumulatively considerable contribution to any significant and unavoidable cumulative impacts identified in the General Plan 2025 EIR.

- b. General Plan Findings:

Pursuant to Table 1 – Transect Zone Descriptions of the SmartCode, the T5 zone implements the underlying Mixed Use General Plan land use classification and is therefore consistent with the General Plan. Additionally, the rezoning would create consistent zoning for parcel number 007-700-006 (that is currently zoned T5 and D3) and for the entire 6.13-acre Project site.

The public necessity, convenience, and general welfare clearly permit the adoption of the proposed amendment in that it would support the development of new housing, including affordable housing, and provide a variety of public benefits, including new multi-modal transportation infrastructure and public spaces. The amendment will create a single zone for a single parcel of land and will allow for one set of rules to apply to the site.

3. Based on its review of the entire record herein, including the May 9, 2023, Planning Commission staff report, all supporting, referenced, and incorporated documents and

all comments received and the foregoing findings, the Planning Commission hereby recommends that the City Council adopt an Ordinance to amend the SmartCode Regulating Plan Zoning Map as shown in Exhibit 1.

Exhibit 1 – SmartCode Regulating Plan Zoning Map with Amendment

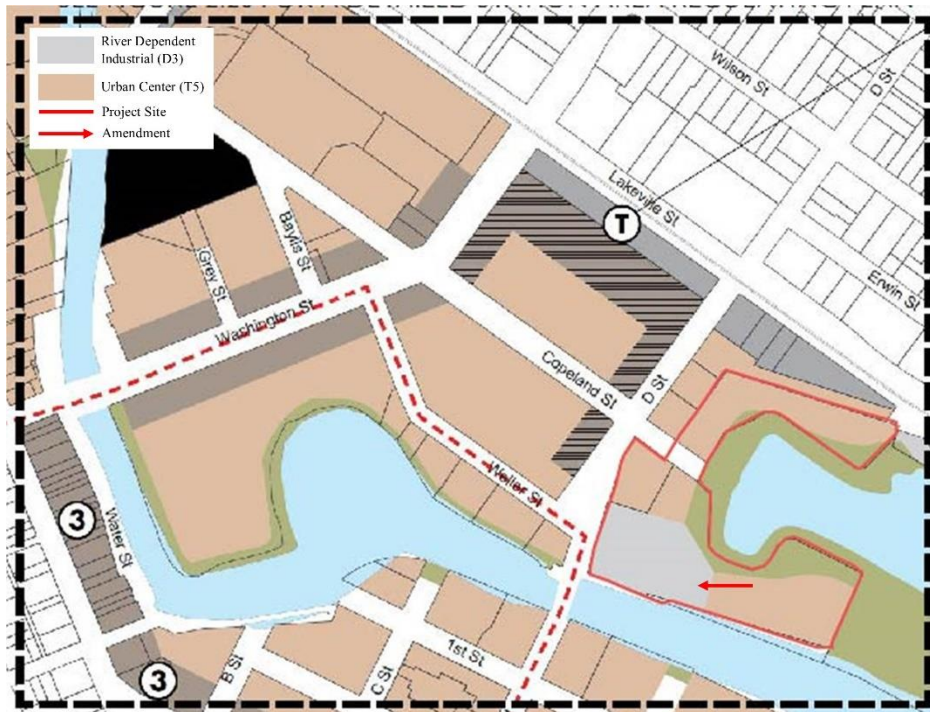


Figure 1: SmartCode Regulating Plan Zoning Map with existing River Dependent Industrial (D3) zoning district on the subject parcel

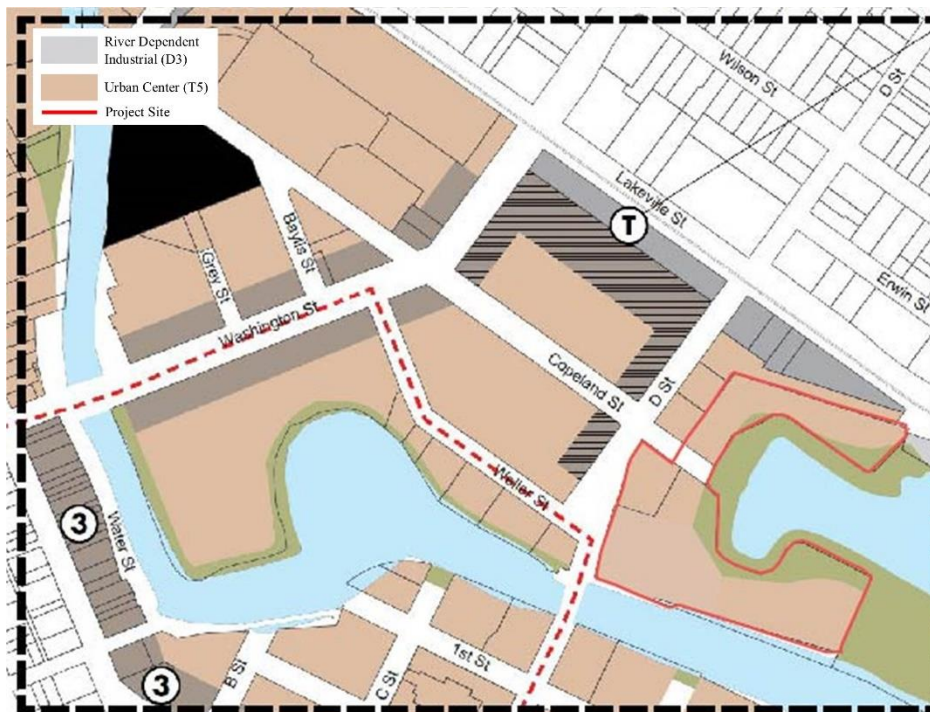


Figure 2: SmartCode Regulating Plan Zoning Map with Urban Center (T5) zoning district amendment