

Resolution No. 2023-XXX N.C.S.
of the City of Petaluma, California

**DENYING AN APPEAL OF A PLANNING COMMISSION DECISION TO UPHOLD A PLANNING
ADMINISTRATIVE DECISION TO DENY A MINOR USE PERMIT FOR THE FLOODWAY LLC
PROJECT LOCATED AT 4875 PETALUMA BOULEVARD NORTH/4951 STONY POINT ROAD
FILE NO. PLAP-2023-0001**

WHEREAS, on October 24, 2022, Heather Kratt (H&H Real Estate LLC), submitted an application for a Minor Use Permit (File No. PLUP-2022-0027) proposing development of a vacant parcel located at 4875 Petaluma Blvd North as a year-round community marketplace operating from 6 AM until 12 AM; and

WHEREAS, the parcel is located at 4875 Petaluma Blvd. North and is designated Floodway by the 2025 Petaluma General Plan Land Use Map and is zoned Floodway District (FW) by the City of Petaluma Implementing Zoning Ordinance Zoning Map; and

WHEREAS, on November 15, 2022, following an initial preliminary review of the proposed development project, Planning staff summarized concerns about land use compliance of the proposed development project with applicable Floodway District regulations in a letter to the appellant; and

WHEREAS, Planning concluded that the proposed community marketplace on the parcel at 4875 Petaluma Blvd N and within the boundaries of the Floodway is not a land use that the City's Implementing Zoning Ordinance (IZO) allows upon obtaining Minor Use Permit approval; and

WHEREAS, Planning staff informed the appellant that if directed to proceed with the full review, it would be denied in accordance with IZO §6.050, in that the proposed use is not conditionally allowed in the Floodway District; and

WHEREAS, on November 27, 2022, the appellant directed staff to proceed with the review of the Minor Use Permit application; and

WHEREAS, on February 28, 2023, staff concluded review and informed the applicant via letter that application for a Minor Use Permit was denied; and

WHEREAS, on March 13, 2023, the appellant filed a timely appeal of the decision with the City Clerk pursuant to IZO §24.090; and

WHEREAS, on May 13, 2023, the appellant installed two signs on-site to inform the public of this meeting with the Planning Commission and pursuant to IZO Section 24.100.B, each sign was at least 24 square feet in area and placed in a position most visible to the public along the Stony Point Road and Petaluma Boulevard North frontages; and

WHEREAS, on or before May 12, 2023, public notice of the May 23, 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, on May 23, 2023, the Planning Commission held a duly noticed public hearing to consider the appeal and all evidence, written and oral, submitted at the hearing, and voted to uphold staff determination to deny approval of a minor use permit; and

WHEREAS, on or before September 01, 2023, public notice of the September 11, 2023, City Council hearing was published in the Press Democrat and mailed to residents and occupants within 1,000 feet of the site; and

WHEREAS, on September 11, 2023, the City Council held a duly noticed public hearing to consider the appeal and all evidence, written and oral, submitted at the hearing, and voted to uphold staff determination to deny approval of a minor use permit.

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

1. On September 11, 2023, the City Council considered all evidence presented before and at the duly notice public hearing regarding this matter, and on the basis of the staff report, testimony, and other evidence, denies the appeal of Heather Kratt filed with the City Clerk, and upholds the administrative decision to deny Minor Use Permit approval for the proposed development project at 4875 Petaluma Boulevard North, File No. PLUP-2022-0027.
2. The proposed project was excluded from California Environmental Quality Act (CEQA) review in accordance with CEQA Guidelines Section 21080(b)(5), which states that CEQA analysis is not needed for projects for which a public agency is recommending denial.
3. This resolution shall take effect immediately upon its adoption by the City Council.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 11th day of September 2023, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor