

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

**RESOLUTION OF THE CITY OF PETALUMA CITY COUNCIL APPROVING A GENERAL PLAN  
AMENDMENT TO CHANGE THE LAND USE DESIGNATION FOR AN 1.86-ACRE PORTION OF A  
3.86-ACRE PARCEL FROM RIVER DEPENDENT INDUSTRIAL TO MIXED USE FOR THE  
OYSTER COVE MIXED USE NEIGHBORHOOD PROJECT SITE LOCATED AT  
100 EAST D STREET; ASSESSOR PARCEL NUMBER: 007-700-006  
FILE NO. PLGP-2022-0003**

**WHEREAS**, Joseph Scott Ward of Oyster Cove, LLC, on behalf of the property owner 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 E D Street (Assessor Parcel Number 007-700-006) from River Dependent Industrial (RDI) to Mixed Use, 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 (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; and

**WHEREAS**, the Oyster Cove Mixed Use Neighborhood Project proposes to subdivide the three-parcel, 6.13-acre project site comprised of parcels located at 100 E D Street, 0 E D Street, and 0 Copeland Street (APNs 007-700-006, -003, and -005) (the “Project”) into 22 lots with 132 airspace condominiums and approximately 9,000 SF of commercial space; and

**WHEREAS**, the discretionary Planning entitlement Site Plan and Architectural Review is required prior to the project commencing construction, and 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**, the City prepared an Initial Study for the Project consistent with California Environmental Quality Act (CEQA) Guidelines §15162 and §15163 and determined that a Mitigated Negative Declaration (MND) was required in order 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**, the Planning Commission, at a duly noticed public hearing on May 9, 2023, recommended the City Council adopt the project MND and Mitigation Monitoring and Reporting Program, with minor revisions; and

**WHEREAS**, the Project is subject to the Petaluma General Plan 2025, adopted by the City on May 19, 2008; and

**WHEREAS**, the Project is subject to the Central Petaluma Specific Plan (CPSP), adopted by the City in June 2003; and

**WHEREAS**, the Project is subject to the Petaluma SMART Rail Station Areas: TOD Master Plan, adopted by the City on June 17, 2013; and

**WHEREAS**, the General Plan in the section entitled Amendments to the General Plan recognizes that the General Plan will be subject to site-specific amendments needed from time to time to modify policies that may be obsolete or unrealistic due to changed conditions such as development on a site; and

**WHEREAS**, the General Plan refers to State law that limits the number of times a city can amend its general plan by stating that generally, no jurisdiction can amend any mandatory element of its General Plan more than four times in one year; and

**WHEREAS**, the General Plan in Figure 1-1 Land Use establishes land use designations for all parcels in the City of Petaluma subject to the General Plan, and those land use designations include Mixed Use and River Dependent Industrial; and

**WHEREAS**, land use designations established for parcels comprising the Project include River Dependent Industrial designation for an approximately 1.86-acre portion of the 3.86-acre parcel addressed as 100 E D Street (Assessor Parcel Number 007-700-006), with the remainder of the parcel designated Mixed Use, Mixed Use designation for the parcel addressed as 0 East D Street (APN 007-700-003), and Mixed Use designation for the parcel addressed as 0 Copeland Street (APN 007-700-005); and

**WHEREAS**, a portion of the Project site is identified in the 2015-2023 Housing Element as Opportunity Site #32, capable of supporting up to 56 housing units; however, the MU designation within the Central Petaluma Specific Plan area anticipated residential densities up to 60 dwelling units per acre, though there are no established densities within the CPSP, rather density is regulated through building form, mass, and height pursuant to the SmartCode; and

**WHEREAS**, the project site is identified in the 2023-2031 Housing Element, adopted by the City Council on March 20, 2023, as capable of providing up to 132 housing units and identifies potential constraints, including access easement; and

**WHEREAS**, the Project proposes adaptive re-use of the existing industrial site for a predominantly residential mixed use development consisting of 132 residential condominium units, including 11 live/work units, and redevelopment of an industrial building into approximately 9,000 square feet of commercial and public use space; and

**WHEREAS**, the project will comply with the City's inclusionary housing requirement by reserving 15% of units for income-qualifying households (7.5% at Low-Income and 7.5% at Moderate Income), and these affordable housing units will be integrated throughout the development's 132 residential homes; and

**WHEREAS**, General Plan Goal 1-G-1 Land Use seeks to maintain a balanced land use program that meets the long-term residential, employment, retail, institutional, education, recreation, and open space needs of the community; and

**WHEREAS**, Land Use Policy 1-P-1 promotes a range of land uses at densities and intensities to serve the community needs, Policy 1-P-2 promotes infill development at equal or higher density and intensity than surrounding uses in order to use land efficiently, and Policy 1-P-6 encourages mixed used development, which includes opportunities for increased transit access; and

**WHEREAS**, the requested General Plan Map Amendment would further implement Goal 1-G-1 and Policies 1-P-1, 1-P-2, and 1-P-3 by changing the land use designation on the subject parcel to Mixed Use to support the long-term residential needs of the community, by promoting proposed residential infill development at a higher density and intensity than surrounding uses that would use land more efficiently, and by supporting mixed use development at a location that will increase transit access; and

**WHEREAS**, the 6<sup>th</sup> cycle Housing Element, adopted by the City Council on March 20, 2023, forecasts the development of 132 housing units on the project site where the General Plan Amendment is requested; and

**WHEREAS**, a virtual Neighborhood Meeting was held on June 8, 2022, at which the Project, including the request for General Plan Amendment, was presented to meeting participants, and meeting participants were given the opportunity to speak and no objections to the proposed General Plan Amendment were raised; and

**WHEREAS**, the Planning Commission reviewed the Project, including the request for General Plan Amendment, at a study session held during a virtual public meeting on June 28, 2022, and no objections to the General Plan Amendment were raised; and

**WHEREAS**, the Project was scheduled for review by the Planning Commission at a public hearing held on May 9, 2023, and public notice of the scheduled public hearing was published in the Argus-Courier, mailed to property owners within 1,000 feet of the Project site, and posted on the project site in the form of onsite signage, on April 28, 2023, in accordance with Implementing Zoning Ordinance Section 24.100 Public Notice; and

**WHEREAS**, at said hearing, the Planning Commission considered the staff report and approved Resolution 2023-06 recommending that the City Council approve the General Plan Amendment; and

**WHEREAS**, the Project was scheduled for review by the City Council at a public hearing held on September 18, 2023, and public notice of the scheduled public hearing was published in the Argus-Courier, mailed to property owners within 1,000 feet of the Project site, and posted on the project site in the form of onsite signage, on September 8, 2023, in accordance with Implementing Zoning Ordinance Section 24.100 Public Notice; and

**WHEREAS**, at said hearing the City Council considered the staff report and approved the General Plan Amendment.

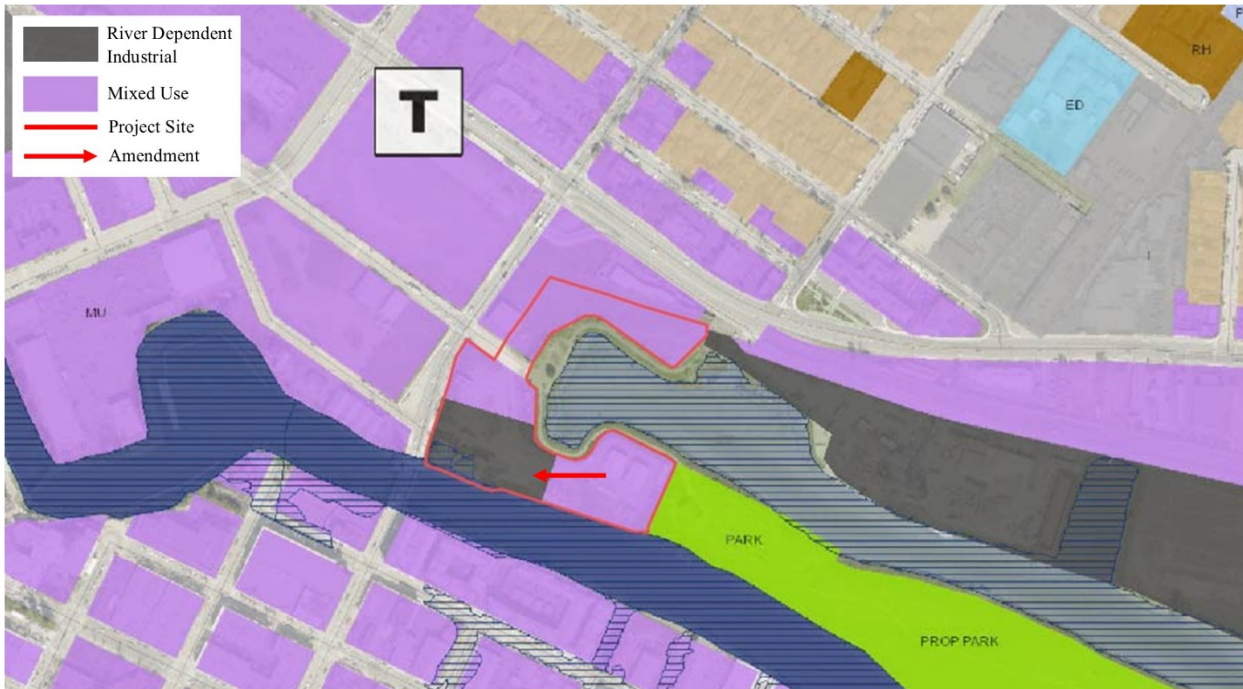
**NOW THEREFORE, BE IT RESOLVED** by the City Council as follows:

1. The above recitals are hereby declared to be true and correct and are incorporated into the resolution as findings of the Petaluma City Council.
2. The potential environmental impacts of the Oyster Cove Mixed Use Neighborhood Project, including the proposed General Plan Amendments, were fully analyzed in the project-specific Mitigated Negative Declaration (SCH Number 2023040175) containing all the requirements of CEQA Guidelines Section 15332, inclusive of references, appendices, and all attachments thereto.
3. Approval of the proposed General Plan Amendment as outlined below is contingent upon the City Council's adoption of the project MND, including the adoption of the Mitigation Monitoring and Reporting Program.

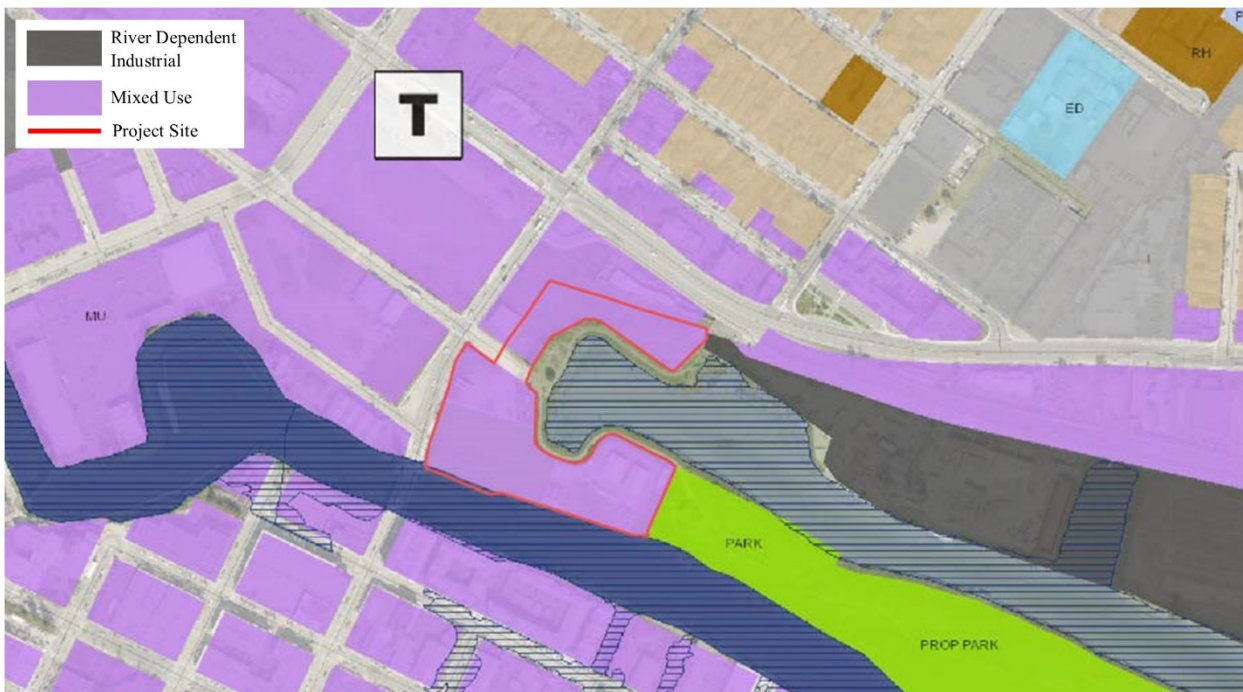
4. Government Code Section 65358 allows General Plan amendments when it is deemed in the public interest to do so.
5. State law limits the number of times a local agency can amend its general plan to more than four times yearly. The proposed amendment represents the first amendment request for 2023.
6. The City Council hereby approves a General Plan Amendment to amend General Plan Figure 1-1 Land Use by changing the land use designation of an approximately 1.86-acre portion of the 3.86-acre parcel addressed as 100 E D Street (Assessor Parcel Number 007-700-006) from River Dependent Industrial to Mixed Use, as shown in **Exhibit 1** – General Plan Land Use Diagram with Amendment.
7. The City Council finds that the proposed amendment to the General Plan is in the public interest as the amendment would allow for the residential mixed use development of 132 housing units that will further implement General Plan Goal 1-G-1 and Policies 1-P-1, 1-P-2, and 1-P-3 by changing the land use designation on the subject parcel to Mixed Use to support the long-term residential needs of the community, promote residential infill development at a higher density and intensity than surrounding uses that would use land more efficiently, and support mixed use development at a location that will increase transit access, and implement the 6th cycle Housing Element, adopted by the City Council on March 20, 2023, which forecasts development of 132 housing units on the project site where the General Plan Amendment is requested.

## EXHIBIT A

### GENERAL PLAN LAND USE DIAGRAM WITH AMENDMENT



**Figure 1:** 2025 General Plan Land Use Diagram with existing River Dependent Industrial land use designation on the subject parcel



**Figure 2:** 2025 General Plan Land Use Diagram with Mixed Use land use designation amendment