

**EFFECTIVE DATE  
OF ORDINANCE**

Month DD, YYYY

**ORDINANCE NO. 2864 N.C.S.**

Introduced by: Michael Healy

Seconded by: Karen Nau

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA ADOPTING 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**, 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**, 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; 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 unless the Planning Commission and City Council find the amendment to be in conformity with the General Plan; and

**WHEREAS**, pursuant to IZO §25.050, the Planning Commission held a duly noticed public hearing to consider the Zoning Map Amendment 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 from D3 to T5; and

**WHEREAS**, the Planning Commission adopted Resolution 2023-07 recommending that the City Council adopt the zoning map amendment; and

**WHEREAS**, pursuant to IZO §25.050, the City Council held a duly noticed public hearing to consider the Zoning Map Amendment on September 18, 2023; and

**WHEREAS**, the City Council considered the staff report dated September 18, 2023, including the CEQA determination included therein; and

**WHEREAS**, at the public hearing held on September 18, 2023, the City Council approved Resolution 2023-151 N.C.S. adopting an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Resolution 2023-152 N.C.S. Approving a General Plan Amendment, and Resolution 2023-153 N.C.S. Approving the Tentative Map for Subdivision and Condominium Purposes and Associated SmartCode Warrants for the Oyster Cove Mixed Use Neighborhood Project; and

**WHEREAS**, at the public hearing held on September 18, 2023, the City Council introduced Ordinance No. 2864 N.C.S. (First Reading) adopting a Zoning Map Amendment to change the zoning designation for approximately 1.86-acres of the 3.86-acre parcel located at 100 East D Street from D3 to T5.

**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. That the above recitals are true and correct and are incorporated into this Ordinance as findings.
2. The proposed amendment to adopt the map revision for the Oyster Cove Mixed Use Neighborhood Development, attached hereto as Exhibit 1, is in general conformity with the Petaluma General Plan 2025 and Central Petaluma Specific Plan in that the amendment implements the applicable policies as described in the May 9, 2023 Planning Commission staff report, included as an attachment to the September 18, 2023 City Council staff report.
3. The public necessity, convenience, and general welfare permit the adoption of the proposed Zoning Map Amendment. The amendment will 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.
4. An Initial Study was prepared in compliance with the California Environmental Quality Act for the proposed project, inclusive of the proposed zoning map amendment. The proposed project has been determined that it could result in potentially significant impacts related to Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology/Water Quality, Noise, and Tribal Cultural Resources. However, the Initial Study found that project impacts would be mitigated to a less-than-significant level through implementation of recommended mitigation measures or through compliance with existing Municipal Code requirements or City standards. The Planning Commission approved Resolution No. 2023-05 on May 9, 2023, recommending City Council adoption of the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the project, with minor revisions which have been incorporated in a Final IS/MND. The City Council approved Resolution No. 2023-151 on September 18, 2023, adopting the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program.

**Section 2.** City of Petaluma SmartCode Regulating Plan contained in the SmartCode Amendments, adopted July 1, 2013, Ordinance No. 2470 N.C.S. is hereby amended to change the Zoning District of a 1.86-acre portion of a 3.86-acre parcel located at 100 East D Street from River Dependent Industrial District (D3) to Urban Center (T5) for the Oyster Cove Mixed Use Neighborhood project, as shown in Exhibit A.

**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 and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful, or otherwise invalid.

**Section 4. Effective Date.** This ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council.

**Section 5. 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 laws.

**INTRODUCED** and ordered published and posted this 18<sup>th</sup> day of September 2023.

**ADOPTED** this 2<sup>nd</sup> day of October 2023 by the following vote:

Ayes:  
Noes:  
Abstain:  
Absent:

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Kevin McDonnell, Mayor

ATTEST:

APPROVED AS TO FORM:

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Kami Noriega, Interim City Clerk

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Eric Danly, City Attorney

## EXHIBIT A

### SMARTCODE REGULATING PLAN ZONING MAP WITH AMENDMENT

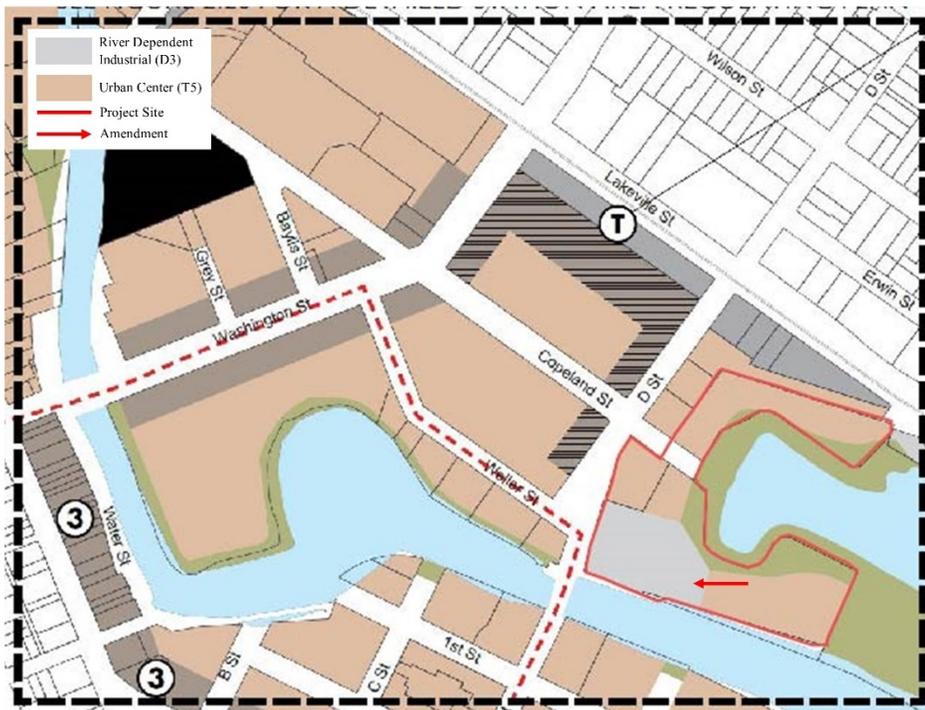


Figure 1: SmartCode Regulating Plan Zoning Map with existing River Dependent Industrial (D3) zoning district on the subject parcel.

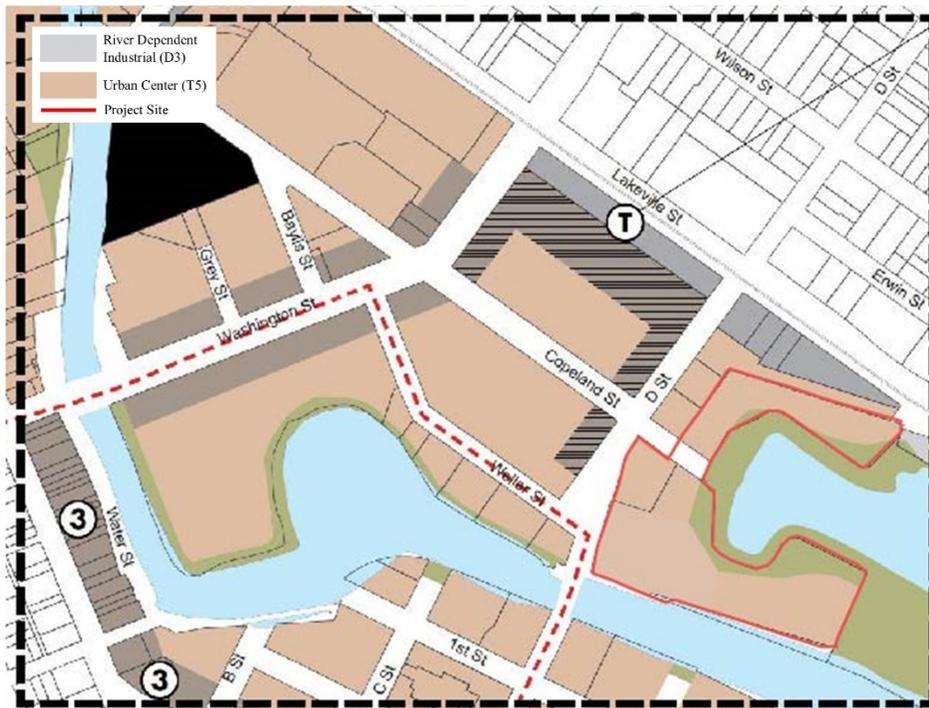


Figure 2: SmartCode Regulating Plan Zoning Map with Urban Center (T5) zoning district amendment.