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DATE: December 19, 2022

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Andrew Trippel, Planning Manager

SUBJECT: Adoption (Second Reading) of Ordinance No. 2830 N.C.S. Approving a Zoning Text Amendment of Implementing Zoning Ordinance Section 11.040 (Alternatives to On-Site Parking) and Associated References in Section 11.030 (Off-Street Parking – General Regulations) and Section 11.065 (Power of the Zoning Administrator (Director) to Modify Requirements) and Finding that this Action is Exempt from CEQA Pursuant to CEQA Guidelines Sections 15305 and 15601(b)(3)

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### **RECOMMENDATION**

It is recommended that the City Council adopt (second reading) Ordinance No. 2830 N.C.S. approving Zoning Text Amendment modifying Section 11.040 (Alternatives to On-Site Parking) of the Implementing Zoning Ordinance to allow a reduction to the minimum parking requirements contained in Table 11.1 (Number of Automobiles Required) for all land uses (Tables 4.1 – 4.5 of Chapter 4 – Zone Districts And Allowable Land Uses) through proposed Minor or Major Adjustment processes, subject to certain findings and review authority approval, and to associated references in Section 11.030 and Section 11.065 to clarify and implement these changes and finding that this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15601(b)(3).

### **BACKGROUND**

At a duly noticed public hearing on December 5, 2022, the City Council unanimously introduced a regular ordinance to amend the Section 11.040 (Alternatives to On-Site Parking) and associated references in Section 11.030 (Off-Street Parking – General Regulations) and Section 11.065 (Power of the Zoning Administrator (Director) to Modify Requirements) to provide for increased flexibility in modifying minimum parking requirements through a discretionary review process.

### **DISCUSSION**

The proposed ordinance introduced at the December 5, 2022<sup>[\[1\]](#)</sup> meeting was consistent with the modified recommendation from the Planning Commission. The ordinance presented for adoption

(second reading) is the same ordinance that was unanimously approved on December 5, 2022. During the public hearing, Council members expressed a desire to ensure that review of all requests for adjustments to minimum parking requirements are adequately noticed prior to a decision being made. As stated during the December 5, presentation staff anticipates that the vast majority of parking reduction applications will be part of an application that will require a separate approval under the IZO like SPAR or Conditional Use Permit and the City will provide public notice pursuant to IZO Section 24.100.

However, as a result of IZO Chapter 24 amendments adopted by City Council May 2, 2022, Section 24.100(E) gives the City the authority to require that an applicant provide public notice in any other manner the City reasonably deems necessary or desirable to effect the purposes of this section. To effectuate public notice of development applications that are strictly parking reductions, Planning proposes that, as a matter of administrative policy, the Director requires mailing of public notice consistent with the requirements for a Minor Use Permit application type contained in Section 24.100(C) and content requirements contained in Section 24.100(D), and the publication of same in the Argus-Courier. When implemented, this administrative policy would result in mailed notices distributed to all property owners and occupants within a 500-foot radius of the project site for which a Minor Adjustment is proposed, and publication in the Argus-Courier. All noticing would be distributed at least 10 days prior to the date of the decision.

Public comments were received on this meeting item. At the duly noticed required Planning Commission public hearing held on November 15, 2022, to consider the Zoning Text Amendment, an adjacent industrial property owner opposed the ZTA stating that the Hampton Inn Petaluma would require more parking, not less, based on the property owner's calculations and observations. These comments reflected similar comments submitted by the same person to Planning Commissioners prior to the public hearing. At the duly noticed required City Council public hearing held on December 5, 2022, to consider the Zoning Text Amendment, five (5) public comments were received as late correspondence. These comments expressed concerns about the proposed amendment supporting new development, rather than protecting existing property owners; offered a perception that the proposed amendment is a ministerial process, rather than a discretionary process with review by Planning Commission; and offer the perception that the proposed amendment does not provide the public with the opportunity to review or comment on requested parking adjustments prior to a decision by a review authority. Responses to these comments were provided to City Council during the course of the public hearing.

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[u](https://cityofpetaluma.primegov.com/Portal/Meeting?meetingTemplateId=4381) Here is a link to the December 5, 2022, staff report and resolution. <https://cityofpetaluma.primegov.com/Portal/Meeting?meetingTemplateId=4381>

## **PUBLIC OUTREACH**

This agenda item is the second reading of a Zoning Text Amendment introduced on December 5, 2022. No public notice is required for second reading ordinances.

## **ENVIRONMENTAL REVIEW**

The proposed Zoning Text Amendment contained in Attachment 1 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b) (3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed amendment only modifies the parking requirements for allowable land use and CEQA does not consider parking an environmental impact. Additionally, the proposed amendment will encourage walking, biking, and public transit and reduce vehicle miles travelled which will reduce environmental impacts on future projects. Therefore, it can be seen with certainty the proposed amendment would not cause a direct or indirect significant effect on the environment. The Zoning Text Amendment is also categorically exempt pursuant to CEQA Guidelines Section 15305 (minor alterations to land use limitations). Moreover, any application of the ordinance on future projects will require their own analysis with CEQA.

### **FINANCIAL IMPACTS**

This item is an applicant-initiated Zoning Text Amendment. All costs associated with the preparation and processing of this application are born by the associated cost recovery account. The City would not experience future financial impacts as a result of adoption of this Zoning Text Amendment.

### **ATTACHMENTS**

1. Draft Ordinance No. 2830 N.C.S. with Exhibit A (Draft Redline of IZO Chapter 11)