

**EFFECTIVE DATE
OF ORDINANCE**

December 16, 2020

ORDINANCE NO. 2749 N.C.S.

Introduced by: Mike Healy

Seconded by: Dave King

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA AMENDING THE ZONING MAP OF THE IMPLEMENTING ZONING ORDINANCE, ORDINANCE 2300 N.C.S., TO AMEND THE APPLICABLE ZONING DISTRICT FOR THE PROPERTY LOCATED AT 529 MADISON STREET, APN 007-041-006, FROM RESIDENTIAL 3 (R3)/FLOODWAY TO THE RIVERBEND PLANNED UNIT DISTRICT/FLOODWAY

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 to the IZO unless the Planning Commission and City Council find the amendment to be in conformity with the General Plan; and

WHEREAS, IZO §25.010 provides for Zoning Map Amendments, which in this case has been initiated by the project applicant; and

WHEREAS, recently adopted citywide goals include efforts to create diverse housing opportunities for all Petalumans; and

WHEREAS, on May 21, 2020, the City’s Notice of Intent to Adopt a Mitigated Negative Declaration based on the Initial Study, providing for a 30-day public comment period commencing May 21, 2020 and ending June 21, 2020, and a Notice of Public Hearing to be held on June 23, 2020, before the City of Petaluma Planning Commission were published in the Petaluma Argus-Courier and mailed to all residents and property owners within 1,000 feet of the Project as well as all persons having requested special notice of said proceedings; and

WHEREAS, the duly noticed public hearing scheduled for the Project on the Planning Commission’s June 23, 2020 Agenda was continued to the July 14, 2020 Planning Commission Agenda at the request of the Project Applicant; and

WHEREAS, pursuant to IZO §25.050, the Planning Commission held a duly noticed public hearing to consider the Zoning Map Amendment on July 14, 2020, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission considered the Staff Report dated June 23, 2020, and Staff Memo dated July 14, 2020, including the California Environmental Quality Act (CEQA) determination included therein and adopted Resolution No. 2020-07 recommending that the City Council approves the Zoning Map Amendment; and

WHEREAS, on November 5, 2020, a public notice of the November 16, 2020 public hearing before the City Council to consider the amendment was published in the Argus-Courier and mailed to all properties within 1,000-foot radius of the project site; and,

WHEREAS, on November 16, 2020, the City Council of the City of Petaluma held a duly noticed public hearing to consider the amendment.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

Section 1: Findings. The City Council of the City of Petaluma hereby finds:

1. The proposed amendment to adopt the map revision for the Riverbend Planned Unit Development, attached hereto as Exhibit 1, is in general conformity with the Petaluma General Plan 2025 and the Petaluma River Enhancement Plan in that the amendment implements the policies of both of the plans as described in the June 23, 2020 Planning Commission Staff Report, the July 14, 2020 Planning Commission Staff Memo, and the September 14, 2020 and November 16, 2020 City Council staff reports.

2. The public necessity, convenience, and general welfare clearly permit the adoption of the proposed Zoning Map Amendment. The amendment will allow the project to cluster the development of the project on a portion of the property that will, in-turn, allow for the creation of needed public assets including a new public park and improvements to the Lynch Creek Trail at no cost to the City. The project will provide needed housing and will provide four units of affordable housing at the low- and moderate-income levels.

3. 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, Land Use/Planning, 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. 2020-06 on July 14, 2020 adopting the Project's Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Program (MMRP). The City Council subsequently considered an appeal of the Planning Commission's adoption of the MND and MMRP on September 14, 2020 and continued the appeal hearing to a date uncertain. The City Council considered the appeal again on November 16, 2020, and ultimately denied the appeal and upheld the Planning Commission's adoption of the MND and MMRP with approval of Resolution No. XX.

Section 2: City of Petaluma Zoning Map contained in the Implementing Zoning Ordinance, Ordinance No. 2300 N.C.S. is hereby amended to change the Zoning District of the property at 529 Madison Street, APN 007-041-006, from Residential 3(R3)/Floodway to the Riverbend Planned Unit District/Floodway attached hereto as Exhibit 1.

INTRODUCED and ordered published and posted this 2nd day of November 2020.

ADOPTED this 16th day of November 2020 by the following vote:

Ayes: Mayor Barrett, Vice Mayor Fischer, Healy, Kearney, King, Miller
Noes: None
Abstain: None
Absent: None
Recused: McDonnell

DocuSigned by:

Teresa Barrett

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Teresa Barrett, Mayor

ATTEST:

DocuSigned by:

Kendall Rose

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Kendall Rose, CMC, City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Eric Danly

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Eric Danly, City Attorney