

November 27, 2022

Re: The Floodway Community Marketplace – 4875 Petaluma Blvd N – PLUP-2022-0027

To Whom It May Concern:

I'm surprised by the Planning Department's quick dismissal of our application. I believe I presented a very clear and compelling application fully deserving of proper consideration. It appears that our application was not escalated as requested, but instead summarily dismissed without conducting a proper review, sharing it with other city departments, asking us any clarifying questions about our project, or even cashing our check.

I firmly believe there will never be a better proposed use for that lot. It meets the existing allowed uses, requires no development, and will be an attractive business at the northern gateway to downtown Petaluma. It's a win-win. I'd think the city would be grateful that two skilled business owners purchased the lot, cleaned it up, and intend to generate much needed tax revenue for the city.

Your arguments against our business seem to focus on keywords picked from our application rather than their intent in the zoning laws. Those keywords or alleged concerns include: floodway, retail, and transient.

We are fully aware that our lot is in a floodway, hence the tongue in cheek name we gave to our community marketplace. Deputy Planning Manager, Tiffany Robbe, has suggested that a floodway is "hazardous" and therefore we shouldn't operate a business there. If and when there is another flood, it won't have any great impact on our business because we are mobile. We will have advance notice of any impending flood and will quickly vacate the lot. The fact that it's a floodway is irrelevant to the operation of our business.

It seems that the real risk in a flood is to the surrounding properties that have permanent structures and are just across the street from our lot. I was told that the last time it flooded (about 15 years ago), the city had to pay damages to those businesses because the river had not been properly maintained. We are not trying to remove the floodway designation from our lot and there will be no assets present for a flood to damage.

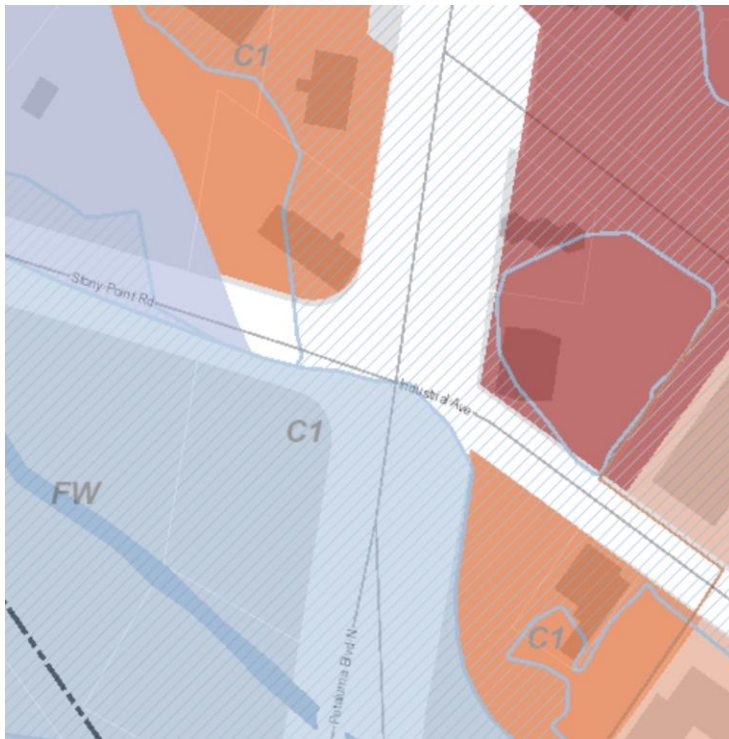
It's curious that the floodway map shows the floodway taking a sharp right turn at Petaluma Blvd N. If our lot floods, the lots across the street will also flood, so I'd be interested in knowing how the designations for the surrounding properties were arrived at. The floodway designation seems arbitrary.



Source: [FEMA Flood Map Service Center | Search By Address](#)

Ms. Robbe suggests that retail is not allowed on our lot, but everything I've read conflicts with that conclusion. The zoning law specifically identifies circuses and carnivals as an allowed use, and those are retail businesses. Our community marketplace is similar in nature to a circus or carnival except we won't have dangerous amusement rides. Our lot is surrounded by other retail businesses. It is also zoned C1, which states "the C1 zone is applied to existing smaller-scale shopping centers with off-street parking, or clusters of street-front stores that serve the surrounding neighborhood." That clearly describes our intended use of the lot, as we will be a cluster of vendors with off-street parking serving the surrounding neighborhood.

We've spent a lot of time and money purchasing and cleaning up this lot. We purchased the lot in good faith because it is zoned for commercial business.



Source: [Zoning Map - City of Petaluma](#)

Finally, Ms. Robbe seems concerned with the use of the word "transient" in the zoning law. It's clear that the intent of the word "transient" in the zoning code means the business can be moved in the event of a flood, as opposed to building a permanent structure on the lot. In this context, the word transient means impermanent. Every vendor on our lot will be mobile, so all can be quickly and easily moved in the event of an imminent flood or any other natural disaster. Also, I see no reason why we would be restricted from using our lot year-round when there are neighboring lots that also have the floodway designation yet operate year-round.

Please escalate and process our application, as was requested back on October 23. When sharing our application with the other city departments, please include Ms. Robbe's dismissal letter and my response to it. Thank you.

Regards,

Heather Kratt