

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI (1) AMENDING CHAPTER 17.28 (SPECIAL PURPOSE ZONE AND OVERLAY ZONE STANDARDS) OF TITLE 17 (LAND USE) OF THE COTATI MUNICIPAL CODE TO ALLOW EXISTING PLANNED UNIT DEVELOPMENTS (PUDS) TO BE SUBDIVDED, DEVELOPED, REDEVELOPED, OR MODIFIED CONSISTENT WITH THE UNDERLYING ZONING DISTRICT DEVELOPMENT STANDARDS, AND (2) REZONING MULTIPLE PROPERTIES TO BE CONSISTENT WITH THEIR GENERAL PLAN LAND USE DESIGNATIONS

WHEREAS, the Cotati City Council adopted the Cotati General Plan update on March 24, 2015, and as part of the update there were changes to the General Plan land use map that included changes to the land use designation of certain properties within the City of Cotati; and

WHEREAS, on March 28, 2023, the City of Cotati adopted the City of Cotati 2023-2031 Housing Element update, which includes obligatory programs to facilitate the development of housing, streamline the permitting process, and remove governmental constraints to housing development. The Housing Element was certified by the State Department of Housing and Community Development on June 2, 2023; and

WHEREAS, on March 24, 2015, the City of Cotati certified the Final Environmental Impact Report (FEIR) for the Cotati General Plan update, and in conjunction with the 2023-2031 Housing Element update the City of Cotati approved an addendum to the FEIR on March 28, 2023 (SCH# 2013082037); and

WHEREAS, Government Code Section 65860 requires a City's zoning ordinance to be consistent with the General Plan. In the event a zoning ordinance becomes inconsistent with the General Plan by reason of amendment to the General Plan then the zoning ordinance shall be amended to be consistent with the General Plan pursuant to Government Code Section 65860(c); and

WHEREAS, in 2023, Assembly Bill 821 was passed and modified Government Code Section 65860 to state that if a zoning ordinance becomes inconsistent with the General Plan due to an amendment, and a local agency receives a development application that aligns with the General Plan but not the zoning ordinance, the agency must either amend the ordinance within 180 days or process the development application in accordance with objective general plan standards; and

WHEREAS, the purpose of this ordinance is to correct any inconsistencies that exist between the Cotati General Plan land use designations, the Cotati zoning map, and existing PUDs; and

WHEREAS, the purpose of Title 17 of the Cotati Municipal Code is to ensure that the General Plan may be implemented, and adoption of the changes to the Land Use Code and zoning map are necessary to implement the General Plan; and

WHEREAS, on June 17, 2024, the Planning Commission of the City of Cotati held a duly noticed public hearing to review the proposed ordinance. After reviewing and providing direction to staff, the Planning Commission voted to approve Resolution No. PC-2024-09 recommending City Council adoption of this ordinance; and

WHEREAS, on July 9, 2024, the City Council held a duly noticed public hearing regarding this ordinance at which time the City Council received the staff report, reviewed a presentation from the Planning Division, and considered all oral and written comments submitted to the City regarding this ordinance prior to voting to introduce the ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COTATI DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

The foregoing recitals are true and correct and are incorporated into the findings herein.

SECTION 2. Record.

The Record of Proceedings ("Record") upon which the City Council bases its decision includes, but is not limited to: (1) the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3); (2) the Cotati Municipal Code; (3) the City of Cotati General Plan and its related Environmental Impact Report (EIR); (4) the City of Cotati 2023-2031 Housing Element Update and its related Addendum to the City of Cotati General Plan EIR; (5) all staff reports, city files, records, and other documents prepared for and/or submitted to the City Council; (6) all documentary and oral evidence received at the public hearings or submitted to the City during the comment period on the Project; and (7) all other matters of common knowledge to the City Council, and the City, including, but not limited to, City, state and federal laws, policies, rules, regulations, reports, records, and projections related to development within the City and its surrounding areas.

SECTION 3. Amendment to the Cotati Municipal Code.

A new section, Section 17.28.070, is hereby added to Chapter 17.28 (Special Purpose Zone and Overlay Zone Standards) of the Cotati Municipal Code as follows:

17.28.070 Planned Unit Developments (PUDs)

A. Purpose. Prior to 2005, the City of Cotati's Land Use Code contained provisions that allowed for the development of Planned Unit Development (PUD) zoning districts. The purpose of the PUD zoning district was to allow inclusion within its boundaries of a mixture of uses, building intensity, or design characteristics which would not normally be permitted within a standard zoning district. A PUD is considered an overlay to the underlying primary zoning district.

B. Applicability. New PUD districts are not permitted. All proposed developments must conform to the development standards of the applicable zoning district as set forth in Title 17 of the Cotati Municipal Code.

C. Development Standards. The subdivision, site planning, building, development, and land uses of an existing PUD shall comply with the provisions of the ordinance that allowed for the establishment of the PUD. Alternatively, subdivision, site planning, building, development, and new land uses may comply with the development and use criteria of the current underlying primary zoning district. Rezoning is not required to subdivide, develop, redevelop, or modify an existing PUD in conformance with the development and use criteria of the underlying primary zoning district.

SECTION 4. Rezoning of certain parcels and amendments to the City of Cotati Zoning Map.

Certain parcels within the City of Cotati are hereby rezoned to be consistent with the land use designations set forth and depicted in Figure 7.1 (General Plan Land Use Map) of the Cotati General Plan, as follows:

	APN	Address	Zone Change
1	144-100-001	8028 Gravenstein Hwy	RR to RVL (Southern portion)
2	144-100-002	8112 Gravenstein Hwy	RR to RVL (Southern portion)
3	144-110-020	2501 Gilman Ranch Rd	RR1 to RVL
4	144-110-021	2101 Gilman Ranch Rd	RR1 to RVL
5	144-110-022	1901 Gilman Ranch Rd	RR1 to RVL
6	144-110-023	780 W Cotati Ave	RR1 to RVL
7	144-110-024	782 W Cotati Ave	RR1 to RVL
8	144-130-005	675 W Cotati Ave	RR to RVL
9	144-130-013	645 W Cotati Ave	RR to RVL
10	144-130-015	635 W Cotati Ave	RR to RVL
11	144-130-020	693 W Cotati Ave	RR to RVL
12	144-130-021	697 W Cotati Ave	RR to RVL
13	144-130-022	683 W Cotati Ave	RR to RVL
14	144-200-001	255 W Cotati Ave	NL to NM
15	144-241-007	250/252 W Cotati Ave	NM to NL
16	144-241-036	8113 El Rancho Dr	NM to NL

	APN	Address	Zone Change
17	144-241-037	8115 El Rancho Dr	NM to NL
18	144-281-018	275 E Cotati Ave	CE to NM
19	144-281-024	325 E Cotati Ave	CE to NM
20	144-281-031	363-365 E Cotati Ave	CE to NM
21	144-281-032	359-361 E Cotati Ave	CE to NM
22	144-281-033	355-357 E Cotati Ave	CE to NM
23	144-281-034	351-353 E Cotati Ave	CE to NM
24	144-281-035	347-349 E Cotati Ave	CE to NM
25			NM to NU (Southern
	144-302-022	768 E Cotati Ave	portion)
26			NM to NU (Southern
	144-302-050	766 E Cotati Ave	portion
27	144-360-004	94 Charles St	NM to NL
28	144-360-005	82 Charles St	NM to NL
29	144-360-006	64 Charles St	NM to NL
30	144-360-018	72/74 Charles St	NM to NL
31		8622/8624 Cypress Ave	RVL to NL
32	144-570-002	475 E Cotati Ave	CE to NM
33	144-570-003	475 E Cotati #A	CE to NM
34	144-570-004	475 E Cotati #B	CE to NM
35	144-570-005	475 E Cotati #C	CE to NM
36	144-570-006	475 E Cotati #D	CE to NM
37	144-570-007	475 E Cotati #E	CE to NM
38	144-570-008	475 E Cotati #F	CE to NM
39	144-570-009	475 E Cotati #G	CE to NM
40	144-570-010	475 E Cotati #H	CE to NM
41	144-570-011	475 E Cotati #I	CE to NM
42	144-720-001	1 Bay Tree Ct	CE to NM
43	144-720-002	2 Bay Tree Ct	CE to NM
44	144-720-003	3 Bay Tree Ct	CE to NM
45	144-720-004	4 Bay Tree Ct	CE to NM
46	144-720-005	5 Bay Tree Ct	CE to NM
47	144-720-006	6 Bay Tree Ct	CE to NM
48	144-720-007	7 Bay Tree Ct	CE to NM
49	144-720-008	8 Bay Tree Ct	CE to NM
50	144-720-009	9 Bay Tree Ct	CE to NM
51	144-720-010	10 Bay Tree Ct	CE to NM
52	144-720-011	11 Bay Tree Ct	CE to NM
53	144-720-012	12 Bay Tree Ct	CE to NM
54	144-720-013	13 Bay Tree Ct	CE to NM
55	144-720-014	14 Bay Tree Ct	CE to NM

	APN	Address	Zone Change
56	144-720-015	15 Bay Tree Ct	CE to NM
57	144-720-016	16 Bay Tree Ct	CE to NM
58	144-720-017	17 Bay Tree Ct	CE to NM
59	144-720-018	18 Bay Tree Ct	CE to NM
60	144-720-019	19 Bay Tree Ct	CE to NM
61	144-720-020	20 Bay Tree Ct	CE to NM
62	144-720-021	21 Bay Tree Ct	CE to NM
63	144-720-022	22 Bay Tree Ct	CE to NM
64	144-720-023	23 Bay Tree Ct	CE to NM
65	144-720-024	24 Bay Tree Ct	CE to NM
66	144-720-025	25 Bay Tree Ct	CE to NM
67	144-720-026	0 Bay Tree Ct	CE to NM
68	144-720-031	3 Greenleaf Ln	CE to NM
69	144-720-032	7 Greenleaf Ln	CE to NM
70	144-720-033	9 Greenleaf Ln	CE to NM
71	144-720-034	11 Greenleaf Ln	CE to NM
72	144-720-035	13 Greenleaf Ln	CE to NM
73	144-720-036	15 Greenleaf Ln	CE to NM
74	144-720-037	17 Greenleaf Ln	CE to NM
75	144-720-038	19 Greenleaf Ln	CE to NM
76	144-720-039	21 Greenleaf Ln	CE to NM
77	144-720-042	14 Dyquisto Way	CE to NM
78	144-720-043	16 Dyquisto Way	CE to NM
79	144-720-044	18 Dyquisto Way	CE to NM
80	144-720-045	20 Dyquisto Way	CE to NM
81	144-720-046	22 Dyquisto Way	CE to NM
82	144-720-047	24 Dyquisto Way	CE to NM
83	144-720-048	26 Dyquisto Way	CE to NM
84	144-720-049	25 Dyquisto Way	CE to NM
85	144-720-050	21 Dyquisto Way	CE to NM
86	144-720-051	19 Dyquisto Way	CE to NM
87	144-720-052	17 Dyquisto Way	CE to NM
88	144-720-053	15 Dyquisto Way	CE to NM
89	144-720-058	13 Dyquisto Way	CE to NM
90	144-720-059	11 Dyquisto Way	CE to NM
91	144-720-060	12 Dyquisto Way	CE to NM

SECTION 5. General Plan Conformity.

The amendment to Chapter 17.28 of the Cotati Municipal Code and the rezoning of certain parcels to be consistent with their General Plan land use designations, as set forth in this ordinance, is in the best interest of the City because it brings the zoning of parcels into consistency with the General Plan Land Use Designations, as required by California Government

Code Section 65860, and it is consistent with the Final EIR for the Cotati General Plan. The text amendment to the Cotati Municipal Code and zone changes create certainty for the surrounding neighborhoods regarding development scenarios and provides clarity and predictability to project sponsors.

This ordinance will further establish the goals, policies, and implementation programs of the General Plan. Specifically, these amendments are consistent with and implement the following General Plan Policies, Programs, and Actions:

Action LU 1a: Update the Zoning Map to be consistent with the land use designations shown on Figure 7.1.

Policy H-2.2: Continue to require that residential development in the NU, NM, CG, and DSP zones meet the minimum density requirements identified in the Land Use Code, and report requests for reduced density on an annual basis.

Housing Element Program 2-2: Streamlining Housing Development - Stakeholders from the development community identified streamlining, fast tracking, and providing clear development standards and expectations as the primary mechanisms to reduce governmental constraints to residential development.

Housing Element Program 2-7: Support Development of proposed projects.

SECTION 6. Compliance with the California Environmental Quality Act (CEQA).

Pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, projects that are consistent with the development density of existing zoning, community plan, or General Plan policies for which an EIR was certified shall be exempt from additional CEQA analysis, except as may be necessary to determine whether there are project specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review.

The City Council finds that this ordinance to amend Chapter 17.28 of the Cotati Municipal Code to allow development, redevelopment and modifications of PUDs in conformance with the underlying zoning and to rezone certain properties to be consistent with the land use designations set forth in the General Plan is, by its nature, consistent with the General Plan and its policies for which an EIR was certified. The zoning updates are consistent with the densities of the General Plan and there is no new information indicating that the impacts of the rezoning would be different or more severe than described in the FEIR for the General Plan that was certified on March 24, 2015, and its addendum analyzing the City of Cotati 2023-2031 Housing Element that was certified by the City Council on March 28, 2023 (SCH# 2013082037). Therefore, pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, the proposed ordinance is exempt from further CEQA review.

SECTION 7: Construction and Severability.

It is the intent of the City Council of the City of Cotati to supplement applicable state and federal law and not to duplicate or contradict such law, and this ordinance shall be construed

consistently with that intent. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Cotati hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 8: Effective Date.

This ordinance shall take effect thirty (30) days after its adoption pursuant to the California Government Code.

SECTION 9: Publication.

The city clerk shall cause this ordinance to be published and/or posted as required in Section 36933 of the California Government Code.

IT IS HEREBY CERTIFIED that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Cotati held on July 9, 2024, by the following vote, to wit:

RESULT:

MOVER:

SECONDER:

AYES:

IT IS HEREBY CERTIFIED that the foregoing ordinance was duly adopted at a regular meeting of the City Council of the City of Cotati held on _____, 2024, by the following vote, to wit:

RESULT:

MOVER:

SECONDER:

AYES:

Approved: _____

Mayor

Attest: _____

Kevin Patterson, Deputy City Clerk

Approved as to form:

City Attorney

This document is a true and correct copy of Ordinance Number ### and has been published or posted pursuant to law. *California Government Code § 40806*