

# Exhibit C

## RESOLUTION NO. PC-2024-09

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COTATI RECOMMENDING THAT THE CITY COUNCIL APPROVE THE ACCOMPANYING DRAFT ORDINANCE (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 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; 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 Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; 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, at which time the Planning Commission 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 recommend City Council approval of the ordinance; and

**WHEREAS**, The Record of Proceedings ("Record") upon which the Planning Commission 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 Planning Commission; (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 Planning Commission, 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.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Cotati does hereby find and resolve as follows:

1. Recitals.

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

2. 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 zoning 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.

3. Compliance with the California Environmental Quality Act.

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 Planning Commission recommends that this ordinance 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.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Planning Commission of the City of Cotati forwards its recommendation to the City Council to (1) amend Chapter 17.28 of the Cotati Municipal Code to allow development, redevelopment and modifications of PUDs in conformance with the underlying zoning, and (2) to rezone certain properties within the City to be consistent with their land use designations set forth and depicted in Figure 7.1 (General Plan Land Use Map) of the Cotati General Plan by adopting the draft ordinance that accompanies this resolution as Exhibit A.

**IT IS HEREBY CERTIFIED** that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of Cotati held on the June 17, 2024, by the following vote, to wit:

**RESULT:**     **ADOPTED (UNANIMOUS)**

**MOVER:**     John Savage, Planning Commissioner

**SECONDER:** Shelley Berman, Planning Commissioner

**AYES:**       Moffet, Savage, Berman, Long

**NAYS:**

**ABSENT:**     Gilardi

Approved:\_\_\_\_\_

Chair

Attest:\_\_\_\_\_

Carla Duncan, Admin. Secretary