



Cotati City Council Agenda Staff Report

Item type: PUBLIC HEARINGS (ACTION)

To: City Council

Subject: **SECOND READING AND ADOPTION OF AN 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 DEVELOPMENT (PUDS) TO BE SUBDIVIDED, 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**

Date: October 8, 2024

Written by: JP Harries, Senior Planner

Recommendation

It is recommended that the City Council conduct a second reading and adopt the attached ordinance that (1) amends 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 subdivided, developed, redeveloped, or modified consistent with the underlying zoning district development standards, and (2) rezones multiple properties to be consistent with their General Plan land use designations. [Click or tap here to enter text.](#)

Project Description

The purpose of the proposed ordinance is to bring Cotati's zoning regulations and zoning map into consistency with the Cotati General Plan and the land use designations shown on Figure 7-1 of the General Plan (see Exhibit A). This action is identified as a higher priority implementation action in the Cotati General Plan (Action LU 1a) and is required by California Government Code Section 65860.

The proposed ordinance also amends Chapter 17.28 (Special Purpose Zone and Overlay Zone Standards) of the Cotati Municipal Code by adding a new section to Chapter 17.28 that defines

Planned Unit Developments (PUDs) and allows for existing PUDs to be subdivided, developed, redeveloped or modified consistent with the development standards of the underlying zoning district. This amendment eliminates the need to rezone a PUD to the underlying zoning district if a project sponsor desires to subdivide, develop, redevelop, or modify an existing PUD in conformance with the development standards of the underlying zoning district and General Plan land use designation, but not necessarily in conformance with the development standards of a previously approved PUD.

Background

The City's current zoning map (see Exhibit B) was adopted in 2005 and modified in 2009 after adoption of the Downtown Specific Plan. Since then, there have been only minor changes to the zoning of individual parcels as various development projects, that may have included a change in zoning, were reviewed and approved by the City Council.

In June 2005, the City adopted a revised Land Use Code. The City of Cotati Land Use Code carries out the policies of the Cotati General Plan by classifying and regulating the uses of land and structures within the city, consistent with the General Plan. The 2005 revised Land Use Code included many changes to the previous code, but pertinently removed the provisions that allowed for development of new PUD zoning districts. A PUD zoning district is created via an ordinance approved by the City Council and establishes a zoning overlay to the underlying primary zoning district. The purpose of a PUD zoning district, which is project and parcel specific, is to allow for the inclusion of a mixture of uses, building intensity, or design characteristics within its boundaries that would not normally be permitted within the underlying primary zoning district.

On March 24, 2015, the Cotati City Council adopted the Cotati General Plan update, which is the current General Plan that governs City growth and development. As a 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. At the same meeting on March 24, 2015, the City of Cotati certified the Final Environmental Impact Report (FEIR) for the Cotati General Plan update (SCH# 2013082037).

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. In conjunction with the approval of the 2023-2031 Housing Element update, the City approved an addendum to the FEIR for the Cotati General Plan on March 28, 2023.

On June 17, 2024, the Cotati Planning Commission reviewed the proposed ordinance. The Commission asked questions about the General Plan adoption process and public involvement. The Commission also noted that the PUD amendment would efficiently address future zoning issues similar to those that recently occurred with the Cotati Village site. The Commission voted 4-0 (with one absence) to recommend City Council approval of the ordinance (see Exhibit C).

City Council Hearing - July 9, 2024

The City Council introduced the proposed ordinance at the July 9, 2024, meeting. During the Council's deliberations, several Council members expressed concern that some of the changes in the Land Use Designations weren't obvious when the General Plan was adopted in 2015 and that some property owners may not have been aware of the land use changes. The City Council voted (3-2) to introduce the ordinance but directed staff to delay the second reading for at least 60 days and to reach out to some property owners to make them aware of the changes and to measure their interest in changing the land use designations of their properties back to the designations that existed prior to the 2015 General Plan adoption. Specifically, staff was directed to contact those property owners located along West Cotati Avenue whose land use designations changed from RR (Rural Residential) to LDR (Low Density Residential), and the property owner of 8622/8624 Cypress Avenue whose land use designation changed from LDR to LMDR (Low/Medium Density Residential).

On July 12, 2024, staff sent letters to the affected property owners (see Exhibit D). Two property owners from the West Cotati Avenue neighborhood responded via telephone and in-person. One only had questions about the land use designation change and another voiced support for the change because they felt their property values increased and they were provided with more opportunities, such as the ability to split the lot if they choose to in the future. The owner of the Cypress property responded via email that they were not aware of the 2015 changes and did not support them, but also did not express interest in working with the City on any future land use changes (see Exhibit E).

Analysis/Discussion

Purpose of zoning

Every city in California has an existing zoning ordinance. Zoning regulations are one of the primary tools that a city utilizes to implement a General Plan. A zoning or land use code translates the goals and policies of a General Plan into parcel specific regulations, including land use regulations and development standards. The type and intensity of land uses that are permitted and how they perform are critical to achieving a General Plan's vision for neighborhood preservation and enhancement, economic development, and community health. Zoning regulations should clearly communicate and effectively implement the General Plan's policies and incorporate its direction for the development, maintenance, and improvement of land and properties within the City's boundaries.

Rezoning of certain properties to be consistent with their General Plan land use designations

In general, zoning is the division of a city into districts and the application of different regulations within each district. A parcel's particular zoning district, and its corresponding representation on a city's zoning map, is derived from the City's General Plan. The General Plan provides a land use designation for each parcel in the City. The General Plan land use designation describes the desired general character of the land. A parcel's zoning includes the specific regulations that promote the desired character. Further, a parcel's zoning district must be consistent with a city's General Plan land use designation pursuant to California Government Code Section 65860.

For example, within Cotati, a parcel with a General Plan land use designation of LMDR (Low/Medium Density Residential) must be zoned NL (Neighborhood, Low Density). The NL zoning district, and its associated development standards and use regulations, implements the vision and goals of the LMDR land use designation set forth and described in the General Plan.

Below are Cotati's General Plan land use designations and their corresponding zoning districts:

General Plan Land Use Designation	Corresponding Zoning District
A – Agriculture	N/A - No applicable lands are currently within Cotati's jurisdictional boundaries, but designated lands fall within Cotati's Urban Growth Boundary and Sphere of Influence.
RR - Rural Residential	RR – Rural Residential (RR = 1 dwelling unit (du)/1.5 acres) (RR-1 = 1 du/acre)
LDR - Low Density Residential	RVL – Residential, Very Low Density (RVL = 1 du/0.5 acre) (RVL-.66 = 1 du/0.66 acre)
LMDR - Low/Medium Density Residential	NL – Neighborhood, Low Density (4-6 du/acre)
MDR - Medium Density Residential	NM – Neighborhood, Medium Density (8-10 du/acre)
HDR - High Density Residential	NU – Neighborhood, Urban (12-15 du/acre)
GC - General Commercial	CE – Commercial, East Cotati Ave Corridor CG – Commercial, Gravenstein Corridor CD – Downtown, Commercial (Mixed-use residential = 12-15 du/acre)
OSP - Open Space/Parks	OSC – Open Space, Conservation OSR – Open Space, Recreation
PF - Public Facilities	PF – Public Facility
CI - Commercial Industrial	CI – Commercial/Industrial District IG – General Industrial District (Live/work = 15 du/acre max)
SP - Specific Plan	Specific Plan, Downtown Specific Plan, Santero Way (Allowable residential density is plan specific)

As a part of the General Plan update in 2015, 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. Pursuant to Government Code Section 65860(c), the City's zoning ordinance and zoning map must be consistent with the updated General Plan's land use designations - "In the event a zoning ordinance becomes inconsistent with the general plan by reason of amendment to the general plan, or to any element of the plan, then the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended."

The proposed ordinance will amend the zoning of multiple properties to reflect their General

Plan land use designations. Some of the changes in the General Plan's land use designations provide for increased densities on some parcels (ex. changing a parcel's zoning from RR to RVL). However, most of the zoning changes in the proposed ordinance would implement General Plan land use designations that are intended to reflect and accommodate existing residential development patterns.

For example, several residential developments located along East Cotati Avenue, such as those located along Bay Tree Court, Green Leaf Lane, and Dyquisto Way are currently zoned CE (Commercial, East Cotati Ave Corridor). The Cotati General Plan designates these properties as MDR (Medium Density Residential) and thus directs the City to rezone those properties to NM (Neighborhood, Medium Density). This land use designation, and corresponding zoning, benefits the properties by allowing the existing residential properties to be developed, redeveloped, and modified in conformance with their existing residential density and use as opposed to commercial zoning regulations that may cause issues of non-conformity or restrictions on residential development potential.

The proposed ordinance would amend the Cotati Zoning Map to rezone the following properties to be consistent with the land use designations set forth and shown on Figure 7-1 of the Cotati General Plan (Exhibit A):

	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
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

	APN	Address	Zone Change
24	144-281-035	347-349 E Cotati Ave	CE to NM
25	144-302-022	768 E Cotati Ave	NM to NU (Southern portion)
26	144-302-050	766 E Cotati Ave	NM to NU (Southern 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	144-440-001	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
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

	APN	Address	Zone Change
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

Amendment to Chapter 17.28 - Planned Unit Developments (PUDs)

Presently, PUDs are not defined or discussed in the current Land Use Code. The proposed ordinance amends Chapter 17.28 (Special Purpose Zone and Overlay Zone Standards) of the Cotati Municipal Code by adding a new section to Chapter 17.28 that defines Planned Unit Developments (PUDs) and allows for existing PUDs to be subdivided, developed, redeveloped or modified consistent with the development standards of the underlying zoning district.

As noted in the Background section above, prior to 2005 the City's Land Use Code allowed for the development of PUDs. A PUD is a zoning overlay that is typically parcel- and project-specific and allows for the inclusion of a mixture of uses, building intensity, or design characteristics within its boundaries that would not normally be permitted within the underlying primary zoning district. The ultimate form of a PUD can be very specific in terms of development and use standards and would typically be the result of negotiations between project proponents, the public, and City staff and officials. A PUD was approved, via a City Council-approved ordinance, as a site-specific zoning amendment, and the provisions of the ordinance creating the PUD confer rights, and restrictions, that apply to the land.

The current Land Use Code, as required by state law, utilizes more objective standards for evaluating development proposals and the procedures for deviating from those standards (ex. Objective Design Standards, State Density Bonus Law, Cottage Housing, etc.). There are no provisions in the current Cotati Municipal Code that allow for new PUDs.

The primary issue or concern for the City today is that the PUD zoning that has been historically applied to certain properties may conflict with the properties' current land use designation defined by the General Plan and the corresponding standards for use and development. Under the current provisions of the Land Use Code, to change the development and use regulations of a PUD-zoned property an applicant must rezone the property. This, however, could conflict with State law which places the burden on the City to ensure all zoning citywide complies with the General Plan land use designations.

Additionally, Assembly Bill 821 recently passed, which, as of January 1, 2024, 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 conformance with the General Plan standards..

To address the requirements of state law, and to ensure that there are no zoning conflicts with existing PUDs and the City's General Plan land use designations, the proposed ordinance would amend Chapter 17.28 of the Cotati Municipal Code by adding a new section to Chapter 17.28 that defines PUDs (which are not defined or discussed in the current Land Use Code) and allows for existing PUDs to be developed, redeveloped or modified consistent with the development standards of the underlying zoning district, 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.

This amendment eliminates the need to rezone a PUD to the underlying zoning district if a project sponsor desires to subdivide, develop, redevelop, or modify an existing PUD in conformance with the underlying zoning district development standards (and the Cotati General Plan land use designation), but not necessarily in conformance with the previously approved PUD development standards.

General Plan Consistency

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.

Financial Considerations

Adoption of the ordinance is not expected to have an adverse fiscal impact on the City. Staff time to prepare the ordinance has been absorbed by the Community Development Department budget. The staff time to review any future project on a rezoned or PUD-zoned parcel will be fully covered by the project applicant. It is possible that adoption of the ordinance could result in future cost savings to the City because the City will not be obligated to process a zoning amendment in the future (without cost-recovery) to address an inconsistency between the General Plan and the zoning code.

Environmental Issues

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.

This ordinance to allow subdivision, development, 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.