



**Final Environmental Impact Report, Volume 2
Downtown Housing and Economic Opportunity
Overlay and EKN Appellation Hotel Project
Petaluma, Sonoma County, California**

State Clearinghouse Number 2024040565

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SECTION 1: INTRODUCTION

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Petaluma (Lead Agency) has evaluated the comments received on the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project Draft Environmental Impact Report (EIR). Pursuant to CEQA Guidelines Section 15132, this Final EIR includes a list of persons, organizations, and agencies that provided comments on the Draft EIR; responses to the comments received regarding the Draft EIR. A Mitigation and Monitoring and Reporting Program will be provided under a separate cover.

This document is organized into two sections:

- **Section 1—Introduction.** Provides an introduction to the Final EIR.
- **Section 2—Master Responses and Responses to Written Comments.** Provides a single comprehensive response to similar comments about a particular topic. Additionally provides a list of the agencies, organizations, and individuals who commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.

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SECTION 2: MASTER RESPONSES

This section includes master responses as well as individual responses to public comments submitted during the Draft EIR 60-day public review period that ran from August 23, 2024, through October 21, 2024. The City also elected to accept a handful of letters received just after the close of the comment period,¹ and the responses herein address all substantive comments received.

2.1 - Master Responses

Master responses address similar comments made by multiple public agencies, businesses, organizations, or individuals through written comments submitted to the City.

2.1.1 - List of Master Responses

- Master Response 1—General Opposition Comments
- Master Response 2—Recirculation Not Required
- Master Response 3—Alternatives
- Master Response 4—Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation
- Master Response 5—Noticing and the Public Involvement Process
- Master Response 6— Hotel and Overlay Impacts on Aesthetics and City’s Design Review and Conditional Use Permit Review Process
- Master Response 7—Density Bonus and Building Height
- Master Response 8—CEQA in Reverse
- Master Response 9—Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character
- Master Response 10—Construction and Staging
- Master Response 11—Traffic-Related Noise and Air Pollution
- Master Response 12—Relation Between the Proposed Overlay and Upcoming General Plan Update
- Master Response 13—Valet Parking
- Master Response 14—Hotel and Overlay Impacts on Parking
- Master Response 15—Traffic Congestion
- Master Response 16—Effects of Street Closures and Special Events
- Master Response 17—Hazardous Materials

¹ The California Environmental Quality Act (CEQA) does not require responses to late comments. (Public Resources Code § 21091(d)(1)). As there is no legal duty to respond to late comments, the alleged inadequacy of responses to late comments cannot be a basis for challenging the adequacy of an EIR. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1111).

2.1.2 - Master Responses

Master Response 1—General Opposition Comments

Summary of Relevant Comments

Several commenters expressed general opposition to the proposed project but did not raise any significant environmental issues related to the adequacy of the environmental impact analysis; and/or objected generally regarding the adequacy of the environmental impact analysis but did not provide a specific basis to support the asserted inadequacy. The City reviewed all general comments and developed this Master Response to address recurring comments and common themes. Comments that were more specific in nature and provided supporting information are addressed in the individual unique responses.

The general comments addressed in this Master Response fall into one of several categories:

- The comment generally objects to either the entire project, or a portion of the proposed project, but did not raise any specific environmental issues related to the adequacy of the environmental impact analysis.
- The comment alleges that the analysis in the Draft EIR is not supported by substantial evidence.
- The comment broadly identifies environmental topics and requests additional evaluation but did not provide supporting information.
- The comment asks for additional studies, mitigation, or alternatives without explanation, supporting information, or rationale.
- The comment presents generalized claims challenging the adequacy of the analysis in the Draft EIR, which are not supported by data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts.
- The comment does not pertain to adverse impacts of the proposed project on the physical environment under the purview of CEQA, but instead raises political, social, economic, or financial questions or issues.
- The comment states an opinion, speculation or conclusion regarding the merits of the proposed project but did not (1) provide any rationale, or (2) raise any issues related to the adequacy of the environmental impact analysis.
- The comment questions the City's use of planning and environmental consultants, their professional qualifications, and ability to remain objective.
- The comment questions the City's use of public funds on the proposed project.
- The comment presents generalized claims regarding the City's planning process, including development review and approval and/or the requirements and benefits of the proposed Overlay.
- The comment does not raise concerns with respect to the disposition of environmental impacts or issues evaluated in the Draft EIR.

- The comment generally objects to the issuance of a Conditional Use Permit (CUP), states that the findings for a CUP cannot be made, or otherwise questions the City's ability to issue a CUP for the proposed project.

The foregoing types of comments received in response to the Draft EIR, are referred to collectively as "general opposition" and are the focus of this Master Response.

Response

Standard of Review

CEQA Guidelines Section 15384(a)) defines "substantial evidence" as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, **even though other conclusions might also be reached.**" (Emphasis added). "Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence. (b) Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."

Further, the term "substantial evidence" is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible, and of solid value. (*See Stanislaus Audubon Soc'y, Inc. v. County of Stanislaus* (1995) 33 CA4th 144; *Lucas Valley Homeowners Ass'n v. County of Marin* (1991) 233 CA3d 130, 142).

Under Public Resources Code Sections 21080(e) and 21082.2(c), and CEQA Guidelines Sections 15064(f)(5) and 15384, the following constitute substantial evidence:

- Facts;
- Reasonable assumptions predicated on facts; and
- Expert opinions supported by facts.

When applying the substantial evidence standard, a reviewing court does not reconsider or reweigh the evidence that was before the agency. As the court explained in *Laurel Heights*, "in applying the substantial evidence standard, the reviewing court must resolve reasonable doubts in favor of the administrative finding and decision." (*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 C3d 376, 393). Further, when reviewing an EIR's analysis under the substantial evidence test, a court resolves all disputed questions of fact relating to technical methodology in favor of the lead agency. (*South of Mkt. Community Action Network v. City & County of San Francisco* (2019) 33 CA5th 321, 339; *see also, National Parks & Conserv. Ass'n v. County of Riverside* (1999) 71 CA4th 1341, 1364 (EIR's methodology for analyzing environmental impact must be upheld if supported by substantial evidence in the record even though difference of opinion among experts exists); *South of Mkt. Community Action Network v. City & County of San Francisco* (2019) 33 CA5th 321, 339; *Town of Atherton v. California High-Speed Rail Auth.* (2014) 228 CA4th 314, 349).

Therefore, under the deferential substantial evidence standard, the City may accept the conclusions in the Draft EIR and certify the Final EIR so long as any substantial evidence supports the conclusions, even if there is conflicting evidence. To effectively challenge the conclusions in the Draft EIR, commenters have the burden of demonstrating that no substantial evidence supports the conclusions. The general allegations addressed by this Master Response allege that there is no substantial evidence, but they do not rise to the level of proving that no evidence supports the conclusions in the Draft EIR.

Level of Specificity Required in Comments

Comments on an EIR should focus on the sufficiency of the document's identification and analysis of significant environmental impacts, and the adequacy of measures designed to avoid or mitigate those impacts (CEQA Guidelines § 15204(a)). Reviewers should explain the basis for their comments and provide data, references, or other evidence to support their comments (CEQA Guidelines § 15204(c)).

CEQA requires that the Final Environmental Impact Report (Final EIR) address comments submitted during the public comment period that raise significant environmental issues on the adequacy of the Draft EIR (Public Resources Code [PRC] § 21091(d)(2)(B); CEQA Guidelines § 15088(c)). CEQA considerations are limited to significant issues as these relate to potential adverse physical impacts of the project on the environment. Comments that do not raise a significant environmental question need not be responded to (*Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549).

The purpose of the public review and comment process on a Draft EIR and the related responses is intended to share expertise, disclose the basis for and methodologies used to complete the Draft EIR's analyses, check for accuracy, detect and correct omissions, discover public concerns, and solicit counter proposals for mitigation and/or alternatives. CEQA Guidelines Section 15204, in part states:

- In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and the ways in which the significant effects of the project might be avoided or mitigated . . . CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.
- Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.
- This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.

CEQA does not require that the City respond to all comments on a Draft EIR, but only to the significant environmental issues presented. (CEQA Guidelines §§ 15088(c), 15132(d), 15204(a).) Moreover, the City is not required to conduct every test or perform all research, studies, or experimentation at the commenter's request. (PRC § 21091(d)(2)(B); CEQA Guidelines § 15204(a).) An EIR need not provide all information reviewers request, as long as the report, when looked at as a whole, reflects a good faith effort at full disclosure. (CEQA Guidelines § 15204(a)). As the court stated in *City of Long Beach v. Los Angeles Unified Sch. Dist.* (2009) 176 CA4th 889, 901, “The level of detail required in a response to a comment depends on factors such as the significance of the issues raised, the level of detail of the proposed project, the level of detail of the comment, and the extent to which the matter is already addressed in the Draft EIR or responses to other comments.” Accordingly, a general response to a general comment is sufficient. (CEQA Guidelines § 15088(c).)

Similarly, an EIR need not consider every potential alternative to a project. Instead, the CEQA Guidelines and case law are clear that an EIR need only discuss a “reasonable range” of alternatives (CEQA Guidelines § 15126.6(a)). Where an EIR evaluates a reasonable range of alternatives, it is not required to study additional alternatives suggested during the public comment period. (*South of Market Community Action Network v. City and County of San Francisco* (2019) 33 CA5th 321, 345; *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 234 CA4th 214, 256; *City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) 208 CA4th 362, 420; *see also Save Our Capitol! v. Department of Gen. Servs.* (2023) 87 CA5th 655, 703). Commenters have the burden of demonstrating that the range of alternatives considered is manifestly unreasonable in the absence of other feasible alternatives it claims should have been included. (*See South of Market Community Action Network v. City & County of San Francisco* (2019) 33 CA5th 321, 345). Also see Master Response 3—Alternatives, for additional information regarding the Alternatives Analysis.

Pursuant to CEQA, all comments received during the public comment period, including personal opinions expressing general support for, or opposition to, the proposed project are noted and included in this Final EIR for consideration by the City, but do not require a specific written response if they do not relate to a significant environmental issue that is addressed within the Draft EIR and/or otherwise within the purview of CEQA. For example, comments objecting to the design of the Hotel component that do not identify specific adverse impacts to the environment will be shared with the decision-makers, but do not raise environmental issues that require a specific response. Similarly, comments generally objecting to the issuance of a CUP, or questioning the City’s planning process, do not raise issues related to the proposed project’s impact on the physical environment that require a specific response pursuant to CEQA. Likewise, opinions about the general desirability, merits, and/or purely economic, social, or political considerations of the proposed project are not within the purview of CEQA and do not require a specific written response in this Final EIR. In cases where the commenter provides an opinion and/or generalized concerns about the merits of the proposed project but does not identify any particular issue concerning the sufficiency of the Draft EIR, the City notes the opinion in this Final EIR for informational purposes and for consideration by the decision-makers, who will consider all comments.

Where a commenter offers unsubstantiated assertions about a significant environmental issue or the adequacy of the Draft EIR, the City notes the assertion in this Final EIR for informational purposes

and consideration by the decision-makers but does not alter or augment the analysis in the Draft EIR, pursuant to CEQA Guidelines Section 15204.

The general response reflected in this Master Response is appropriate when a comment falls into one of the above-referenced categories. While the City does not provide individual responses to each of these general comments in this Final EIR, as noted above, each comment is part of the administrative record on the proposed project and will be forwarded to City decision-makers for consideration as part of the public hearing process on the proposed project. In this regard, the City will review, evaluate, and consider, as determined appropriate, all comments received as part of the decision-making process.

Further, it should be noted that certification of a Final EIR by the lead agency as having been prepared in compliance with CEQA does not grant any approvals or entitlements for a project. Accordingly, approval of the proposed project will be considered by the City as a separate action(s) following certification of the Final EIR.

Master Response 2—Recirculation Not Required

Summary of Relevant Comments

The City received several comments stating that it should revise and recirculate the Draft EIR to incorporate additional information or because a commenter disagreed with a significance conclusion in the Draft EIR; claimed that the EIR was generally inadequate or insufficient as a whole; or generally opposed the proposed project. This Master Response discusses the standards generally applicable to this issue and applies those standards to the comments requesting recirculation.

Response

Although a number of commentors stated that the Draft EIR should be recirculated, the conditions established in the CEQA Guidelines under which the Draft EIR must be recirculated have not been met. As a result, it is not necessary to recirculate the Draft EIR.

The Draft EIR does not have to be recirculated at the request of a commenter. Rather, under CEQA, recirculation is only required when the lead agency adds “significant new information” to an EIR after the public comment period and prior to certification of the EIR (*Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1128). “Information” can include changes in the project or environmental setting, as well as additional data or other information (CEQA Guidelines § 15088.5(a)).

CEQA Guidelines Section 15088.5(a) further provides: New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

In *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, the California Supreme Court interpreted this “significant new information” standard and rejected the proposition that “any new information” triggers recirculation; recirculation is intended to be an exception, not the general rule. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an otherwise adequate EIR. In response to certain comments, information was added to the EIR to clarify an issue or expand on a topic. Those revisions are detailed in Volume 1 of the Final EIR. CEQA Guidelines Section 15088 also recommends that where a response to comments results in revisions to the Draft EIR, those revisions be incorporated into the EIR. Accordingly, in instances when a response includes revision to the Draft EIR, the related text changes are shown in redline/strikeout format in Volume 1 of the Final EIR whereby new text is shown with underlined (new text) and deleted text is shown as strikeout (deleted text). None of these revisions require recirculation of the Draft EIR.

Recirculation is required only if the changes go beyond clarification or amplification and rise to the level of significant new information as outlined above. No new significant impacts have been identified in the Final EIR. As shown in Volume 1 of the Final EIR, Mitigation Measure (MM) Overlay CUL-1e, MM Overlay CUL-2, MM EKN CUL-2a, MM EKN CUL-2b, MM EKN CUL2c, and MM EKN TRA-1 have been revised with clarifying text edits and MM EKN BIO-1 has been renamed to MM Overlay BIO-1, without any edits to its text or application. Accordingly, these changes merely clarify measures to address potentially significant impacts that were already identified in the Draft EIR, and no new or more severe significant impact would result from implementing the clarifying text changes to the mitigation measures. In the case *South County Citizens for Smart Growth v. County of Nevada*, recirculation of a new mitigation measure or alternative is only required when that new mitigation measure or alternative:

- Is feasible;
- It is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR;
- It would clearly lessen the project's significant environmental impacts; and
- It is not adopted.

Recirculation is required only if each of the above tests are met (*South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4th 316, 330).

Additionally, the process of responding to comments has not resulted in the determination that an environmental impact identified in the Draft EIR has a substantially greater impact than that described in the Draft EIR.

No new feasible alternatives have been suggested or added to the EIR that would significantly reduce impacts compared to what has already been disclosed in the Draft EIR. The inclusion of additional information related to the proposed project is provided for informational purposes only, and does not trigger recirculation of the Draft EIR because it does not constitute a significantly different new alternative nor does it include any “significant new information” that would require recirculation under CEQA Guidelines Section 15088.5. This additional information merely summarizes already available information in the Draft EIR. It is important to note that while the EIR must analyze all potential approvals that are reasonably foreseeable aspects of a proposed project, the City is not obligated to grant all approvals and an EIR need not treat each individual approval as a separate potential alternative.

The proposed project includes two components: the proposed Overlay and the proposed Hotel. These two components were reviewed at several study sessions. The analysis in the Draft EIR consistently describes the proposed project as including two separate components and delineates potential impacts associated with the proposed Overlay distinct from those associated with implementation of the proposed Hotel. This allows the reader to identify impacts and mitigation measures that are specific to each component. Accordingly, the information provided in the Final EIR related to approval of the proposed Hotel or the proposed Overlay separately, or any alternative, does not introduce any new information. Rather, it merely summarizes the already available information. Likewise, the No Project Alternative already discloses the potential impacts associated with not moving forward with the proposed Overlay.

Moreover, although existing mitigation measures were refined in Volume 1 of the Final EIR, the lead agency has incorporated them into the Mitigation Monitoring and Reporting Plan, and none of the requirements for recirculation are triggered. Finally, the City of Petaluma, as the Lead Agency, believes that the Draft EIR is adequate under CEQA. None of the revisions included in the Final EIR rise to level of significant new information, and therefore, recirculation of the Draft EIR is not required.

Master Response 3—Alternatives

3a) Hotel-Only Overlay Alternative

Summary of Relevant Comments

Several comments suggested the City consider approving the proposed Hotel only. These comments further suggest that approval of a Hotel-Only Overlay Alternative be considered as a project alternative and that the Draft EIR be recirculated for public review of this alternative. The City also received comments claiming that the purpose of the Overlay is to allow spot zoning for the proposed Hotel.

Response

As an initial matter, an EIR that discusses a reasonable range of alternatives is not deficient simply because it excludes other potential alternatives from its analysis (CEQA Guidelines § 15126.6(a); *City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.4th 362). The Draft EIR discusses a reasonable range of alternatives and therefore does not need to include a separate Hotel-Only Overlay Alternative.

Moreover, a Hotel-Only Overlay Alternative would not include housing and, as such, it would not meet several of the City's project objectives. Specifically, because such an alternative would only develop a hotel, it would not promote a diversity of housing products by allowing for residential uses in ground floor spaces and flexibility in building forms for the parcels within the Overlay Area. Additionally, if the Overlay is limited to the Hotel site only, the parcels within the broader proposed Overlay would not benefit from the Ordinance's amendments, which aim to encourage flexible standards that support a variety of housing types and commercial uses. Without these amendments, these parcels would lack the intended regulatory flexibility to promote development that supports Downtown businesses and enhances local commerce. The proposed Overlay would advance both of these objectives. One of the City's objectives is to improve the function and design of the downtown core by establishing Overlay sites to promote development that would strengthen the attractiveness and the connectivity of residential, mixed use and commercial areas to amenities and services in the Downtown area. A Hotel-Only Overlay Alternative would not achieve this objective. Additionally, a Hotel-Only Overlay Alternative would not advance any of the remaining objectives because it would be limited to only hotel uses and would not provide any flexibility in building form or floor area ratio (FAR). A lead agency is not required to consider alternatives that do not advance the fundamental purpose of the proposed project (*Sequoia Hills Homeowners Ass'n v. City of Oakland* (1993) 23 CA4th 704, 715 [agency was not required to consider lower density alternative that would be inconsistent with project's primary goal of providing affordable housing]). Accordingly, a Hotel-Only Overlay Alternative does not meet CEQA's requirements for separate evaluation as it does not meet many of the project objectives.

Nonetheless, as the proposed Overlay and Hotel are two separate components of the proposed project, consideration of a Hotel-Only Overlay Alternative does not disclose any new or significantly different environmental impacts than those evaluated in the Draft EIR. An EIR is not required to consider alternatives to a component of a project and should instead focus on alternatives to the project as a whole. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957). It is important to note that a Hotel-Only Overlay Alternative would include a revised, and significantly truncated, version of the Overlay that would be applicable to only the Hotel site, consistent with the analysis in the Draft EIR. All of the requirements currently detailed in the proposed Overlay would still apply to the Hotel site; however, the remainder of the parcels in the proposed Overlay would no longer receive the benefits of the Overlay.

The purpose of the alternatives section is to review a range of alternatives. There is no requirement to review every possible alternative. Additionally, an EIR need not include multiple variations on the alternatives that it does consider. (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022). Similarly, "not every proposed alternative to a project that might

emerge during the decision-making process triggers recirculation, particularly where, as here, the proposed alternative is substantially similar to the alternatives already evaluated in the EIR.” (*Southwest Regional Council of Carpenters v. City of Los Angeles* (2022) 76 Cal.App.5th 1154, 1185; see also *Western Placer Citizens for an Agricultural & Rural Environment v. County of Placer* (2006) 144 Cal.App.4th 890, 895–89) An evaluation of a Hotel-Only Overlay Alternative would not result in significantly different information from that already presented in the Draft EIR because the Draft EIR already distinguishes between the proposed Hotel and the proposed Overlay in each topical section. Similarly to the Reduced Overlay Area C Alternative, a Hotel-Only Overlay Alternative would simply reduce the potential impacts of the proposed Overlay by reducing the Overlay Area. Note, the thresholds contain separate discussions for the “Downtown Housing and Economic Opportunity Overlay” followed by a discussion of the “EKN Appellation Hotel.” See e.g., Draft EIR, p. 3.1-17 (discussing aesthetic impacts related to the proposed Overlay) and p. 3.1-18 (discussing aesthetic impacts related to the proposed Hotel).

In addition, neighborhood and community meetings were also held by the applicant specifically regarding the proposed Hotel, which provided additional opportunities for public input. Table 2-1 in the Draft EIR outlines these meetings and identifies when the proposed Hotel was addressed. The distinct analyses in each section of the Draft EIR provide the decision-makers and the public with sufficient information to determine the potential impacts of approving a Hotel-Only Overlay Alternative.

While the Hotel would not result in significant effects to historical resources as explained in Section 3.2 of the Final EIR, as the Hotel is within the Overlay, relevant Mitigation Measures identified for the proposed Overlay would also be imposed on a Hotel-Only Overlay Alternative. In some instances, Overlay mitigation measures either would not apply or have already been satisfied. For example, MM Overlay CUL-1a (perform an historic resources evaluation) has already been satisfied for the Hotel site, as documented in the Draft EIR. MM Overlay CUL 1b, MM Overlay CUL-1c, and MM Overlay CUL-1d apply to existing historic resources and proposed alterations to such resources; because the Hotel site is vacant, these measures would not be applicable. Implementation of the mitigation measures already evaluated in the Draft EIR would be sufficient to reduce potential impacts under a Hotel-Only Overlay Alternative consistent with the analysis presented in the Draft EIR. No new or more severe impacts are anticipated and there is no need for additional or significantly different mitigation.

Nor have any of the comments suggested significantly different mitigation for inclusion in a Hotel-Only Overlay Alternative. Moreover, the No Project Alternative discusses the potential impact of not approving either the proposed Overlay or Hotel. Accordingly, between the distinct analysis related to the different project components and the No Project Alternative, analysis of a Hotel-Only Overlay Alternative would not disclose substantially different information than already found in the Draft EIR. All of the potential physical impacts to the environment associated with developing a Hotel-Only Overlay Alternative are already disclosed in the Draft EIR, while impacts related to not advancing the proposed Overlay are already addressed in the No Project Alternative.

Moreover, CEQA recognizes that a lead agency has the discretion to approve a portion of a proposed project. When considering project approval, the lead agency has “the flexibility to implement that portion of a project that satisfies their environmental concerns.” (*Sierra Club v. City of Orange* (2008) 163 CA4th 523, 533). A lead agency also has discretion to approve a revised version of the project which was not considered in the EIR if it is similar in scope, size, and use as the alternatives evaluated in the EIR and would not have new environmental impacts. (See *Southwest Reg'l Council of Carpenters v. City of Los Angeles* (2022) 76 CA5th 1154, 1181–82). Accordingly, nothing in the Draft EIR analysis prevents the City from considering approval of the Hotel component only. Similarly, an EIR is not required to consider alternatives to a component of a project and should instead focus on alternatives to a project as a whole. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 CA4th 957, 993; *Big Rock Mesas Property Owners Association v. Board of Supervisors* (1977) 73 Cal3d 218, 227). Again, the Hotel is only a component of the overall project, and CEQA does not mandate that it be treated as a stand-alone alternative.

Spot Zoning

Commenters allege that the Draft EIR needs to evaluate a Hotel-Only Alternative, in part to evaluate the impacts of spot zoning. However, commenters have not explained how spot zoning results in an impact to the physical environment. The impacts analyzed in the EIR must be “related to a physical change.” (CEQA Guidelines Section 15358(b); see also *Fund for Environmental Defense v. County of Orange* (1988) 204 Cal.App.3d 1538 (where designation of land surrounding project as wilderness park did not change physical character of area or project’s impacts)). Spot zoning in and of itself is not a physical impact on the environment and is therefore not subject to review under CEQA.

Additionally, it is important to recognize that spot zoning itself is not illegal, nor is it categorically prohibited by case law. Spot zoning is permissible, and has been upheld by California courts. The California Supreme Court has held that spot zoning by definition only occurs when a property is singled out and subjected to more restrictive standards than surrounding properties, effectively diminishing the property’s rights. (*Wilkins v. City of San Bernardino* (1946) 29 Cal.3d 332, 340). In contrast, the proposed project is providing these property owners with additional development rights, such as increased height limits, rather than imposing greater restrictions. Additionally, the parcels within the Overlay have not been singled out arbitrarily; rather, they are identified as underutilized parcels within the City’s downtown and the specific parcels to include in the Overlay have been discussed at numerous study sessions. Therefore, this would not be considered spot zoning.

Moreover, in *Foothill Communities Coalition v. County of Orange*, the Fourth District Court of Appeal upheld the spot zoning of a housing project despite opposition. In that decision, the court cited *Avenida San Juan Partnership v. City of San Clemente* (2011) 201 Cal.App.4th 1256, finding that so long as the agency’s action is not “arbitrary or capricious, or totally lacking in evidentiary support,” and if the agency “made requisite findings to support its decision,” spot zoning is permissible.

As such, determinations about whether a rezoning of a particular parcel or area is “permissible” is based on the facts and circumstances and whether the approving agency (the City) makes “findings” to establish that the rezoning provided a “public benefit” and is in the “public interest.” For instance,

the proposed project would help achieve the goals and policies of the General Plan that promote a public benefit. Accordingly, there is no spot zoning here as a Hotel Only Overlay Alternative would provide more flexibility and rights to the property owners within the Overlay and would be achieved for a legitimate purpose, as stated in the project objectives. For all of the above reasons, the City finds that the potential impacts associated with an alternative that considers the Hotel only, or Subarea A only are fully addressed in the Draft EIR and does not find it necessary to include a separate analysis of a Hotel-Only Overlay Alternative, or a Subarea A Only Alternative as both such alternatives are inherently included in the analysis.

3b) Alternative Sites Alternative

Summary of Relevant Comments

Several commenters suggested that other alternative sites should be considered for the proposed Hotel. Some comments suggested including an alternative site as an additional alternative in the Draft EIR's alternatives analysis. Several comments disagree with the reasoning for not including a thorough alternative site analysis in the Draft EIR.

Response

An EIR need not present alternatives that are incompatible with fundamental project objectives. (CEQA Guidelines § 15126.6(a); *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 CA4th 1143, 1157, 1164). For example, one of the City's Project Objectives is to "Support Downtown business and commerce by providing a diversity of accommodations, a range of housing types, and variety of commercial services," which is best accomplished on an unoccupied infill site within the downtown core, as proposed by the Hotel.

Moreover, under CEQA, an EIR is not required to evaluate alternative sites when such alternatives are not feasible for the project proponent to obtain. The case law recognizes that the feasibility of alternative sites is often contingent upon the developer's ability to own, control, or reasonably acquire such locations. For example, in *San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 751, the court required an EIR to discuss alternative sites only where there was a realistic possibility of a land trade. Similarly, in *Methow Valley Citizens Council v. Regional Forester* (9th Cir. 1987) 833 F.2d 810, 815–816, an environmental review was required to evaluate alternative sites only because the private developer's project was located on public land, making alternative sites within the same area accessible.

Here, no such feasibility exists. The project proponent does not own, control, or have reasonable access to the suggested alternative sites, nor is there any evidence that acquiring them would be viable, including publicly owned sites due to the Surplus Land Act. Without feasible alternative sites, CEQA does not require an EIR to engage in speculative or impractical analysis. Consequently, the omission of alternative site discussion in the EIR is appropriate and consistent with the legal standards articulated in these cases. Furthermore, Section 6.7 of the Draft EIR includes a discussion of Alternatives Rejected From Further Consideration, including Alternative Locations for the Hotel. Also, as explained above, an EIR that discusses a reasonable range of alternatives is not deficient simply because it excludes other potential alternatives from its analysis. (CEQA Guidelines §

15126.6(a); *City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.4th 362). Here the Draft EIR already discussed a reasonable range of alternatives.

3c) Commercial Only Alternative

Summary of Relevant Comments

A suggestion was made to consider a Commercial Only Alternative.

Response

The proposed Overlay would support housing and mixed-use development in the Downtown area. Under a Commercial Only Alternative, it is anticipated that the development process and design controls for properties would be largely the same as the proposed project, with increased limitations on type of use. Accordingly, the FAR, building heights, and lot coverage maximums would not change under a Commercial Only Alternative. Amendments to the General Plan, Zoning Map and Implementing Zoning Ordinance (IZO) would still be required. Because design specifications would not change, potential impacts related to aesthetics and historic buildings would be similar to the proposed project. Accordingly, the potential impacts associated with this alternative are fully accounted for in the discussion of the proposed project. A Commercial Only Alternative would not substantially reduce any of the already less than significant impacts of the proposed project and, therefore does not represent a considerably different alternative from those evaluated in the Draft EIR. However, because this alternative would not facilitate increased residential uses, there may be an increased impact related to Vehicle Miles Traveled (VMT) due to increased commercial uses, compared to the proposed project. Ultimately, further consideration of this alternative was not pursued because it would not avoid or reduce any potentially significant environmental impacts as compared to the proposed project or the analyzed alternatives. Further, it would not meet the stated project objectives to promote a diversity of housing and the properties within the Overlay would not realize the benefits related to development flexibility provided in the proposed Overlay. Lastly, a Commercial Only Alternative would be a component of the existing project as the proposed Overlay allows both residential and commercial property. An EIR is not required to consider alternatives to a component of a project and should instead focus on alternatives to the project as a whole. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957). Because this alternative does not meet the standards outlined in CEQA Guidelines Section 15126.6(a) with regard to the selection of alternatives, it was properly rejected from further consideration.

Master Response 4—Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation

4a) Comments Asserting that the Draft EIR Defers Analysis

Summary of Relevant Comments

Several comments argue that the Draft EIR should analyze future development of all properties in the Overlay Area.

The general comments addressed in this Master Response fall into one of several categories:

- Allegations that the Draft EIR does not fully evaluate the impacts of the proposed Overlay because development on all properties in the Overlay is not analyzed, but no specific evidence of potential impacts is included in the comment.
- Allegations that the Draft EIR does not analyze future impacts associated with buildout of the Overlay, specifically with respect to aesthetic impacts such as scenic views, scenic vistas, and light and glare; historic resources; public services; transportation impacts; and cumulative impacts.
- Allegations that the Overlay will result in potential impacts related to FAR and height increases, which the Draft EIR does not fully evaluate.
- Allegations that the Draft EIR avoids analyzing impacts associated with the Overlay because it relies on projects' future compliance with regulations and lacks substantial evidence for its conclusions.
- Allegations that the Draft EIR only provides an analysis of the proposed Hotel and does not analyze the Overlay, or only provides a vague analysis of the Overlay.
- Allegations that the Draft EIR defers analysis of cumulative impacts associated with the Overlay.
- Claims that the Draft EIR must forecast reasonably foreseeable development and the likely maximum impacts of development in the Overlay; requests for analysis of the potential impacts of future development; or requests for visual simulations representing future buildout of the Overlay.
- Claims that the Draft EIR defers the consistency analysis of the General Plan.
- Claims that conducting subsequent CEQA analyses when a specific project is proposed is "piecemealing."
- General objections to the City's planning process. These comments allege that the Draft EIR does not provide a sufficient direct, indirect and/or cumulative analysis because the Draft EIR defers evaluation of potential impacts to future project-level review and relies on compliance with the City's Site Plan and Architectural Review/Historic Site Plan and Architectural Review (SPAR/HSPAR) and CUP processes.
- General comments that CEQA prohibits relying on future discretionary review to reduce impacts, without evidence of specific potential adverse impacts. These comments raise concerns regarding the Draft EIR's analysis related to aesthetics, air quality, historic resources, land use, traffic and transportation, public services, recreation, and utilities and consistency with planning documents, but do not identify specific potential adverse impacts.

Response

The Draft EIR provides a program level of analysis for purposes of evaluating potential impacts associated with the proposed Overlay. A Program EIR is not expected to analyze site-specific or project-specific environmental impacts, nor provide the level of detail found in a project EIR. Where a Program EIR, or another type of first-tier EIR is prepared for a plan or program, with later

environmental documents to be prepared for projects that would implement the plan or program, the agency may tailor the environmental analysis in the first-tier EIR to match the first-tier stage of the planning process, with the understanding that additional detail would be provided when specific second-tier projects are proposed. It is appropriate to focus the first-tier EIR on the plan or program, so that project-level details may be deferred for review in subsequent environmental documents that can assess the project-specific impacts at a time when the severity of the impacts and their likelihood of occurrence would be known more specifically. (*In re Bay-Delta Programmatic Env't Impact Report Coordinated Proceedings* (2008) 43 C4th 1143, 1172, 1174; *Al Larson Boat Shop, Inc. v. Board of Harbor Comm'rs* (1993) 18 CA4th 729; *Rio Vista Farm Bureau Ctr. v. County of Solano* (1992) 5 CA4th 351; *Atherton v. Board of Supervisors* (1983) 146 CA3d 346, 351; *City of Rancho Palos Verdes v. City Council* (1976) 59 CA3d 869). See also, CEQA Guidelines Section 15152(c), which provides:

Where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand. (Emphasis added).

For example, in *Atherton v. Board of Supervisors* (1983) 146 CA3d 346, the court held that amending the county's general plan to designate a transportation corridor represented a conceptual project that did not require a high level of specificity in the EIR. Subsequent EIRs would be required, the court noted, for changes to the general plan's transportation element once a route had been selected for further study and the mode of transportation chosen.

A Program EIR is appropriate to evaluate environmental effects "at a broad level," so long as to the extent a subsequent project is not covered, additional environmental review occurs. (*See Committee for Green Foothills v. Santa Clara County Bd. of Supervisors* (2010) 48 Cal.4th 32, 45). A programmatic-level document is designed to provide a level of detail for the public to be informed and decision-makers to make decisions that intelligently take into account environmental consequences consistent with CEQA. Program EIRs "[a]llow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts" (CEQA Guidelines §§ 15168(a), 15168(b)(4)). Many site-specific details may be properly deferred to a later environmental review document. (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1173). Unlike a project EIR, which addresses the environmental impacts of a specific development project, a Program EIR addresses the potential impacts of a series of actions that can be characterized as one large project. Therefore, the use of a program level of analysis in an EIR is appropriate in evaluating project-related environmental impacts resulting from implementation of a comprehensive planning program like the proposed Overlay.

The proposed Overlay would enhance existing development opportunities in the City, but does not propose or approve any specific development. Although the general location and type of development can be anticipated based on the guidance in the proposed Overlay, until the City receives a development application, the exact location, type of development, and potential direct, indirect and cumulative impacts are too speculative to be determined. Accordingly, within the context of Section 15146 of the CEQA Guidelines, analysis of speculative development that may potentially be proposed and considered for discretionary approval by decision-makers is neither feasible nor required. Thus, future development that may ultimately be proposed under the proposed Overlay (if approved) is appropriately considered programmatically in the project EIR.

Other than the Hotel component of the proposed project, there is no specific development project being proposed at this time, and a project-level analysis cannot be prepared for the Overlay. Additionally, because unidentified future development within the Overlay is too speculative to analyze on a project-level basis at this time, addressing project-specific impacts at the time specific projects are proposed does not constitute impermissible piecemealing. Accordingly, it is appropriate for the Draft EIR to conclude that specific impacts, like impacts to aesthetics or cultural resources, will be addressed subsequently under CEQA when a specific project is proposed. (See CEQA Guidelines §§ 15146, 15168(d)(2),(3)). If the Draft EIR is certified and the proposed Overlay approved, future discretionary projects would be further evaluated in light of the EIR to determine whether or not an additional environmental document must be prepared. As appropriate, future construction and development plans would be subject to project-level CEQA analysis and potentially additional feasible mitigation, if necessary. As individual projects within the proposed Overlay are submitted to the City for review, the City would evaluate each project in light of the information in the Programmatic EIR. (See PRC §§ 21083.3, 21093, and 21094 and CEQA Guidelines §§ 15152, 15164, 15168, and 15183.)

Because there are no specific development projects being proposed within the proposed Overlay at this time apart from the proposed Hotel, no specific project-level details are available and project-level CEQA analysis is infeasible. The analysis in the Draft EIR outlines procedures for future development under the proposed Overlay. Therefore, the City would determine whether future projects require no new analysis, or require the preparation of a new Initial Study, Mitigated Negative Declaration, or new EIR. Future development in the Overlay Area may rely on the information in this Final EIR, including mitigation measures that establish performance standards. (See, e.g., CEQA Guidelines § 15168(c)(3) (“An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program.”)).

The Draft EIR provides the appropriate programmatic-level environmental analysis necessary to allow the decision-makers to evaluate the Overlay as a comprehensive guide for making future decisions about land use, community character, economic development, environmental preservation, open space, and public health and safety. In the absence of specific development proposals, project-level analysis is not appropriate, feasible or pragmatic at this stage. However, as shown in Table 2-5 in Draft EIR Section 2.0, Project Description, a 25 percent buildout scenario is assumed over the 20-year planning horizon, which would result in an additional 387,444 square feet of additional buildout, resulting in an additional 628 jobs. This buildout scenario is utilized for

additional analysis in Chapter 4, Additional Effects Evaluated in the Initial Study, Section 4.2.11, Population and Housing, and Section 4.2.14, Transportation.

4b) Comments Asserting that the Draft EIR Defers Mitigation

Summary of Relevant Comments

- Allegations that mitigation measures inappropriately rely on the City's SPAR and CUP review processes.
- General comments that characterize the City's SPAR and CUP process as deferred mitigation and object to the process. Concerns that the mitigation measures included in the Draft EIR are not sufficient.
- Concerns that it is not efficient to include mitigation measures as part of a subsequent CEQA analysis when a specific project is proposed.

Response

Compliance with relevant regulatory standards can provide a basis for determining that a project will not have a significant environmental impact. (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912). A requirement that a project comply with specific laws, regulations or permit requirements may also serve as adequate mitigation of environmental impacts in an appropriate situation. "[A] condition requiring compliance with regulations is a common and reasonable mitigation measure and may be proper where it is reasonable to expect compliance." (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906). As the court explained in *Gentry v. City of Murrieta* (1995) 36 CA4th 1359, 1395-1396, there is no improper deferral of mitigation where a condition required an applicant to submit improvement plans, grading plans, and a final map for approval, plans that would be "subject to a host of specific performance criteria imposed by various ordinances, codes, and standards, as well as other mitigation conditions."

Deferred mitigation refers to a situation where a lead agency postpones the development of mitigation measures to a future date. As stated in CEQA Guidelines Section 15126.4(a)(1)(B), "formulation of mitigation measures shall not be deferred until some future time". (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-307). The City's CUP process functions as a mitigation measure aimed at reducing potential impacts of a future project within the Overlay, including those related to aesthetics and historical resources. Therefore, the CUP process does not constitute deferred mitigation, as it establishes the necessary measures upfront to address potential impacts, unlike deferred mitigation, which would involve developing those measures at a later date.

Even if the CUP process were to be considered "deferred mitigation," the lead agency may defer committing to specific measures if the subsequent considerations are clearly described and accompanied by established performance criteria (see *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011). CEQA Guidelines Section 15126.4(a)(1)(B) allows an agency to delay the specifics of a mitigation measure only if it adopts specific performance standards that the measure will achieve. In this case, the CUP findings, which are part of the legislative actions before the Council in considering project approval, serve as those specific performance standards that will reduce the potential impacts below significant. Because the Overlay does not propose any specific

development (aside from the Hotel considered as part of this proposed project), it would be entirely speculative and therefore outside the requirements of CEQA to analyze unknown impacts associated with an unknown design of future development. The mandatory subsequent discretionary permitting process required by the SPAR and CUP processes and accompanying environmental review is appropriate.

Additionally, none of the comments on the Draft EIR propose mitigation measures for reducing the alleged potential impacts of the proposed project on aesthetics or historical resources upon either project implementation or in the future.

Master Response 5—Noticing and the Public Involvement Process

Summary of Relevant Comments

The general comments addressed in this Master Response fall into one of the following categories:

- Comments regarding adequacy of public noticing and public review process.
- Allegations that the City did not provide opportunities for public input or public awareness as part of CEQA review.
- Concerns that on-site signage for noticing is missing or inadequate.
- Claims that the public noticing materials were unclear and failed to inform the public.
- Claims that the proposed project has had overwhelming public opposition and should not have been considered.
- Claims that the planning process favors developers and disadvantages the public.
- Requests for a revised and recirculated Draft EIR due to the alleged inadequacy of public noticing.
- Requests for documentation regarding public input received, public outreach efforts, public meetings, website content, or summaries of public comments.
- Requests for a ballot initiative to approve the proposed project.

Response

The proposed project has fully complied with the procedural requirements of CEQA and local regulations with regard to noticing, publication, and opportunity for public input. The following summarizes the various meetings that occurred in 2023 regarding the proposed project.

Table 2-1: Summary of Meetings

Date	Meeting Type	Meeting Body	Project Component Discussed
January 10, 2023	Study Session	HCPC	Hotel
June 13, 2023	Study Session	PC and HCPC	Hotel, Overlay Boundaries as shown in Exhibit 2-2 and Potential Overlay Development Standard

Date	Meeting Type	Meeting Body	Project Component Discussed
July 12, 2023	Neighborhood Meeting	Know Before You Grow ¹	Overlay presentation by City Staff
August 3, 2023	Neighborhood Meeting	Petaluma Downtown Association ²	Discussion between Petaluma Downtown Association and City Staff.
August 8, 2023	Study Session	PC	Overlay reduced to focus on under-utilized parcels, reduce overlap with the Petaluma Historic Commercial District (Exhibit 2-4), and avoid overlapping with residential areas. Overlay revised to require discretionary approval of a Conditional Use Permit (CUP) for any building above 45 feet.
October 3, 2023	Study Session	HCPC	Overlay revised to: <ul style="list-style-type: none"> • Expand the boundary of Area B to include the parcel occupied by the Wells Fargo Bank at 125 Western Avenue. • Depict/describe pedestrian/façade activation zones. • Allow for ground floor residential uses.
November 6, 2023	Public Hearing	City Council	Consider Directing Installation of Story Pole to Evaluate Visual Effects of proposed EKN Hotel: <ul style="list-style-type: none"> • 5-2 vote to not install story poles.
November 14, 2023	Public Hearing	PC and HCPC	Overlay revised to: <ul style="list-style-type: none"> • Update the review criteria for buildings above 45 feet. • Simplify the setback and stepback tables. • Include a requirement of a CUP to increase lot coverage above 80 percent. • Refine development standards for Pedestrian/Façade Activation Zones and Ground Floor Residential Uses.
<p>Notes:</p> <p>HCPC = Historic and Cultural Preservation Committee</p> <p>PC = Planning Commission</p> <p>¹ Know Before You Grow is a nonprofit organization with the stated mission “to educate the public on four key elements of city planning and to advocate for the best solutions to each.”</p> <p>² The Petaluma Downtown Association is a 501 C(6) nonprofit membership-based organization that works in partnership with its members, the City, and the business community to protect Petaluma’s historic character, sustain economic vitality, and promote a dynamic and welcoming Downtown.</p>			

The November 6, 2023 City Council public hearing included consideration to direct installation of story poles in order to evaluate potential visual effects of the proposed EKN Hotel. The City Council voted 5-2 in opposition to the use of story poles to evaluate visual impacts. It should be noted that the Draft EIR relies upon visual simulation and shade shadow studies; see Master Response 9-Historic Built Environment. Also, the City is not required to conduct every test or perform all

research, studies, or experimentation at the commenter's request. (PRC § 21091(d)(2)(B); CEQA Guidelines § 15204(a).)

The November 14, 2023 public hearing included consideration of a Draft Mitigated Negative Declaration, which was published on October 13, 2023 for a 30-day comment period extending to November 13, 2023, and duly noticed. Following the November 14, 2023 public hearing, it was decided that an EIR would be prepared, which resulted in additional public input and noticing. The following summarizes the various notices and public hearings that occurred as part of the EIR:

- A notice of preparation of an EIR and notice of public scoping meeting was published in the Argus-Courier on April 12, 2024, mailed to all property owners and occupants within 1,000 feet of the Overlay study area, and posted to the California State Clearinghouse (SCH). A public scoping meeting was held on May 1, 2024, which provided an opportunity for members of the public to learn about the proposed project, the results of the Initial Study and proposed scope of the EIR, and to provide feedback on the scope of the EIR.
- The public notice of completion/availability (NOC/NOA) of the Draft EIR was published in the Argus-Courier on August 23, 2024, and mailed to all property owners and occupants within 1,000 feet of the Overlay Study area, which includes the site of the Hotel.
- Publication in the paper as well as direct mailing occurred on September 13, 2024, to notify the community of the joint HCPC/PC September 24, 2024 public hearing on the Draft EIR.
- On September 27, 2024, a notice for the October 7, 2024 City Council public hearing on the Draft EIR was published in the Argus-Courier and mailed to all property owners and occupants within 1,000 feet of the Overlay study area, which includes the site of the Hotel.
- Additionally, two public notice signs were installed at 2 Petaluma Boulevard South to provide notice of the joint PC/HCPC and Council hearings on the Draft EIR. All notices, environmental documents, and technical appendices were posted to the proposed project webpage on the City's website and published on CEQA.net (the Office of Planning and Research's State Clearinghouse portal) in conformance with California Code of Regulations Section 15201.

At the October 7, 2024 public hearing on the Draft EIR, the City Council requested that the proposed Overlay Ordinance come before the Council for a workshop prior to considering the Final EIR. On November 18, 2024, the Council considered the proposed Overlay Ordinance at a public hearing, which was noticed via publication in the Argus-Courier and direct mailings to all property owners and occupants within 1,000 feet of the study area, as well as interested parties.

At the time the Final EIR is available for review, it will be made publicly available at least 10 days prior to taking any action on the proposed project. Notices of public hearings on the proposed project will continue to be provided in accordance with local and State requirements.

As such, the City has met and exceeded the local and State noticing requirements for CEQA and public hearings, and the public has been provided with multiple opportunities for participation

throughout the City's review process of the proposed project and through the environmental review process. Recirculation of the Draft EIR is not required.

Additionally, comments regarding noticing do not address specific environmental impacts of the proposed project. Comments that do not raise a significant environmental question need not be responded to (*Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549).

Master Response 6—Hotel and Overlay Impacts on Aesthetics and City's Design Review and Conditional Use Permit Review Process

Summary of Relevant Comments

- Concerns that the proposed project will have a significant impact on aesthetics.
- Allegations that the CUP process, incorporated as Mitigation Measure (MM) Overlay CUL-1e is deferred mitigation and would not prevent significant impacts resulting from the proposed Hotel and the proposed Overlay.
- Commenters assert that a thorough analysis of visual impacts has not been conducted.
- Concerns that the Draft EIR concludes that the Overlay will have less than significant impacts on the visual character.
- Disagreement with findings of the Draft EIR that the proposed Hotel demonstrates exceptional architecture/design.
- Assertions that the Hotel would impact the Historic District's ability to convey significance.

Response

The following outlines key sections of the IZO that would be applicable to future development within the proposed Overlay District:

IZO Section 24.050

When outside of a historic district, development applications submitted, including those within the Overlay Area, would be reviewed by the City for consistency with the design review procedures in Section 24.050 of the IZO.

The purpose of site plan and architectural review process is to ensure compliance with the Zoning Ordinance and to promote orderly and harmonious development within the City. It is the intent of this IZO section to achieve a satisfactory quality of design in individual buildings and sites and ensure appropriateness of buildings to their intended use, to mitigate the environmental impacts of buildings and sites, and to facilitate harmony between developments and their surroundings.

The Planning Commission (PC) has the authority to approve, approve with modifications, or disapprove Site Plan and Architectural Review (SPAR) applications for construction, alteration, demolition, and repair or maintenance work on structures, as provided in Section 24.050 through 24.070 of the IZO. SPAR decisions may be appealed to the City Council. To issue a SPAR permit, affirmative findings need to address aesthetic and other impacts, including "overall design is

harmonious and in proportion in itself and in relation to the adjacent development,” and determine that the application is either exempt from the California Environmental Quality Act (CEQA) or that the environmental impacts of the project would be sufficiently mitigated. These findings may be appealed to the City Council.

IZO Chapter 15, Preservation of the Cultural and Historic Environment

When within a historic district, development applications submitted, including those within the Overlay Area, would be reviewed by the City for consistency with the design review procedures in Chapter 15 of the IZO.

This Chapter provides guidelines for Historic Site Plan and Architectural Review (HSPAR) by the City, and specifically by the Historic and Cultural Preservation Committee (HCPC), to ensure the City's development standards are being followed and to promote orderly development.

No person shall do any work to a designated landmark site or structure, or structure and sites within a historic district, without first obtaining review and permit approval from the HCPC.

The HCPC has the authority to approve, approve with modifications, or disapprove HSPAR applications for construction, alteration, demolition, and repair or maintenance work on structures or sites within historic districts, as provided in Sections 15.050 and 15.070 of the IZO. HSPAR decisions may be appealed to the City Council. All future individual development projects within the Overlay that are located within the Petaluma Historic Commercial District would be required to obtain an HSPAR Permit, and the HCPC would review the project's compatibility with the existing historic context, preservation goals, Historic Commercial District Guidelines, and the Secretary of the Interior's Standards for the Treatment of Historic Properties. Specific regulations and Guidelines pertaining to the review of HSPAR include the following:

- CEQA
- IZO Chapter 15: Preservation of the Cultural Environment
- General Plan 2025 Chapter 3: Historic Preservation
- Historic District Design Guidelines
- Secretary of the Interior Standards for the Treatment of Historic Properties

Pursuant to Public Resources Code Section 21099(d)(1), “aesthetic and parking impacts of residential, mixed-use residential, or employment center projects on an infill site within a transit priority area shall not be considered significant impacts on the environment.” The proposed Hotel project, along with most parcels within the Overlay, qualifies under this provision.

Nonetheless, the Draft EIR assessed the impacts of the proposed project on aesthetics, concluding that these impacts would be less than significant with mitigation incorporated. This determination is supported by the requirements that any construction within the Overlay will require a SPAR/HSPAR permit. The SPAR/HSPAR permit also requires affirmative findings based on substantial evidence that:

- The design is of high quality and has been developed by a qualified professional, such as an Architect, Landscape Architect, or other skilled urban designer.
- The project utilizes quality materials and features an overall design that is harmonious and proportionate both internally and in relation to adjacent developments.
- The architectural style is appropriate for the project and compatible with the character of the neighborhood.
- The siting of the structures on the property is well-suited to the site and consistent with the positioning of other structures in the area.
- The size, location, design, color, lighting, and materials of all signs and outdoor advertising comply with applicable zoning requirements and are compatible with the neighborhood's character.
- The bulk, height, and color of any proposed structure are suitable for the site and in relation to the bulk, height, and color of neighboring buildings.

Accordingly, pursuant to Public Resources Code Section 21099(d)(1) and the existing SPAR/HSPAR process, the impact on aesthetics is less than significant.

1. Moreover, the proposed Overlay Ordinance also imposes a CUP process, included as MM Overlay CUL-1e, which further addresses aesthetics and cultural resources.² Under the CUP, the Planning Commission must make affirmative findings during a duly noticed public hearing: That the additional height is consistent with the applicable purposes of the Overlay;
2. That the additional height makes a positive contribution to the overall character of the area and that the building will be compatible with its surroundings. The “positive contribution” and “compatibility” will be assessed using a combination of visual studies, line-of-sight drawings, photo simulations, 3-D modeling, and view shed analysis;
3. That the additional height would not adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship in terms of harmony and appropriateness with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural, or aesthetic interest or value of the district;
4. That the additional height will not result in unreasonable restrictions of light and air to adjacent properties or the public right-of-way, or otherwise be detrimental to the public health, safety, or welfare;
5. That the building design expresses a relationship to an existing datum line or lines of the street wall or adjacent historic resource, if any; and

² As explained in greater detail in Section 3.1 of the Final EIR, Overlay MM CUL-1e is not needed to mitigate impacts of the Hotel below the significance threshold, because, as explained above in detail, the Hotel does not have a significant impact on scenic views or scenic resources and as explained in Section 3.2, does not have an impact on historical resources.

6. That the overall building design and the use of the site demonstrates exceptional architecture/design. “Exceptional” architecture/design may be demonstrated by any of the following:
 - a. The use of innovative, creative or original architectural concepts, materials, or building techniques;
 - b. The use of visual elements that contribute positively to the built environment, such as well-proportioned facades, pleasing materials, and unique features;
 - c. The use of innovative building systems or forms, and/or the use of creative design, to increase building efficiency and to reduce energy consumption;
 - d. The use of low impact development and green infrastructure features in sustainable design and landscaping; or
 - e. The use of high-quality building materials that contribute to long-term durability and visual quality.

The determination of exceptional architecture/design shall be guided by the input of a qualified professional chosen by the City.

Additional findings must be made for buildings that are between 60 and 75 feet. A proposed project must include at least one of the community benefits described in 1 and 2, and one of the community benefits described in 3, 4, or 5, below:

1. Improves the existing streetscape by providing widened sidewalks, additional street trees, new mid-block walkways/paseos, public plazas, parks, etc. For a project that would widen the sidewalk by increasing the ground floor building setback, a public outdoor amenity space shall be included in the design, and this space shall be designed and configured to provide adequate space for pedestrian movement and activity; or
2. Provides publicly accessible private open space, such as a street-level park or rooftop open space that is open to the public at least 8 hours per day and at least 120 days per year;
3. and Respects and/or preserve cultural, historical, or archaeological resources that exist or occur on-site or within the Overlay; or
4. Exceeds the minimum number of Inclusionary Dwelling units required by Section 3.040; or
5. Provides all required parking below grade.

The Planning Commission may approve a CUP to allow for additional lot coverage of up to 100 percent pursuant to the review criteria set forth in Section 24.060.E if any one or more of the following are true for a project:

1. The development improves the existing streetscape by providing widened sidewalks, additional street trees, new mid-block walkways/ paseos, public plazas, parks, etc.;
2. The additional lot coverage would reflect the prevailing development pattern established by the existing development within the block or abutting block;

3. The development includes adequate provision for recycling and solid waste;
4. The development includes adequate space for street trees; or
5. The development includes other measures to enhance the pedestrian environment.

The new CUP requirements would be in addition to the already existing CUP requirements found in Section 24.060 of the Petaluma IZO. Therefore, the Planning Commission would also be required to make the following affirmative findings regarding “compatibility of the proposed buildings and use with its environment”:

- The proposed building(s) and use will protect the outlook, light, air, and peace and quiet of any adjoining buildings and uses.
- The location and character of any display of goods and services and the size, nature, and lighting of any signs will satisfy all applicable requirements of this Zoning Ordinance and will be compatible with adjoining buildings and uses.
- The proposed structure and use, subject to any conditions which may apply, conforms with the applicable requirements of this Zoning Ordinance and applicable policies and programs of the City’s General Plan and any applicable specific plan, and the proposed use will not, under the circumstances of the conditional use application, constitute a nuisance or be detrimental to the public welfare of the community.
- The intensity of proposed activity will be compatible with adjoining buildings and uses.
- Provisions for the control of any off-site effects such as noise, dust, odors and other emissions, light, or glare, etc., are adequate to protect adjoining uses.

Given the requirement that all of the above findings must be made in order to issue a SPAR/HSPAR permit and CUP for future individual development projects under the proposed Overlay, and that future individual development projects could not be constructed without these permits, the Draft EIR concludes that the proposed Overlay would have a less than significant impacts with mitigation. Moreover, based upon a project-specific analysis of the Hotel, the Draft EIR demonstrated that it will not result in a significant aesthetic impact in light of the City’s existing SPAR/HSPAR permit process.

Master Response 7—Density Bonus and Building Height

Summary of Relevant Comments

The general comments addressed in this Master Response fall into one of the following categories:

- Comments regarding effect of Density Bonus Law, including allegations that the Draft EIR does not consider potential impacts related to future projects that could utilize a density bonus to increase building height.
- General concerns regarding the impact of building height.
- Concerns that the Overlay would allow additional building heights over 65 feet or eliminate the existing height limitations.

Responses to Written Comments

- Concerns that the Density Bonus Law could invalidate discretionary review of future projects within the Overlay Area.
- Concerns that additional height is not consistent with the surroundings.
- Concerns that the height of the proposed Hotel would encourage future developers to seek approval for structures taller than 45 feet.
- Concerns that City assurances that future projects within the Overlay will be subject to discretionary review is inconsistent with State Density Bonus Law and that the City will not be able to apply development standards that would preclude development, even if much taller than the surrounding area.

Response

The State Density Bonus Law has been in effect since 1979, and the proposed Overlay would not change the City's review of density bonus applications. Unless ministerial, the State Density Bonus law does not preclude environmental review. Moreover, CEQA does not mandate that a Draft EIR evaluate the potential application of State housing laws that a developer may or may not choose to invoke. CEQA requires analysis of reasonably foreseeable impacts rather than speculative scenarios (CEQA Guidelines § 15145). Since the Overlay itself would not directly result in development, and there is no evidence to suggest that any future developer within the Overlay would apply State housing laws, the Draft EIR is not required to analyze this possibility. Additionally, the height of a building is not an environmental impact under CEQA. Rather, the potential height of a building could have secondary impacts related to aesthetics, view, and shadows, which the Draft EIR adequately addresses at a programmatic level in Section 3.1, Aesthetics. However, project level effects of future development within the proposed Overlay cannot be reasonably assessed at this time without specific development proposals. CEQA requires the evaluation of reasonably foreseeable impacts, and absent a proposed project, these secondary effects remain speculative (CEQA Guidelines § 15145). Furthermore, all future discretionary applications for development within the Overlay would undergo project-specific CEQA analysis, at which time potential secondary impacts related to height would be appropriately assessed.

While the Overlay Ordinance could potentially allow housing up to 108 feet (45 feet by right + 30 feet maximum with a CUP under the proposed Overlay + 33 feet under Density Bonus Law), this scenario is highly unlikely. It is important to recognize that California's Density Bonus Law (California Government Code § 65915), enacted in 1979, already permits developers to exceed the current 45-foot height limit for qualifying affordable housing projects, even without the proposed Overlay Ordinance. This means that if a developer under the City's current Zoning Ordinance wanted to build above the permissible 45-foot height limit, they could potentially build up to 78 feet under the Density Bonus Law; however, no developer has taken advantage of this option to date, which suggests that there are other limiting factors in utilizing the density bonus provisions.

The 108-foot building scenario is unlikely for several reasons. First, the proposed Overlay requires any building exceeding 45 feet up to 75 feet to obtain a CUP, which is issued by the Planning Commission following a public hearing. To grant this permit, the Commission must make affirmative findings based on substantial evidence, including findings that the additional height:

1. Enhances the area’s character and is compatible with its surroundings, as assessed through visual tools.
2. Does not harm property features or disrupt the harmony with neighboring structures or the district’s aesthetics.
3. Does not unreasonably restrict light, air, or negatively impact public health, safety, or welfare.

Any housing project within the Overlay seeking both a CUP and a density bonus to build above the permissible 45-foot limit would need to disclose this as part of its application. As a result, the Planning Commission would be fully aware that the applicant is requesting an additional 33 feet through the Density Bonus Law before deciding on the CUP for building above the 45-foot limit. While the Commission may still make the subjective findings to approve the permit, the fact that the developer is seeking a significant height increase would be factored into their decision to approve or deny the permit. The issuance of a CUP can also be appealed to City Council.

Additionally, any development proposing a 108-foot building must comply with CEQA, which evaluates impacts on aesthetics and historical resources. It should be noted that all discretionary developments within the proposed Overlay would require their own independent analysis for compliance with CEQA. Similarly, under the Density Bonus Law, the City can also deny a height increase if it causes a specific, adverse impact on public health, safety, the physical environment, or any property listed in the California Register of Historical Resources. (Govt. Code Section 65915(d)(1)). Therefore, if the proposed height increase adversely affects a listed historical resource, the City has grounds to deny it. In short, any height increase to 108 feet would require full compliance with CEQA, which assesses impacts on historical resources, and the assurance that the increase would not have a significant adverse effect on these resources.

Under the proposed Overlay Ordinance, any development seeking to build a 108-foot building would be required to designate 100 percent of its units as affordable housing. Typically, the cost of constructing affordable units is higher for developers compared to market-rate units, as they generate lower returns from rent or sale, which can make developers less inclined to pursue affordable projects. Indeed, the increased construction costs of building more than three stories generally precludes 100 percent affordable housing projects as a practical matter, thus further rendering the possibility of a 108-foot building unlikely and speculative. However, if 100 percent affordable units were to be built, Petaluma's Downtown, with its proximity to the Sonoma-Marín Area Rail Transit (SMART) station and walkable commercial properties, presents an ideal location for housing, particularly in terms of reducing VMT.

Master Response 8—CEQA in Reverse

Summary of Relevant Comments

The general comments addressed in this Master Response fall into one of the following categories:

- Comments regarding effect of limited parking on hotel visitors.

- General concerns regarding the impact of sea level rise on future development under the Overlay and within the City generally.
- Concerns that existing traffic congestion and limited parking availability downtown is problematic.

Response

Under CEQA, lead agencies generally are not required to analyze the impact of existing environmental conditions on a project's future residents or users (i.e., "CEQA-in-reverse") but instead are legally required to focus on potential adverse impacts the project may have on the environment. This requirement was upheld in *Ballona Wetlands Land Trust et al. v. City of Los Angeles* (2001) 201 Cal.App.4th 455, which holds that CEQA is concerned with the impact of the project on the environment, not vice-versa.

Public Resources Code Sections 21100 and 21151 require an EIR for projects that "may have a significant effect on the environment." The statute and case law clearly define "significant effect on the environment" as limited to substantial, or potentially substantial, adverse changes in physical conditions. (PRC § 21060.5.) In Public Resources Code Section 21060.5, "environment" is defined as the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. See also CEQA Guidelines Section 15360.

As a result of these statutory definitions limiting review to the effects a proposed project may have on the physical environment, the analysis of impacts in an EIR must be related to a change to the physical environment. (CEQA Guidelines Section 15358(b)). Only changes to the physical environment that result from the proposed project require evaluation; social or economic impacts alone will not do so because they are not changes in physical conditions. This principle is reflected in CEQA Guidelines Sections 15064(e) and 15382, which provide that economic and social changes may not be treated as significant effects on the environment. It is also reflected in Public Resources Code Section 21080(e) and CEQA Guidelines Section 15064(f)(6), which provide that evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment is not substantial evidence of a significant effect on the environment. See also Public Resources Code Section 21082.2(c). Similarly, the environment's impact on the proposed project ("CEQA in reverse") is not appropriately analyzed in an environmental document under CEQA.

Therefore, the impacts of sea level rise or parking availability on the proposed project are outside the requirements of CEQA. Accordingly, the Draft EIR appropriately evaluates the impacts associated with the proposed Overlay and the proposed Hotel on the environment, but not the impacts of the environment on the project.

Master Response 9—Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character

The general comments addressed in this Master Response fall into one of several categories:

- Comments generally stating opinions regarding the effect of the proposed Hotel on the Historic District and surrounding buildings. Many of these comments state that the scale/size of the proposed Hotel is incompatible with the surrounding buildings, namely, the Rex Ace Hardware building as one frequently cited example.
- Comments stating that the proposed Hotel changes the feel of the area or does not fit with the existing visual character of City. Among other general observations objecting to the Hotel design, many of these comments state that the proposed Hotel's size makes the area feel crowded and dense. Other opinions state that the proposed Hotel is too modern, not attractive and/or does not represent a positive contribution to the overall character of the area. These comments do not include evidence of specific adverse impacts to the physical environment related to the Hotel.
- Comments requesting additional analysis, alternatives and/or mitigation measures, such as requests for additional viewpoints for visual simulations; however, no specific environmental impacts are identified and no specific alternatives or mitigation measures are suggested.
- Requests for visual simulations representing future buildout of the Overlay.
- Arguments that substantial evidence does not support the conclusions in the Draft EIR regarding historic resources.

Response

Under CEQA Guidelines Section 15064.5(b)(1), a significant impact to a historical resource is defined as the "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." Neither the Hotel nor the Overlay involves the demolition, destruction, or relocation of any historical resources. However, as the Hotel and portions of the Overlay are situated within the Historic District and near historical resources, the Draft EIR acknowledges the potential for a significant impact if the "significance of a historical resource would be materially impaired."

A project that materially impacts a historical resource can be mitigated to below a level of significance. According to CEQA Guidelines Section 15064.5(b)(3), "Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource."

Therefore, compliance with the Secretary of the Interior's Standards generally ensures that a project would not result in a significant impact on historical resources. This principle underpins the development approach within the Overlay. Mitigation Measures CUL-1a through CUL-1d apply to all projects within the Overlay, including the Hotel as explained in Footnote 12 on Section 3.2 of Volume 1 of the Final EIR, ensuring that development adheres to these standards and mitigates any potential impacts to historical resources.

As explained in Master Response 1, when applying the substantial evidence standard, a reviewing court does not reconsider or reweigh the evidence that was before the agency. Therefore, under the deferential substantial evidence standard, the City may accept the conclusions in the Draft EIR and certify the Final EIR so long as any substantial evidence supports the conclusions. To effectively challenge the conclusions in the Draft EIR, commenters have the burden of demonstrating that no substantial evidence supports the conclusions. The general allegations addressed by this Master Response allege that there is no substantial evidence, but they do not rise to the level of proving that no evidence supports the conclusions in the Draft EIR.

The conclusion that the proposed Hotel would have a less than significant impact on historical resources and visual character was based on substantial evidence, including visual simulations, archival research, survey, and impacts analysis completed by a qualified architectural historian. The adjacent buildings to the Hotel were evaluated by Sarah Corder, MFA, Vice President and Principal Architectural Historian at South Environmental, and were found not eligible for federal, State, or local designation as historic resources and none of the properties within the neighborhood block containing the proposed Hotel are considered historical resources under CEQA. The presence of contributing buildings in the vicinity does not indicate construction of the Hotel would be a significant impact.

Hotel Impact on Visual Character

Visual character is addressed in Impact AES-3 in terms of the proposed project's consistency with the General Plan, Zoning Ordinance, and Historic Commercial District, as is appropriate in an urban area such as Downtown. In addition, visual character is considered as part of the Historic Built Environment Assessment (HBEA). Potential impacts were found to be less than significant with respect to AES-3.

Hotel Impact on Rex Ace Hardware Building

The HBEA (which can be found in Appendix B of the Draft EIR) provides substantial evidence that due to a near total loss of its original design, setting, materials, and workmanship, the Rex Hardware building no longer appears eligible, neither as an individual resource for listing in the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR), nor as a contributor to the Petaluma Historic Commercial District. As stated in the HBEA, the building is not of historic age because it was reconstructed in 2007 in a manner inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (the Standards). The Standards used in the HBEA are industry standards set by the National Park Service and used by the California Office of Historic Preservation (OHP) and all reputable professionals in the field for assessing historical resources. Under the Standards, reconstruction is used for "replicating its appearance at a specific period of time and in its historic location" (Weeks and Grimmer 1995, revised 2017).

The reconstruction of the Rex Hardware building following the fire did not follow Secretary of the Interior Standards. For instance, vanished and non-surviving portions of the Rex Hardware property were not used to depict the original building following the fire. Based on archival research, photographs taken during the fire, and aerial photographs, there were significant changes made to the fenestration of the building, its original design and layout, and the roofline. While the Rex

Hardware construction project did an admirable job matching the siding to the original, there were also significant changes made to the property's windows and roofing materials which is not an accurate duplication of historic features on the property. The original Rex Hardware property was a collection of multiple buildings with a variety of rooflines and plans that merged together over the years to eventually function as the hardware store. The concept of everything being clearly laid out and connected seamlessly in plan under a continuous roofline with modern materials is in direct opposition to the historical design of the property.

While it is understood that there are official processes for removing a resource from the NRHP (36 Code of Federal Regulations [CFR] 60.15) and from the City's Historic Register (Municipal Code § 7.10.030(D)), this does not preclude a qualified architectural historian from reassessing the eligibility of a resource as part of a professional survey and providing recommendations based on its current integrity and existing conditions. A building's historic integrity can change over time (e.g., a fire that destroys nearly all of the original historic fabric), and as noted in 36 Code of Federal Regulations 60.15, when "The property has ceased to meet the criteria for listing in the National Register because the qualities which caused it to be originally listed have been lost or destroyed." There is substantial physical evidence that 313 B Street no longer retains requisite integrity, despite attempts to reconstruct a similar looking building. Section 106 of the National Historic Preservation Act states the following: "The evaluation of integrity is sometimes a subjective judgment, but is must always be grounded in an understanding of a property's physical features and how they relate to its significance." Locally, there is nothing to preclude the City from continuing to treat 313 B Street as an eligible resource if the City chooses to do so; however, it is the professional opinion of the City's contracted cultural historian for this project that the building lacks integrity from its period of significance such that it can no longer convey the reasons for its eligibility.

The mere presence of differing opinions arising from the same pool of information is not a basis for finding the EIR to be inadequate; the City has discretion to resolve a dispute among experts about the accuracy of the EIR's environmental analysis. (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1397 ("the decision-maker is `permitted to give more weight to some of the evidence and to favor the opinions and estimates of some of the experts over the others'")). The City's determination whether an impact is significant is ultimately a policy question that calls for the exercise of judgment based on scientific information and other relevant data. (CEQA Guidelines §15064(b)(1)). Accordingly, the City may reject an expert's opinion on the ultimate question of what constitutes significance for a given impact. (*See Citizen Action to Serve All Students v. Thornley* (1990) 222 CA3d 748, 755). The Rex Ace Hardware building was determined to not meet the criteria to be considered eligible as a historic resource; this precludes the proposed project from having an adverse historical impact on the building.

Accordingly, because the Draft EIR appropriately and thoroughly demonstrates that the immediately adjacent properties are not eligible for federal, State, or local designation as historic resources, the conclusion that impacts would be less than significant is appropriate and supported by substantial evidence. Moreover, it is important to note that the Hotel would be required to be developed according to the Petaluma Historic Commercial District Design Guidelines for new construction projects. (Draft EIR, pp. 3.2-54 through 3.2-55).

Hotel Design and Impact on Historic District

The HBEA found no architectural or design cohesion in the northeastern most portion of the Historic District. While it is understood the buildings within the current historic district are between one and three stories, the Petaluma Historic Commercial District Design Guidelines (Design Guidelines) for new construction do not limit the number of stories that are possible within the historic district. The design guidelines do state that new development should be encouraged on vacant lots within the historic district. The HBEA did not fail to analyze the height; it clearly analyzed the plans for the proposed project which included all heights and specifications. Although historic buildings have been one to three stories, the Design Guidelines do not preclude the proposed Hotel from being six stories in height or greater. It is also located on the edge of the historic district in a block without historic buildings, so it is inaccurate to say that building would tower over the Historic District buildings. The design also incorporates setbacks in conformance with the Standards to visually minimize the height differential, as stated in the report.

The Design Guidelines do allow for new construction within the Historic District. Similarly, the National Park Service guidelines acknowledge that new construction may occur within the vicinity of historic districts and buildings. The National Park Service Guidelines recommend that locations be carefully selected to minimize impacts to existing historic properties.

The Hotel site follows these National Park Service guidelines³ as summarized here:

- It is a site that does not obstruct, damage or destroy views of historic buildings. While it is across the street from a historic building (5-25 Petaluma Boulevard South), it does not obstruct it or damage it by being constructed.
- The location of the Hotel site on a block at the edge of the Historic District removes it from collections of historic buildings, so that it cannot interrupt the flow of the Historic Commercial Downtown streetscape seen through most of Petaluma Boulevard.
- The location of the Hotel site is as isolated as possible in a dense urban environment by being on the edge of the Historic District, on a vacant lot in a block without historical buildings. By choosing this location, the National Park Service guidelines for new construction state that “the limitations on the size, scale, and design of new construction may be less critical the farther it is located from historic buildings.”

As explained in the Draft EIR, the portion of the Historic District surrounding the proposed project site consists of buildings from a variety of styles and periods outside the Historic District’s period of significance, such that, while the development of the Hotel would change the existing setting, it is disingenuous/inaccurate to assert that the proposed Hotel is introducing construction that is impactful to the larger Historic District. Further, there is no evidence that any significant viewsheds of the Historic District or other historical resources will be impacted by the proposed Hotel. As such, additional visual simulations would not provide new or different information. None of the comments received regarding historical resources or visual character demonstrate that the conclusions in the

³ National Park Service. 2022. New Construction within the Boundaries of Historic Properties. October 25. Website: <https://www.nps.gov/subjects/taxincentives/new-construction-in-historic-properties.htm>. Accessed January 11, 2025.

Draft EIR are unsupported by substantial evidence. General objections to the design of the proposed project are addressed in Master Response 1. Furthermore, these are also the professional conclusions of Isabel Castellano, Historic Preservation Specialist, M-Group Consulting Planner serving the City of Petaluma Community Development Department. Ms. Castellano meets the Secretary of the Interior Standards Professional Qualifications for Architectural Historian, Architecture, and Historic Architecture. As the Hotel is within the Overlay, it is required to comply with Overlay MM CUL-1e. The Draft EIR thus explained that fact, but its determination that the Hotel project will not have any potentially significant historical impact was not based on, nor did it rely upon, the application of that mitigation measure. Rather, it is based upon the opinion of the City's experts, the analysis set forth in the Draft EIR, and other substantial evidence, including the additional analysis included in the Final EIR.

Master Response 10—Construction and Staging

The general comments addressed in this Master Response fall into one of several categories:

- Concerns about how construction staging would occur and where materials would be placed while the parking garage is being excavated;
- Concerns about the effects of construction on residents visiting the Downtown area (circulation, shopping, outdoor dining, etc.)

Response

The Hotel applicant has provided clarifying information regarding construction means and methods that would be implemented to facilitate circulation and ensure safety during construction. See Exhibit 2-1, which depicts many of the items discussed below. The City Building Department has reviewed the plan and generally agrees with the proposed methods.

Prior to the issuance of any permit that is required to implement the approved project (such as a grading, utility, staging, or building permit), a Construction Management Plan (CMP) shall be prepared and presented to the City for review concurrent with the review of any grading, utility, staging, or building permit. The CMP shall describe how construction impacts will be minimized, and how construction will be managed to comply with all construction-related Conditions of Approval (and mitigation measures if applicable). The City may modify the CMP or temporarily stop work for any violation of the CMP.

The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings or exhibits.

The following measures or similar methods/measures will be required as part of the CMP condition of approval of the proposed Hotel to ensure enforceability and will be reviewed and verified by the City prior to the issuance of any permit that is required to implement the approved project:

Pedestrian and Traffic Control

- The B Street sidewalk would be temporarily closed to all pedestrian traffic from the Hotel site southern property line to the corner of B Street and Petaluma Boulevard, with a lease fee paid to the City of Petaluma. This area would serve as the construction staging zone.
- Street parking on B Street and Petaluma Boulevard would be closed to traffic at designated sections for the duration of construction, functioning as construction loading zones. These temporary closures would ensure safe and efficient movement of construction materials and equipment, with the lease fees paid to the City.
- A temporary sidewalk on Petaluma Boulevard would be constructed in the existing parking lane, covered as per Occupational Safety and Health Administration (OSHA) requirements, to ensure pedestrian safety. This would extend from the Hotel site to the signalized intersection of B Street and Petaluma Boulevard. .
- The middle-of-the-block B Street crosswalk would be eliminated to enhance traffic flow and ensure safety.
- Construction worker parking would be designated within close proximity to the site, keeping local streets free of construction vehicles and reducing disruption to local traffic.
- A nearby lot would be leased for material storage. This strategic off-site storage would prevent congestion caused by multiple deliveries arriving simultaneously at the Hotel site.

Construction Methods

Secant Deep Soil Mixed Shoring System

- This method would be used to create a waterproof box around the excavation site, effectively trapping contaminated soil and preventing seepage into the surrounding groundwater.
- The system allows for the safe excavation and disposal of soil, which is transported to specialized facilities for hydrocarbon treatment.
- By avoiding traditional pile driving, this method reduces both noise pollution and ground vibrations, mitigating disruption to nearby residents and businesses.

Secant Deep Soil Mixed Shoring System Panelization Framing System

- Cold-forged steel framing panels would be prefabricated off-site, significantly accelerating the construction process and minimizing on-site noise and emissions.
- Using this method eliminates the need for large volumes of concrete and traditional post-tension systems, which are typically noisy and polluting. This method shortens the construction timeline, reducing the overall impact on the surrounding community.

Efficient Use of Underground Parking Garage

- During construction, the future underground parking garage would be utilized for on-site material storage and limited parking, which would streamline construction traffic and reduce the need for additional off-site storage during construction phases.

Site Crane Utilization

A crane would be used to lift materials, including wall panels, onto the site, allowing for faster construction with fewer disruptions. This method reduces the noise typically associated with on-site heavy construction equipment, while speeding up the build. This information is provided to clarify the construction and staging information for the Hotel and is not significant new information as explained in Master Response 2, above.

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Source: Bing Aerial Imagery. City of Petaluma.

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Exhibit 2-1 Site Logistics Plan

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CITY OF PETALUMA
DOWNTOWN HOUSING AND ECONOMIC OPPORTUNITY
OVERLAY AND EKN APPELLATION HOTEL PROJECT
ENVIRONMENTAL IMPACT REPORT

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Master Response 11—Traffic-Related Noise and Air Pollution

Summary of Relevant Comments

Several comments claim that traffic generated by the proposed Overlay and proposed Hotel would result in noise and air pollution impacts, including impacts to human health.

Response

The proposed Hotel's traffic-related noise and air quality impacts are addressed in Chapter 4, Additional Effects Evaluated in the Initial Study, and Appendix A of the Draft EIR and determined to result in less than significant impacts. The comments do not contain substantial evidence demonstrating that the proposed project's traffic would result in exceedances of relevant thresholds of significance, let alone health impacts. Also, see Master Response 14, below regarding secondary effects related to alleged parking scarcity and Master Response 15, below regarding traffic congestion.

Lastly, see Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, for an explanation of why it would be too speculative at this time to include a quantitative air quality or noise impact analysis for the proposed Overlay.

Master Response 12—Relation Between the Proposed Overlay and Upcoming General Plan Update

Several comments express questions regarding the timing of consideration of the proposed Overlay with respect to the General Plan Update process. Additional comments allege that separating the consideration of the proposed Overlay from the General Plan Update is impermissible project segmenting. Other comments allege that the Draft EIR fails to analyze consistency with the General Plan Update.

Response

The question whether the City wants to proceed now with the present project, or to instead wait to incorporate it into the General Plan Update process, presents a pure question of policy that is well within the legislative discretion of the City Council to decide. It is likewise fine for members of the public to advocate for a different policy decision, but there is no merit to any suggestion that proceeding separately somehow constitutes impermissible project segmenting.

The City of Petaluma is still in the early stages of updating the General Plan; however, the consideration of a General Plan amendment to allow the proposed Overlay is informed by the City's work to date on the General Plan Update. Given the concern regarding the timing or potential consistency, the proposed Overlay includes a sunset clause which provides that the Overlay will expire upon adoption of the City's General Plan Update.

The consideration of the proposed Overlay and the General Plan Update are two separate and independent projects. Neither is dependent on the other to move forward. *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* ["Laurel Heights"] (1988) 47 Cal.3d. 376, 396 sets out

the general standard for determining the scope of what constitutes the whole of the project that must be reviewed in a CEQA document. In *Laurel Heights*, the Supreme Court held that:

... an EIR must include an analysis of the environmental effects of future expansion or other action if:

- (1) it is a reasonably foreseeable consequence of the initial project; and
- (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.

Absent these two circumstances, the future expansion need not be considered in the EIR for the proposed project. (*Laurel Heights*, supra, 47 Cal.3d at p. 396.).

Courts have found that agencies improperly segment environmental review of projects resulting in piecemealed review when:

- (1) the purpose of the reviewed project is to be the first step toward future development;
- (2) the reviewed project legally compels or practically presumes completion of another action. (See discussion and cited cases in *Aptos Council v. County of Santa Cruz* [*“Aptos Council”*] (2017) 10 Cal.App.5th 266, 282).

There is no piecemealing when “projects have different proponents, serve different purposes, or can be implemented independently.” (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1223). Therefore, activities that would operate independently of one another and can be implemented separately may be treated as separate projects under CEQA if one activity is not a foreseeable consequence of the other. Here, the proposed project does not legally mandate any specific General Plan update, nor does it practically rely on the completion of the General Plan update. Each operates independently as a stand-alone project.

In *Aptos Council*, the California Court of Appeal, applying the above two-part *Laurel Heights* test, held that a city’s contemplated changes to planning and zoning requirements as part of its ongoing regulatory reform and economic development initiatives are not reasonably foreseeable “consequences” of a particular zoning ordinance altering the density, height and parking requirements for hotels. (*Aptos Council*, supra, 10 Cal.App.5th at 282). Thus, the County of Santa Cruz was not required to study or propose all of its contemplated reforms at one point although it could have done so by means of a comprehensive reform and Programmatic EIR. (*Id.*).

The City is not required to combine its General Plan Update with the proposed Overlay. As the California Court of Appeal in *Aptos Council*, stated: “Applying Aptos Council’s logic would require the County to wait to begin environmental review and implementation of any reform to Chapter 13.10 until the County has decided precisely what language to use and which ordinances to enact. The County’s effort to modernize certain parts of the County Code is not fixed. Although there are certain codes and ordinances the County has researched and has determined it will amend, the County asserts that specific amendments are far from set in stone. Engaging in a single

environmental review this early in the process would therefore be meaningless.” (*Aptos Council, supra*, 10 Cal.App.5th at 284).

Under the test outlined by the California Supreme Court in *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.* (1988) 47 C3d 376, 396, an EIR must analyze possible future expansion or other action related to a project that is a “reasonably foreseeable consequence” of the project. Possible future expansion or other action related to a project that is not a reasonably foreseeable consequence of the project need not be included in an EIR’s project description. The General Plan Update is a planning process and is not a reasonably foreseeable consequence of the proposed Overlay. As such, the proposed Overlay and the General Plan Update can be properly reviewed by the City as separate actions.

Additionally, the specific provisions of the future General Plan are not set in stone. Requiring the City and the applicant to wait another year, or longer, for the General Plan Update would unnecessarily restrict the City’s planning and zoning functions under its authority and would subvert the policies behind the time limits in both CEQA and the Permit Streamlining Act.

It should also be noted that comments related to the timing of the General Plan do not address specific environmental impacts or the adequacy of the Draft EIR. Comments that do not raise a significant environmental question need not be responded to (*Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549).

Master Response 13—Valet Parking

Several commenters questioned the effectiveness of the valet parking system. The following text and accompanying exhibit clarify the location of the valet pick-up and drop-off as well as the proposed circulation and operation of the valet parking system.

As an initial matter, these general comments express opposition to the use of a valet system, but fail to identify any specific potential adverse impacts to the physical environment associated with the use of valet parking. As such, these comments lack the specificity necessary for meaningful responses.

Moreover, it should be noted that, under CEQA and its implementing guidelines, neither traffic congestion nor parking impacts are considered to be significant impacts under CEQA. Nothing in CEQA requires any parking or valet plan to be included for public review in the first place. (See Master Response 14 about CEQA and parking.) Nonetheless, the City provides the following additional information in response to these comments.

Overview

The proposed Hotel would provide professional and qualified valets to oversee and manage all aspects of the valet operations at 2 Petaluma Boulevard South, providing efficient pick-up and drop-off services, and ensuring successful safety policies. In addition to qualified valets, the on-site subterranean parking garage would utilize a stackable parking system to maximize the garage’s

capacity. The proposed Hotel, during operations, would maintain hourly records of car counts to better understand peak-hours and trends in order to improve efficiency.

The following information clarifies the parking information for the Hotel and is not significant new information as explained in Master Response 2, above.

Staffing

The proposed Hotel parking and valet services would operate to always maintain guest satisfaction and offer the best service possible. In order to operate the 24/7 valet service, the proposed Hotel would have staff allocated to valet guest vehicles during off-hours. During peak hours, the proposed Hotel would have three to four dedicated valets to handle both pick-up and drop-off services. One supervisor would oversee the operations during peak hours to ensure efficient operations and guest satisfaction.

On-site Parking

Hotel and restaurant guests would drop off and pick up vehicles in front of the hotel entrance of Petaluma Boulevard South (see Exhibit 2-2). To minimize curbside and public right-of-way congestion, valets would receive vehicles at the drop-off location and immediately drive the prescribed route to the subterranean parking garage. The estimated travel time for vehicle drop off is 2 minutes spanning less than 0.25 mile, and the estimated travel time for pick-up is 1 minute spanning 900 feet. During peak drop-off and pick-up periods, valets would utilize all available on-site garage capacity for parking vehicles. Valets would prioritize short-stay-guest vehicles in easily accessible parking stalls and would utilize the upper lifts for long-stay-guest vehicles.

The proposed Hotel parking, which includes 58 parking stalls, would utilize a stackable parking system to maximize the amount of parking the proposed project can incorporate. The planned stackable parking system utilizes a lift mechanism allowing for two cars to be parked in the area of one typical parking stall. With the use of the stackable parking system, the parking garage shall be a valet-only operation. The stackable parking system allows for seamless parking for all vehicle types. The lower level of the lift is accessible to SUV type vehicles (half of the available parking spaces), and all available parking spaces are accessible by sedan type vehicles.

MM TRA-1 Provides Appropriate Mitigation Some comments allege that MM EKN TRA-1 improperly defers development of a Valet Plan. These comments misinterpret CEQA's requirements. To ensure that potential conflicts from the valet activity are avoided, MM EKN TRA-1 requires that: "Upon submittal of plans for building permit, the applicant shall submit a Valet Service Plan prepared by a licensed traffic engineer. T The Plan shall be subject to review and approval by the City of Petaluma prior to issuance of building permits, and on an annual basis after the start of operation. The Plan shall, at a minimum, ensure the three-vehicle capacity is not exceeded.

The Plan may include any combination of the following measures, or other similarly effective measures, in order to prevent employee use of the valet parking spaces:

- All employees of the Hotel who drive their own vehicle to work or who carpool to work with other employees must register their primary vehicle with the hotel operator. Employee vehicles will include a decal. A reporting form shall be maintained by hotel and be updated monthly to reflect any new hires or employee departures. At hiring/orientation, all employees will be informed of all hotel and local parking policies.
- Employees will be instructed to park on the hotel grounds and will be prohibited from parking in public spaces/streets.
- The parking plan and policies will be included in all employee training manuals and handbooks to be developed prior to occupancy and utilized for all employee training sessions pre-opening and through ongoing operations.
- Starting at 12 to 18 months after initial occupancy, and annually thereafter, until no longer deemed necessary by the City, the hotel management team shall prepare and submit a parking compliance report to the City's Planning Department. The report shall list the number of employees traveling to work by vehicle, the number of reported and observed infractions in a given year, and the success of participation in ride sharing, carpool, vanpool, and public transit incentive programs.
- All employees, upon training and employee initiation, shall be informed that local transit passes are available to all employees free of charge. Employees will receive information on alternative transportation options. Employees who utilize vanpools, carpools, ride sharing, or public transit must also be informed that if their regular means of transportation to/from work is somehow compromised, that hotel management is obligated to provide the employee with a "free ride" home via taxi, Uber, Lyft, or other method with no cost to the employee. The number of employees utilizing transit passes and the "free ride" home program will be documented in the annual compliance report.
- In the employee dining area, all transit-related information will be posted. This information will include but is not limited to: ride sharing boards, and information regarding local mass transit routes, and free public transit passes must be posted at all times. Verification by the Planning Department prior to issuance of a Certificate of Occupancy shall be made available upon inspection by the Planning Department on an ongoing basis.
- Employees shall have access to locker rooms with showers (both male and female) at all times during their employment. This facility is a part of the project plans and shall be verified by the Planning Department staff prior to certificate of occupancy. These facilities shall be inspected to ensure they are in clean and working order on an ongoing basis by the Planning Department, upon request.
- Employees wishing to bike to work shall have access to secure bike storage facilities. Those employees who bike to work shall register with human resources and shall inform human resources in the event that they are unable to bike to work for a particular reason including inclement weather. Human resources will work to either provide temporary parking passes to employees who will need to drive to work for a limited period of time, or assist in finding carpools, vanpools, or ride sharing services or public transit services for these employees.

The Plan may include the following measures, or other similarly effective measures, for Hotel guest valet parking:

- Starting with reservations, prospective and confirmed hotel guests will be made aware of the multiple transportation offers available to them including complimentary transfers upon request.
- On the Hotel website, information will be made available to guests and prospective guests.
- Upon requests, all guest wishing to travel to/from the hotel to local destinations will be provided with complimentary transit in a hotel-owned or leased vehicle.
- Guests will be notified at the time of reservation, confirmation, and check-in that parking is valet only.
- At check in, the valet will take the guest's name with the make, model, name, color, and license plate number of the guest's vehicle. Hotel management will respond to complaints if they notice a resort guest utilizing public streets. The hotel will have a guest's vehicle information on file and will immediately contact the guest to have the vehicle moved to the hotel parking lot.

The Valet Plan may include any combination of the following measures, or other similarly effective measures, for special events and valet parking:

- Hotel events shall be valet only. All events shall feature a form of validation for guest valet parking such that staff can monitor the number of guest's valet parking vehicles on-site for a given event.
- Hotel management shall produce event-related compliance reports starting 12-18 months after occupancy, and then every year thereafter until no longer deemed necessary by the Planning Department. The report shall be generated for events exceeding 50 people in size, or when the cumulative number of outside event guests on-site at a given time is 100 or more. The reports shall list the type of event, the number of patrons at the event, the time of the event, the number of employees staffing the event, and the number of valet tickets utilized for a particular event.



Source: Bing Aerial Imagery.

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Exhibit 2-2 Circulation Plan Detailing Vehicular Pick-Up and Drop-Off

CITY OF PETALUMA
DOWNTOWN HOUSING AND ECONOMIC OPPORTUNITY
OVERLAY AND EKN APPELLATION HOTEL PROJECT
ENVIRONMENTAL IMPACT REPORT

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Please see Master Response 4, regarding deferred mitigation. Reliance on compliance with a mandatory regulatory permit or other similar process may be identified as appropriate and sufficient mitigation if compliance would result in implementation of measures that would reasonably be expected to reduce impacts to the specified performance standards. (CEQA Guidelines § 15126.4(a)(1)(B); *see Oakland Heritage Alliance v. City of Oakland* (2011) 195 CA4th 884, 906 [“a condition requiring compliance with regulations is a common and reasonable mitigation measure and may be proper where it is reasonable to expect compliance”]; *Save Our Capitol! v. Department of General Services* (2023) 87 Cal.App.5th 655, 687-688, 699.)

MM EKN TRA-1 expressly requires that the Valet Plan be submitted by a licensed traffic engineer and that, “at a minimum” the Plan “ensure the three-vehicle capacity is not exceeded.” Thus, the Valet Plan establishes a clear performance standard and steps to ensure the performance standard is achieved. The mitigation measure also requires that the Valet Plan be subject to review and approval by the City prior to approval of building permits. Thus, the mitigation measure fully complies with CEQA’s requirements for effective and enforceable mitigation and does not represent improper deferral.

Master Response 14—Hotel and Overlay Impacts on Parking

Summary of Comments

- Concerns that the proposed Hotel’s parking demand would adversely affect parking availability and traffic congestion in Downtown Petaluma.
- Concerns about air quality and greenhouse gas (GHG) emissions associated with parking shortages.
- Concerns about the proposed project’s compliance with City parking requirements.

14a) Parking and CEQA

Numerous comments were submitted relative to concerns about the EKN Appellation Hotel’s parking supply and potential effects on parking in Downtown Petaluma. With respect to the CEQA analysis contained in the Draft EIR, it is important to note that potential parking shortages are considered a social impact, not an environmental impact, under CEQA. (*San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 CA4th 656, 697; *see also* PRC § 21099(b)(3), (the “adequacy of parking for a project shall not support a finding of significance pursuant to this section”)). Accordingly, the impact formerly in CEQA Guidelines Appendix G about the adequacy of parking for the proposed project was deleted in response to that decision.

The City’s thresholds of significance, which are derived, in part, from the questions in the most recent version of Appendix G, are consistent with CEQA case law and do not identify parking availability as an environmental impact. Further, specific to the proposed project’s location within a designated Transit Priority Area⁴, Public Resources Code Section 21099(d)(1) states, “aesthetic and parking impacts of residential, mixed-use residential, or employment center projects on an infill site

⁴ Metropolitan Transportation Commission (MTC). 2023. Open Data Catalog. Website: <https://opendata.mtc.ca.gov/datasets/MTC::transit-priority-areas-2021-1/explore>. Accessed January 11, 2025.

within a transit priority area shall not be considered significant impacts on the environment.” Accordingly, consistent with State law, the Draft EIR does not assess potential environmental impacts associated with parking availability.

The proposed Hotel project, along with most parcels within the Overlay, qualifies under this provision. Therefore, concerns regarding parking are not deemed significant impacts under CEQA.

However, courts have established that significant secondary effects stemming from parking scarcity, such as impacts on air quality, can be considered under CEQA (*Save Our Access–San Gabriel Mountains v. Watershed Conservation Authority*, (2021) 68 Cal.App.5th 8). That said, the parking situation has been thoroughly analyzed in the *Traffic Impact Study for the Petaluma Appellation Hotel Project*, which concluded that the proposed parking supply would be adequate to meet City requirements. As such, the Hotel will not experience parking scarcity, and therefore would not result in any significant secondary environmental impacts due to lack of parking. Furthermore, potential impacts on air quality based on unsubstantiated claims about traffic congestion lack merit. As highlighted in *Upland Community First v. City of Upland*, (2024) 105 Cal.App.5th 1, claims suggesting that a project might have significant impacts on air quality and GHG emissions due to traffic-related parking scarcity are unfounded.

14b) Effect of Parking on VMT

As indicated above, parking availability is not a CEQA impact. Parking availability does, however, influence VMT, which is a key metric used in transportation and GHG CEQA analyses. One of the more effective VMT reduction strategies at both a project and areawide level is to reduce the supply of parking. This tends to discourage travel by private vehicle, incentivizing VMT-beneficial effects including carpooling, use of transit, and use of active transportation. The City of Petaluma has recognized the beneficial effects of parking management and limiting parking supply in reducing VMT in its 2021 *Senate Bill 743 Vehicle Miles Traveled Implementation Guidelines* and *Final Citywide TDM Requirements*.

Several commenters expressed concern that a lack of parking at the EKN Appellation Hotel could lead to adverse VMT impacts associated with drivers circulating on surrounding streets in search of parking. However, efforts to increase parking supply could actually result in the unintended opposite effect of *increasing* VMT levels based on available research.

The effects of parking on VMT and GHG emissions are less than significant because:

- The proposed project is not expected to result in parking shortages that would lead to drivers circulating on surrounding streets in search of parking.
- Reduced parking promotes public transit and other environmentally friendly modes of transportation like walking and biking, which may decrease the number of vehicles on the road and the secondary effects to traffic and air quality.
- All sites within the Overlay are already developable and while the proposed Overlay Ordinance allows these parcels to increase their height, FAR, and lot coverage, the proposed

Ordinance does not increase density. Therefore, any increase in the number of vehicles due to the Overlay Ordinance will be negligible.

- As the Overlay is within 0.5 mile of transit and urban infill, any increase of VMT will be less than compared to development in other parts of the City.
- As the VMT was found to be less than significant, so too will the secondary impacts on air quality and GHG emissions.

Even if there were secondary effects related to parking scarcity within the Overlay Ordinance—which, as previously discussed, there are not—Assembly Bill (AB) 2097 prohibits the City from imposing parking requirements to mitigate these effects. Specifically, AB 2097 prohibits the imposition of minimum parking requirements on residential, commercial, or other development projects located within 0.5 mile of a “major transit stop.” The SMART station qualifies as a “major transit stop” under AB 2097, and most parcels within the Overlay fall within this 0.5-mile radius. Consequently, the City is not permitted to impose minimum parking requirements on the majority of parcels in the Overlay.

14c) Parking Requirements

While no adverse environmental impacts have been identified related to the proposed project’s parking, the following discussion provides additional information about the potential parking conditions associated with the proposed EKN Appellation Hotel. A parking assessment for the proposed project is included in the *Traffic Impact Study for the Petaluma Appellation Hotel Project*, W-Trans, 2023. As explained in the study, the proposed project site is complex in that a portion of the site (roughly two-thirds) is with the Downtown parking assessment district and required to provide no parking. For the remaining portion of the site (approximately one-third) that is outside of the district, the parking requirements specified in the IZO, Chapter 11; Parking and Facilities, Off-Street, were applied, resulting in a total parking requirement of 48 spaces. The 58 on-site parking spaces included as part of the proposed project satisfy the parking requirements specified by the City’s zoning code. The parking assessment includes no deductions for travel by SMART or other non-auto modes.

The Hotel complies with the City’s parking requirements, which went through its own CEQA analysis, and the Traffic Impact Study (Appendix A of the Draft EIR) concluded that there is sufficient parking available for the proposed project. This finding provides substantial evidence supporting the Hotel’s compliance. Additionally, no substantial evidence has been presented to demonstrate that the proposed Overlay would result in parking shortages.

However, future development within the Overlay will undergo its own independent CEQA analysis. Consequently, specific projects may encounter parking issues that could also raise concerns related to air quality, noise, and traffic, potentially requiring mitigation under CEQA. Additionally, all developments within the Overlay will need to obtain a SPAR permit. To secure a SPAR permit, the reviewing body must find that “ingress, egress, internal circulation for bicycles and automobiles, off-street automobile and bicycle parking facilities, and pedestrian ways are designed to promote safety and convenience and conform to applicable City standards” (Petaluma IZO Section 24.050(E)(3)).

Additionally, any development in the Overlay seeking to build above 45 feet would be required to obtain a CUP, pursuant to Section 24.060 of the Petaluma IZO. To obtain a CUP, the Planning Commission would need to make the following findings related to parking and circulation:

- The type of street serving the proposed building(s) and use is adequate for the amount of traffic expected to be generated.
- The adequacy, convenience, and safety of vehicular access and parking, including the location of driveway entrances and exits is adequate for the amount of traffic expected to be generated, and will be compatible with adjoining buildings and uses.
- The amount, timing, and nature of any truck traffic associated with the proposed building(s) and use will be compatible with adjoining buildings and uses.

Thus, if there is substantial evidence that a development's design leads to parking issues, the reviewing body has the authority to deny the SPAR/HSPAR permit or CUP.

14d) City Parking Study

As a distinct and separate matter from the proposed Project, the City is pursuing a Downtown Area Parking Management Plan, which is currently under development. The following summary of the City's ongoing parking study is provided for informational purposes only and does not constitute new information or inform the City's findings on the subject EIR. The Downtown Area Parking Management Plan is an independent project that is proceeding pursuant to a separate City planning process and is not part of the proposed project or necessary for the City to make decisions regarding the proposed project.

The intent of the Parking Management Plan is to produce a clear understanding of existing on-street and off-street parking utilization, as well as other curb uses, engage the community, and identify strategies to optimize parking and curb utilization in support of a thriving downtown. As an initial step in the development of the Plan, City staff presented an update on data collection efforts and requested feedback on parking and curb management strategies during the January 27, 2025 City Council public meeting (see workshop agenda item #7).

As presented in the staff report, industry best practices indicate that 85 percent is the ideal parking occupancy as it represents optimal parking utilization by demonstrating economic activity while ensuring an appropriate number of parking spaces are available (e.g. ~ three out of every 20 spaces, or at least one space on every block). The preliminary data collected indicates the following:

- Existing parking utilization in downtown rarely exceeds the industry recommended 85 percent occupancy
- On-street parking demand is higher in the downtown core relative to the perimeter
- Public and private off-street parking facilities and streets spaces have capacity, even during peak times

The results indicate that opportunities exist to optimize parking and curb use rather than expanding parking capacity through new lots or garages. Parking use strategies identified through review of parking data collected and community outreach include improving turnover, encouraging the use of off-street and long-term parking, and enhancing mobility options. The potential strategies and action items to be considered as part of the Downtown Area Parking Management Plan include the following:

- Improve Transportation Options
- Create More Frequent Turnover
- Promote Long Term Parking Options
- Improve Loading Access and Safety
- Expand Parking Supply

The City Council provided feedback at the January 27, 2025 public meeting, which will inform the development of the Downtown Area Parking Management Plan strategies and specific actions. The Plan will be brought back to Council later in 2025 to review the draft Plan, receive additional feedback, and consider adoption of the Plan.

Parking Conclusions

In summary, while parking is a social issue and not directly related to an adverse physical impact on the environment, the proposed EKN Appellation Hotel project would comply with the City's zoning requirements pertaining to provision of parking. The proposed project is also anticipated to accommodate its parking demand during most periods; during Saturday evenings during 8:00 p.m. to 10:00 p.m. some use of public spaces may be needed, though this is anticipated to cause little inconvenience to other users since demand generated by other Downtown uses typically subsides by this time. Use of shared public facilities is also expected within the Downtown parking assessment district. From an environmental perspective, provision of additional on-site parking at the proposed project site has the potential to increase, rather than reduce, VMT.

Master Response 15—Traffic Congestion

Summary of Comments

The general comments addressed in this Master Response fall into one of several categories:

- Concerns that the proposed project would increase traffic congestion.
- Allegations that the Level of Service (LOS) analysis inaccurately states that the proposed Hotel would not result in an exceedance of the City's LOS standards.
- Concerns that the VMT CEQA screening that is applied to the proposed Hotel because it is within 0.5 miles of the SMART train is inaccurately applied because Hotel guests are not likely to use the SMART train.

Applicability of Traffic Congestion and LOS in CEQA

Several commenters criticized that the traffic analysis contained in the Draft EIR is inadequate, or that the Draft EIR fails to identify significant impacts associated with traffic congestion. Historically, the transportation impacts of land development projects were evaluated based on a congestion-focused metric referred to as LOS, which is generally tied to the average delays that drivers experience. In 2013, Governor Brown signed Senate Bill (SB) 743, requiring amendments to the CEQA Guidelines for analyzing transportation impacts. Through this action, Public Resources Code Section 21099 (b)(1) directed the California Governor's Office of Planning and Research (OPR) to prepare updated CEQA Guidelines for adoption by the Natural Resources Agency, including revised transportation significance criteria. Public Resources Code Section 21099 (b)(2) specifies that "automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment." (See also, CEQA Guidelines § 15064.3(b)(2)).

The use of VMT as the appropriate metric for evaluating traffic impacts under CEQA became mandatory on July 1, 2020. Accordingly, consistent with the requirements set forth in SB 743 and current CEQA Guidelines, the transportation analysis performed in the Draft EIR focuses on the analysis of VMT rather than LOS. The Draft EIR does include a LOS analysis for informational purposes, summarizing the results of the Hotel project's Traffic Impact Study, but consistent with State law does not identify environmental impacts related to traffic congestion and LOS.

Findings in the Hotel Traffic Impact Study

As required by the City of Petaluma, the *Traffic Impact Study for the Petaluma Appellation Hotel Project*, W-Trans, 2023 (Hotel TIS), was prepared to assess the potential transportation-related effects of the Hotel project. As noted above, the congestion-based traffic analysis contained in the study is not used in the Draft EIR. It is, however, used by the City to determine the need for infrastructure modifications, as well as to determine consistency with the LOS standards contained in the City's current General Plan. The Hotel TIS also includes assessment of VMT, potential impacts on non-auto modes, and access that are referred to and used in the Draft EIR.

The Hotel TIS uses industry-standard trip generation rates published in the *Trip Generation Manual*, 10th Edition, Institute of Transportation Engineers (ITE), 2017. The proposed Hotel has no unusual characteristics that would lead to it having significantly higher employment levels than other hotels, so the use of industry-standard ITE rates is appropriate. The ITE land use description for hotels states, "A hotel is a place of lodging that provides sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, limited recreational facilities (pool, fitness room), and/or other retail and service shops." This description is well-suited to the proposed Hotel. However, the TIS took a conservative approach in that it added restaurant trips on top of the Hotel trips, even though the ITE trip rate for a Hotel already includes restaurant trips. The conservative approach taken in the Draft EIR recognizes that the proposed restaurant could draw from a broader clientele, leading to the conservative inclusion of additional restaurant-specific rates and trips. Using this conservative approach nearly doubled the proposed project's estimated trip generation (from 511 to 1,174).

The applied trip generation estimates for the proposed Hotel development also include an additional factor to account for valet parking activity. Combined, the various components of the proposed project are anticipated to generate 1,174 daily trips including 99 during the PM peak-hour, which is typically the most congested condition of the day in the study area. The traffic congestion (LOS) analysis contained in the Traffic Impact Study is based on these conservative estimates.

Several commenters indicated that the Hotel's traffic analysis assumes that many of the proposed project's trips would be made by walking, biking, or taking SMART. This is incorrect; the Hotel TIS trip generation estimates include no such deductions for non-auto trips. The Hotel TIS does assess the proposed project's influences on pedestrian, bicycle, and transit modes, but again, does not reduce the projected levels of automobile and truck traffic generated by the proposed project in the analysis of congestion and LOS.

Additionally, the Hotel and any development within the Overlay exceeding 45 feet in height will be required to obtain a SPAR permit and a CUP. To secure a Site Plan and Architectural Review permit, the reviewing body must determine that "ingress, egress, internal circulation for bicycles and automobiles, off-street automobile and bicycle parking facilities, and pedestrian pathways are designed to promote safety and convenience and conform to applicable City standards" (Petaluma IZO Section 24.050(E)(3)). Similarly, developments within the Overlay proposing to exceed 45 feet in height must obtain a CUP in accordance with Section 24.060 of the Petaluma IZO.

To approve a CUP, the Planning Commission must make the following findings related to traffic congestion:

- The type of street serving the proposed building(s) and use is adequate for the amount of traffic expected to be generated.
- The adequacy, convenience, and safety of vehicular access and parking, including the location of driveway entrances and exits, is sufficient for the anticipated traffic volume and will be compatible with adjacent buildings and uses.
- The amount, timing, and nature of any truck traffic associated with the proposed building(s) and use will be compatible with adjoining buildings and uses.

These findings are critical for addressing traffic congestion. If the findings cannot be made, the development will not be granted a SPAR permit or CUP.

Furthermore, future developments within the Overlay will undergo their own independent analysis under CEQA. As a result, specific projects may encounter traffic congestion impacts that could necessitate mitigation under CEQA. Lastly, as updated on page 4-69 in Volume 1 of the Final EIR, a Transportation Demand Management Plan (TDM) was prepared per *Senate Bill 743 Vehicle Miles Traveled Implementation Guidelines* and *Final Citywide TDM Requirements*.

Master Response 16—Effects of Street Closures and Special Events

Summary of Comments

The general comments addressed in this Master Response fall into one of several categories:

- Concerns about guests accessing the Hotel during community events (e.g. Butter and Egg Day).
- Concern that event(s) at the proposed Hotel will adversely impact downtown parking and traffic.

Several commenters asked how Hotel patrons will travel to the Hotel when streets are closed for events and parades, as well as how access to the Hotel would in turn affect these events. Specific events identified in the comments include the Butter and Egg Days and Veteran’s Day parades and Salute to American Graffiti event. Consistent with standard practice and initial scoping of the study in collaboration with City staff, the Hotel TIS analyzes typical traffic and parking conditions rather than those occurring under unusual circumstances such as special events with street closures.

Maintaining access and parking supplies during such events is addressed as part of broader operational planning overseen by the City for the events themselves, and in the case of the proposed Hotel will need to be addressed by Hotel management in collaboration with the City, similar to how other Downtown business owners and operators currently function during events and parades. It is likely that the Hotel operator will need to notify guests, employees, and delivery providers of closure periods when access is unavailable. While such occurrences are likely to cause temporary inconveniences, they would not lead to transportation-related environmental impacts or the need for CEQA-based mitigation measures.

Additionally, the City has the ability to condition any special event permit within the public right-of-way (Petaluma Municipal Code Section 13.32.090). While Section 13.32.090 allows reasonable conditions, they explicitly include the following conditions related to traffic:

- Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street transversed;
- Requirements for the use of traffic cones or barricades

Accordingly, any specific impacts due to the special event like traffic and safety can be conditioned by the Petaluma Police Department in issuing the special event permit. Similarly, each special event permit will undergo its own CEQA analysis and impacts can be addressed through CEQA.

While special events are not typically addressed in environmental traffic analyses, street closures associated with these events inevitably leads to increased traffic congestion and parking demand. The Hotel project may incrementally increase these effects, though likely not to a discernible or measurable degree since Hotel traffic and parking demand tends to be distributed throughout the day rather than concentrated during peak periods that coincide with special events. As previously discussed, Hotel parking demand also tends to peak during the evenings and overnight when most

events have concluded. However, during peak hours, the proposed Hotel would have three to four dedicated valets to handle both pick-up and drop-off services.

Special events affecting Hotel access also occur only a few days per year; traffic and parking assessments generally focus on typical operational conditions rather than designing facilities such as roadways and parking lots to accommodate the annual highest hours of demand. With respect to VMT, access restrictions affecting visitors and deliveries would not be expected to materially influence vehicular travel over the course of a day; rather, travel would likely be shifted to different times of day. Employees would be aware of access restrictions in advance and make accommodations to travel at different times of day or use alternate modes of travel, just as employees of current Downtown Petaluma businesses do on event days and periods with planned street closures.

Commenters also raise concern regarding the adverse effects of events occurring at the Hotel itself and assert that the downtown would be adversely impacted, including multiple events held at the Hotel simultaneously. Consistent with best practice, the Hotel TIS analysis relied upon industry standard trip generation figures (ITE rates) for Hotel uses. The ITE land use description for hotels states, *“A hotel is a place of lodging that provides sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, limited recreational facilities (pool, fitness room), and/or other retail and service shops.”* As such, the analysis does capture the potential trip generation and corresponding transportation effects associated with the proposed Hotel including the use of event space (e.g. banquet rooms or convention facilities). Special events at the Hotel will need to comply with its own occupancy requirements and are therefore captured within the Hotel traffic study. As described in Master Response 15—Traffic Congestion, the Hotel TIS found that at operation the proposed Hotel use, which is inclusive of internal event spaces, would result in less than significant environmental impacts.

Master Response 17—Hazardous Materials

Summary of Comments

The general comments addressed in this Master Response fall into one of several categories:

- Concerns regarding hazardous waste and contaminated soil.
- Concerns regarding groundwater intrusion.

The EKN Hotel property has undergone several rounds of remedial action under the oversight of the California State Water Resources Control Board (State Water Board) and the Sonoma County Department of Health Services (SCDEH), as described in Chapter 4 of the Draft EIR (Additional Effects Evaluated in the Initial Study). As discussed therein, the State Water Board recorded a Covenant and Environmental Restriction (Covenant) against the property as part of the remediation and closure of the site. The Covenant limits future uses to industrial, commercial, and mixed-use, and office; uses which include development of a hotel. The Covenant also sets forth regulations for activities related to ground disturbance, groundwater extraction, construction dewatering, soil or groundwater sampling, and soil reuse or disposal. As of February 2020, the Leaking Underground Storage Tank

(LUST) cleanup case was closed and a letter confirming the completion of site investigation and remedial action for the LUSTs was issued to the property owner.

The Covenant requires the EKN Hotel applicant to perform specific actions and to report the results to the State Water Board and SCDEH prior to occupancy of the site. The actions include collection of soil confirmation samples following excavation of the proposed 7,140 cubic yards of soil, groundwater samples from the resulting excavation pit, and paired subslab and indoor air samples following completion of the proposed Hotel and prior to occupation to ensure effectiveness of the required vapor barriers and venting systems. The requirements are incorporated into MM EKN HAZ-2, which spells out the specific steps, timing, and subsequent testing, if needed, to demonstrate the readiness of the site for occupation. The steps also provide for annual summary reports to be prepared summarizing any plans for ground disturbance, along with proposed remedial measures and monitoring to be implemented.

Additional information on remedial activities completed at the site is available from the State Water Board.⁵

Finally, the Draft EIR identifies MM EKN HAZ-1, which requires preparation of a site-specific Health and Safety Plan (HASP) and a Soils Management Plan (SMP).

⁵ California State Water Resources Control Board (State Water Board). Geotracker. 2025. Website: https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0609700800. Accessed January 11, 2025.

SECTION 2: RESPONSES TO WRITTEN COMMENTS

2.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project Draft EIR is presented below. Each comment has been assigned an author code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author	Author Code
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State Agencies

Department of Toxic Substances Control	DTSC
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Organizations

Pacific Gas and Electric Company	PG&E
Pacific Gas and Electric Company	PG&E 2
Shute, Mihaly, & Weinberger, LLP	SHUTE, MIHALY, & WEINBERGER, LLP

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Lydia Asselin	ASSELIN 3
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Suzanne Biaggi	BIAGGI
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Suzanne Biaggi	BIAGGI 3
Tom Bornheimer	BORNHEIMER
Kathy Brandal	BRANDAL
Karen Brigando	BRIGANDO
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Kathy Chambers	CHAMBERS
Kathy Chambers	CHAMBERS 2
Barbara Cieslewicz	CIESLEWICZ
Joan Cooper	COOPER
Julia Cort	CORT
Dana Thomsen	D. THOMSEN
Paul Foley	FOLEY
Nickola Frye	FRYE
Tom Gaffey	GAFFEY
Bob Garber	GARBER
David Garti	GARTI
Jeanne Gaskin and Howard Termo	GASKIN
Laura Gavre	GAVRE
Kirsten F. Gilstrap, Lindsay Mickles, Lisa Cattolica	GILSTRAP
Lia Goldman Miller	GOLDMAN MILLER
Daniel Gordon	GORDON
Maureen Gottschall	GOTTSCHALL
Jane Hamilton	HAMILTON
Jane Hamilton	HAMILTON 2
Jeremy Hancock	HANCOCK
Jeremy Hancock	HANCOCK 2
Ralph Haney	HANEY
Judith Harris	HARRIS
Susan and Ted Herman	HERMAN
Molly Isaak	ISAAK
Molly Isaak	ISAAK 2
Rob Izzo	IZZO
Janet Gracyk	J. GRACYK
Becky Jaeger	JAEGER
Marilyn Jaffe	JAFFE
Jennifer Wheeler	JENNIFER WHEELER
Jim Wheeler	JIM WHEELER
Katherine J. Rinehart	K. RINEHART
Sonya Karabel	KARABEL
David Keller	KELLER
David Keller	KELLER 2
David Keller	KELLER 3
David Keller	KELLER 4
Susan Kirks	KIRKS
Adam Klein	KLEIN
Adam Klein	KLEIN 2
Adam Klein	KLEIN 3
Heather Kratt	KRATT

Heather Kratt	KRATT 2
Lance Kuehne	KUEHNE
Brian Lamoreaux.....	LAMOREAUX
Brian Lamoreaux.....	LAMOREAUX 2
Carol Larson	LARSON
Ann Ledoux	LEDOUX
Barbara Lowe	LOWE
Mike Drobnick.....	M. DROBNICK
Bailey Malone	MALONE
Loretta Mateik	MATEIK
Mary Lou Mayes	MAYES
Stephanie McAllister	MCALLISTER
Melinda Mcilvaine	MCILVAINE
Melinda Mcilvaine	MCILVAINE 2
Julia McMichael	MCMICHAEL
Mollie McWilliams.....	MCWILLIAMS
Sheryl Nadeau	NADEAU
Michael Nistler	NISTLER
Tammara Norman.....	NORMAN
Veronica Olsen.....	OLSEN
John O’Meara	O’MEARA
Maria Parish.....	PARISH
Susan A. Pateros	PATEROS
Susan A. Pateros	PATEROS 2
Dom and Carol Peters	PETERS
Genie Praetzel.....	PRAETZEL
Lorraine Pratt.....	PRATT
Susan Price	PRICE
Cindie Raab and Lonnie Raab	RAAB
Darren Racusen	RACUSEN
Eva Rhea	RHEA
Matt Richman	RICHMAN
Claudia Aron Ross	ROSS
Sherry Sandberg	SANDBERG
Sherry Sandberg	SANDBERG 2
Beverly Schor	SCHOR
Kim Scot.....	SCOT
John Sergneri and Athena Sargent	SERGNERI
Nathan Spindel	SPINDEL
Barbara Stowe	STOWE
Lehua K.K. Stuart	STUART
Moira Sullivan	SULLIVAN
Moira Sullivan	SULLIVAN 2

Moira Sullivan	SULLIVAN 3
Teri Drobnick	T. DROBNICK
Todd Gracyk.....	T. GRACYK
Taryn Obaid	T. OBAID
Taryn Obaid	T. OBAID 2
Laurie Treleven	TRELEVEN
Suzanne Tucker	TUCKER
Karen Turner.....	TURNER
Juli Walters.....	WALTERS
Christine White	WHITE
Thomas G. Whitley.....	WHITLEY
Sarah Wilson	WILSON

2.2 - Responses to Comments

2.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Petaluma, as the Lead Agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2024040565) for the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the proposed project in accordance with CEQA Guidelines Section 15132.

2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same order as the List of Authors.



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

September 18, 2024

Olivia Ervin
Principal Environmental Planner
City of Petaluma
11 English Street
Petaluma, CA 94952
oevin@cityofpetaluma.org

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DOWNTOWN HOUSING
AND ECONOMIC OPPORTUNITY OVERLAY AND EKN APPELLATION HOTEL
PROJECT, DATED AUGUST 23, 2024 STATE CLEARINGHOUSE # [2024040565](#)

Dear Olivia Ervin,

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (DEIR) for the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project (Project). Implementation of the Overlay would require a General Plan Amendment to increase the maximum allowable floor area ratio from 2.5 to 6.0, a Zoning Text Amendment to increase the allowable building height from 45 feet to 75 feet with a Conditional Use Permit, allow ground floor residential uses, and establish development and design controls for properties within the Overlay. A Zoning Map Amendment is also required to establish the Downtown Housing & Economic Opportunity Overlay on applicable parcels.

The EKN Appellation Hotel component of the project proposes construction of a 6-story hotel over a below-grade parking garage, comprising 93 hotel rooms, an event space, and food service uses at 2 Petaluma Boulevard. The below-grade parking garage would provide valet parking for up to 58 vehicles using mechanical parking lifts. A restaurant

with indoor and outdoor seating for up to 150 guests is proposed on the ground floor. Floors 2 through 5 would comprise 93 hotel rooms and a fitness room for hotel guests. Floor 6 would include a 1,444 square foot event space, and a 5,514 square foot exterior bar/event space with seating for 60 guests. DTSC has identified that this Project may impact multiple sites within its boundaries therefore, we request the consideration of the following comments:

1. The Project encompasses multiple active and nonactive mitigation and clean-up sites where DTSC has conducted oversight that may be impacted as a result of this Project. This may restrict what construction activities are permissible in the proposed areas in order to avoid any impacts to human health and the environment.
2. Due to the broad scope of the proposed Project, DTSC is unable to determine all of the locations of the proposed Project sites, whether they are listed as having documented contamination, land use restrictions, or whether there is potential for these sites to be included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, DTSC recommends providing further information on these sites and areas that may fall under DTSC's oversight within the DEIR. Please review the Project area in [EnviroStor](#); DTSC's public-facing database.
3. DTSC recommends the City of Petaluma enter into a voluntary agreement to address contamination at brownfields and other types of properties or receive oversight from a [self-certified local agency](#), DTSC or Regional Water Quality Control Board. If entering into one of DTSC's voluntary agreements, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: [Request for Agency Oversight Application](#). Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact your [Regional Brownfield Coordinator](#).

DTSC believes the City of Petaluma must address these comments to determine if any significant impacts under the California Environmental Quality Act (CEQA) will occur

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Olivia Ervin
September 18, 2024
Page 3

and, if necessary, avoid significant impacts under CEQA. DTSC recommends the department connect with our unit if any hazardous waste projects managed or overseen by DTSC are discovered.

DTSC appreciates the opportunity to comment on DEIR for the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

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Sincerely,



Dave Kereazis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

cc: (via email)

Governor's Office of Planning and
Research State Clearinghouse
State.Clearinghouse@opr.ca.gov

Tamara Purvis
Associate Environmental Planner
HWMP – Permitting Division - CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP – Permitting Division - CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

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State Agencies

Department of Toxic Substances Control (DTSC)

Response to DTSC-1

The comment summarizes details of the Hotel Project and prefaces the comments to be provided by the DTSC. No further response is required.

Response to DTSC-2

The comment regarding potential mitigation and cleanup sites within the Overlay is noted. The Draft EIR addresses potential future cleanup of these sites in Chapter 4, Additional Effects Evaluated in the Initial Study, Section 4.2.7, Hazards and Hazardous Materials, question b. Future discretionary projects within the Overlay would be required to prepare a Phase I Environmental Site Assessment (Phase I ESA) to summarize federal and State database information, as well as provide a summary of a site evaluation that confirms existing conditions and identifies the need for further site investigation, if warranted.

Response to DTSC-3

Please refer to the response to DTSC-2.

Response to DTSC-4

Please refer to the response to DTSC-2. Also, the City acknowledges that coordination may include the need for voluntary agreement or submittal of a Lead Agency Oversight Application for brownfield remediation, where warranted.

Response to DTSC-5

The Draft EIR provides programmatic review of the potential effects of the proposed Overlay. As noted above, future projects would be required to prepare site-specific investigations and to complete any required investigation or remediation to address site-specific soil and/or groundwater conditions.

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August 29, 2024

City of Petaluma
Planning Division
11 English Street
Petaluma, CA 94952

Ref: Gas and Electric Transmission and Distribution

Dear Petaluma Planning,

Thank you for submitting EKN Appellation Hotel plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: <https://www.pge.com/en/account/service-requests/building-and-renovation.html>.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

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11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

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Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

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Organizations

Pacific Gas and Electric Company (PG&E)

Response to PG&E-1

The comment is noted. The proposed project would comply with all applicable PG&E requirements, including the plan review process and engineering deposits. The proposed project would be served by Sonoma Clean Power and would not interfere with existing PG&E facilities, as identified in PG&E's second letter (PG&E-2) received on October 3, 2024. No further response is required.

Response to PG&E-2

Please refer to Response to PG&E-1.

Response to PG&E-3

Please refer to Response to PG&E-1.

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October 3, 2024

County of Petaluma
Planning Division
11 English St
Petaluma, CA 94952

Re: PLGP-2023-0001, PLZA-2023-0002, PLSR 2022-0017, PLPJ-2022-0015
EKN Appellation Hotel

Dear Petaluma Planning,

Thank you for providing PG&E the opportunity to review the proposed plans for EKN Appellation Hotel date 8/27/2024. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management

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Pacific Gas and Electric Company (PG&E 2)

Response to PG&E 2-1

The comment is noted. The City will resubmit the plans as requested by PG&E in the event that there are subsequent modifications to the proposed project design.

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October 21, 2024

Via Electronic Mail Only

Olivia Ervin
Principal Environmental Planner, M-Group
City of Petaluma
Planning Division
11 English Street
Petaluma, CA 94952

PetalumaPlanning@cityofpetaluma.org
oervin@cityofpetaluma.org

**Re: Draft Environmental Impact Report – Downtown Housing &
Economic Opportunity Overlay & EKN Appellation Hotel Project,
SCH # 2024040565**

Ms. Ervin:

This firm represents the Petaluma Historic Advocates (“PHA”), a community organization that promotes harmonious urban growth within Petaluma’s unique historic downtown, in connection with the proposed Downtown Housing & Economic Opportunity Overlay & EKN Appellation Hotel Project (“Project”).

1

We have reviewed the Draft Environmental Impact Report (“DEIR”) for the Project, and we submit the comments below regarding significant flaws in its analysis. One of our overarching concerns with the DEIR is that it fails to adequately analyze the proposed Hotel and Overlay as part of, or even in the context of, the General Plan Update already underway. As we pointed out in our comments on the Notice of Preparation, sound planning principles call for the City to account for the General Plan Update. Doing so would ensure comprehensive planning and evaluation of the impacts of the Hotel and Overlay aspects of the Project on the Commercial Historic District.

2

Instead, by ignoring the imminent General Plan Update, the DEIR improperly segments the Overlay portion of the Project from the General Plan of which it plainly constitutes a part. CEQA prohibits this type of segmentation, because it results in an environmental document that fails to convey the true extent of a project's impacts. *See Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 396 (an EIR must analyze the environmental effects of future action if it will likely change the scope or nature of the initial project or its environmental effects). Even if the City could validly separate the Overlay from the General Plan Update, however, it would be required to analyze the cumulative impacts of both the Overlay and the General Plan Update. Here, the DEIR has failed to even acknowledge the General Plan Update in its cumulative impacts analysis, let alone analyze those impacts in a meaningful way.

3

In another fundamental error, the DEIR defers any meaningful analysis of the Overlay portion of the Project. The DEIR claims that it "is intended to address all proposed public and private infrastructure improvements and all future development that are within the parameters of the proposed project." *See* DEIR at 2-37. However, it claims repeatedly that any impacts of the Overlay will be analyzed and mitigated in future project-specific reviews. *See id.* CEQA prohibits this type of deferred analysis, because it precludes the public and decisionmakers from understanding and assessing the scope and degree of environmental impacts of a project at an early stage when they can be mitigated. Additionally, the City's assurance that future projects in the Overlay areas will be subject to discretionary review for consistency with historical resources is inconsistent with the state Density Bonus Law. Instead, under that law, the City generally may not apply development standards that would preclude development of qualifying developments, even if they are much taller than surrounding areas.

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These foundational flaws dog the DEIR throughout every impact analysis section. For example, the DEIR defers analysis of most of the environmental impacts resulting from the Overlay, based on its assertion that these impacts will be studied in future project-specific contexts. *See, e.g.,* DEIR at 4-13. Without any analysis of these impacts, the public and decisionmakers have no understanding of the impacts of the Overlay.

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The DEIR's failure to meaningfully analyze any impacts of the Overlay appears to reflect the reality that the Overlay was proposed not as the result of any meaningful public planning process but rather in a thinly veiled attempt to sidestep City staff's own admission that approving the Hotel on its own would constitute unlawful spot zoning. As the FAQ on the City's website explains, permitting the Hotel through a rezoning or the standard planned use development process would "create a special privilege and be an

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instance of spot zoning.”¹ Apparently, the City believes it can avoid spot zoning by combining the Hotel approval with the hastily conceived Overlay but without analyzing the feasibility and any of the impacts of the FAR and height increases the Overlay is designed to facilitate. The DEIR certainly reflects this lack of analysis. But CEQA forbids it: the City *must* properly analyze the potentially significant impacts of the Overlay.

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The DEIR’s analysis of the Hotel component fares no better. At six stories high and with 100% lot coverage, the Hotel is massively out of scale with the surrounding historic buildings, most of which are only one- and two-stories and do not completely occupy their lots. The proposed site of the Hotel is a part of the Petaluma Historic Commercial District, which is a designated National Register of Historic Places. *See* DEIR at 2-23. And, an immediately adjacent building is itself a contributing historical resource. Nevertheless, the DEIR concludes without any substantial evidence that the Hotel—which will tower over its neighbors—will have a less than significant impact on historic resources. This conclusion is plainly unsupported. The DEIR also relies on a mitigation measure to reach this less than significant conclusion, an approach that is prohibited under CEQA. *See Lotus v. Dept. of Transportation* (2014) 223 Cal.App.4th 645, 655-56. The DEIR must first accurately analyze and disclose the Project’s impacts before then going on to analyze whether those impacts can be feasibly mitigated.

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In sum, the DEIR violates the minimum standards of adequacy under the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 et seq., and the “CEQA Guidelines,” California Code of Regulations, title 14, § 15000 et seq. Given these flaws, the City must prepare a new DEIR with a clear project description and thorough impact analyses and must recirculate the new analysis for public comment. Especially given the community’s concerns about the proposed Project, as evidenced by the extensive comments submitted on the Project to date, the City’s approach to this Project remains untenable.

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The remainder of this letter explains PHA’s particular concerns about the Project and identifies specific impacts that the City of Petaluma should carefully evaluate as part

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¹ *See* Proposed Downtown Housing & Economic Opportunity Overlay for a Specified Area in Downtown Petaluma FAQ’s (hereinafter “FAQ’s”), “Why Now Before the General Plan Update?” available at <https://cityofpetaluma.org/proposed-downtown-housing-economic-opportunity-overlay-for-a-specified-area-in-downtown-petaluma-faqs/>.

of an informative and comprehensive revised DEIR.

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CONT

I. The DEIR Provides an Incomplete Description of the Project.

CEQA’s most fundamental requirement is that an EIR contain an accurate and complete project description. *See County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185; *see also* CEQA Guidelines § 15124. Moreover, CEQA defines “project” as “the whole of an action.” CEQA Guidelines § 15378. As explained in *McQueen v. Board of Directors of the Midpeninsula Regional Open Space District* (1988) 202 Cal.App.3d 1136, “[p]roject” is given a broad interpretation in order to maximize protection of the environment.” *Id.* at 1143. As the Supreme Court has explained, this rule ensures “that environmental considerations do not become submerged by chopping a large project into many little ones—each with a potential impact on the environment—which cumulatively may have disastrous consequences.” *Bozung v. Local Agency Formation Comm.* (1975) 13 Cal.3d 263, 283-84. Without a complete project description, an agency and the public cannot be assured that all of a project’s environmental impacts have been revealed and mitigated.

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This DEIR’s Project Description falls far short of CEQA’s requirements. First, the DEIR is opaque about the nature of the text amendments that will comprise the Overlay. It entirely omits the language of the proposed General Plan Amendment and Zoning text amendment that will effectuate the Overlay. The Project involves the adoption of a provision that will explicitly allow a substantial increase in height, FAR, and lot coverage in portions of the City’s downtown historic district. As such, the City must describe the Overlay in an accurate and detailed manner. *See* CEQA Guidelines § 15124(c) (project description must include a “description of the project’s technical, economic, and environmental characteristics.”); *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1053-54 & n. 7 (confirming that EIR’s project description must identify features necessary to assess environmental impacts). A revised DEIR must provide the standards and regulations as they would be implemented.

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Additionally, the DEIR fails to provide any forecast of the type, intensity, or range of development that is likely under the Overlay. Under CEQA, the EIR must make estimates about the development that is reasonably foreseeable under the Overlay. “Although CEQA does not require technical perfection or an exhaustive analysis, it does require ‘adequacy, completeness, and a good faith effort at full disclosure.’” *Save Our Capitol! v. Dep’t of Gen. Servs.* (2023) 87 Cal. App. 5th 655, 695 (internal citation omitted). Even if a sophisticated technical analysis of a particular impact is not feasible,

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courts require “some reasonable, albeit less exacting, analysis” of the impact. *Citizens to Pres. the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 432. This omission constitutes a serious violation of CEQA’s Project Description requirements.

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The DEIR also makes certain assumptions about the extent of buildout of the Overlay that are internally contradictory and not supported by substantial evidence. The DEIR arbitrarily assumes that the Overlay will only be built out at 25 percent of its potential during the next twenty years. DEIR at 2-29. The only justification for this assumption is that, starting in 2003, the Central Petaluma Specific Plan (CPSP) experienced 15 percent of its buildout potential over 11 years. *Id.* n.5. But even if correct, that statement concerning a different planning tool adopted more than twenty years ago cannot substitute for an actual analysis of the Overlay being proposed here. Even if it were relevant, the City has failed to explain how it landed on the assumption of 25 percent buildout over 20 years for the Overlay, which is significantly different from what the CPSP experienced. *Watsonville Pilots Ass’n v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1093 (an EIR may include projections as long as it provides the information supporting its predictions). The City must justify its assumptions, particularly those that affect the fundamental nature of the project being studied. *Ctr. for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171 (Without “an accurate and complete” description of the Project, there can be no “intelligent evaluation of the potential environmental impacts of the agency’s action” nor consideration of necessary and appropriate mitigation for those impacts.).

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This assumption is also inconsistent with the very stated purpose of the Overlay, which is to **encourage more new development than has been occurring** in the downtown area. It is nonsensical to assume that development pursuant to the Overlay would be consistent with historical development when the entire purpose of the Overlay is to encourage more development than has historically occurred and when the central purpose of the Overlay is to encourage much more *intense* development by, among other things, increasing the height limits in the affected areas by 30 feet (thereby nearly doubling the height limit), more than doubling the maximum permitted FAR (from maximum from 2.5 to 6.0), and increasing the permitted lot coverage by 20%. Furthermore, there are many state and local incentives for development, which further undermine the City’s assumption that development in the Overlay will be consistent with historical trends, rather than exceeding those trends. *See, e.g., State Density Bonus Law* (Gov. Code §

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65915 et seq.); Petaluma Municipal Code § 27.070. The City is required to explain and support its predictions with substantial evidence, which it failed to do here.

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CONT

The DEIR’s twenty-year buildout projection is also contradicted by statements elsewhere in the DEIR that “the proposed Overlay is intended to sunset with adoption of the new Zoning Code that implements the City’s new General Plan.” DEIR at 3.3-22. As a result, the expected duration of the proposed Overlay—which is fundamental to understanding the nature of the Project—is unclear. “A project description that gives conflicting signals to decision makers and the public about the nature of the project is fundamentally inadequate and misleading.” *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 332.

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In sum, the DEIR’s project description with respect to the Overlay is deficient: it lacks a clear description of the text amendment of the Overlay, the type of development expected, and its time horizon. The project description also lacks substantial evidence to support the assumption that the Overlay will only be built out at 25%. The revised DEIR must remedy these fundamental defects in the description of the Project.

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II. The DEIR Improperly Defers Analysis of the Impacts of the Overlay.

Under CEQA, an agency may not defer its assessment of important environmental impacts until after the project is approved. *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-307. CEQA requires that the extent and severity of the Project’s impacts be determined now and not at a future date.

Despite this requirement, the DEIR defers any meaningful analysis of the Overlay’s impacts. This deferral results in an environmental document that fails to achieve CEQA’s most basic purpose: informing governmental decision-makers and the public about the potential significant environmental effects of a proposed activity. CEQA Guidelines § 15002(a). CEQA requires “adequacy, completeness, and a good-faith effort at full disclosure” in an environmental document. CEQA Guidelines § 15003(i). Here, the DEIR fails to inform the public and decisionmakers about any impacts resulting from the Overlay, and fails to make a good faith effort at disclosure about those impacts.

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Implementation of the Overlay consists of the following significant changes to three areas located in the Downtown Subarea of the General Plan, which includes the

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City’s Historic Commercial District, through a combination of amendments to the City’s Zoning Map Amendments, Zoning Ordinance, and General Plan:

- (1) increasing allowable building heights from 45’ to 75’ with a conditional use permit;
- (2) changing lot coverage from 80% to 100%;
- (3) allowing ground floor residential;
- (4) increasing the maximum FAR from 2.5 to 6.0; and
- (5) eliminating setback standards and adding stepback standards.

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DEIR at ES-2. The proposed maximum FAR is 6.0, which is more than eighteen times existing conditions when averaging the floor area ratios of the three Overlay Areas. A denser commercial core, with more housing units, retail, and office space, along with the proposed Hotel, necessarily brings more people, traffic, and noise to the area. These potentially significant effects on the environment must be disclosed now, yet the DEIR entirely fails to do so.

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Instead, the DEIR improperly defers analysis and mitigation of each environmental impact of the Overlay to future discretionary reviews. In each impact analysis section, the DEIR states that the Overlay “would not directly result in physical development,” or “does not include any project-specific development,” and then defers analysis to an unknown future date when discretionary projects will be proposed within the Overlay. *See, e.g.*, DEIR at 3.1-17; 3.1-20; 3.1-24. For example, the DEIR asserts that although “foreseeable development under the Overlay has the potential to impact views of scenic resources,” any development applications within the Overlay Area “would be reviewed by the City” and “would be required to comply with the policies and actions of the General Plan designed to protect scenic resources.”² *Id.* at 3.1-17 – 18. Accordingly, in each impact area, the DEIR concludes that because impacts will be assessed in the future at the project level, “future development consistent with the proposed Overlay would not result in a potentially significant impact.” *Id.* at 3.1-18.

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² Confusingly, however, the DEIR also asserts that development under the Overlay “was already anticipated and was analyzed as part of the General Plan and Zoning Ordinance EIRs.” DEIR at 6-13, 6-14. That statement is plainly inaccurate, as the 2025 General Plan did not include the Overlay, and it is inconsistent with the City’s position elsewhere throughout the DEIR.

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CEQA prohibits this type of deferred analysis and mitigation. “CEQA’s demand for meaningful information ‘is not satisfied by simply stating information will be provided in the future.’” *Cal. Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 200. Instead, the law requires that a program EIR provide in-depth analysis of a project, looking at effects “as specifically and comprehensively as possible.” CEQA Guidelines § 15168(c)(5). Indeed, because it looks at the big picture, a program EIR must provide “more exhaustive consideration” of effects and alternatives than can be accommodated by an EIR for an individual action, and must consider “cumulative impacts that might be slighted in a case-by-case analysis.” CEQA Guidelines § 15168(b)(1)-(2). Accordingly, the “programmatic” nature of the DEIR’s analysis of the Overlay is no excuse for its deferred analysis.

It is only at this early stage that the City can design wide-ranging land use alternatives and measures to mitigate environmental impacts across the entirety of the Overlay. *See* CEQA Guidelines § 15168(b)(4) (programmatic EIR “[a]llows the Lead Agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility”). A “program” EIR is expressly *not* a device to be used for deferring the analysis of significant environmental impacts. *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 199. It is instead an opportunity to analyze impacts common to a series of smaller projects, in order to avoid repetitious analyses.

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Thus, it is particularly important that the DEIR for the proposed Overlay analyze the impacts of the land use development decisions the City is authorizing now, rather than deferring that analysis to a later point when individual specific projects are proposed. A general plan, as the constitution for all future development (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 570), dictates the location and type of future development in the County. Accordingly, the EIR for the Overlay must take into account the environmental impacts of all future development permitted by this amendment to the General Plan. *See City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 409; *see also City of Carmel-by-the-Sea v. Bd. of Supervisors* (1986) 183 Cal.App.3d 229, 245. Given the potential for serious impacts from building out the Overlay as proposed, there is no excuse for the City to not provide detailed environmental analysis now.

Finally, even if the impacts associated with buildout of the Overlay are indirect in nature, CEQA requires that the City take into account *both* direct changes and reasonably foreseeable indirect changes to the environment. Pub. Resources Code § 21065; CEQA

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Guidelines §15378(a). CEQA requires that an EIR analyze all “reasonably foreseeable indirect physical changes in the environment which may be caused by the project.” CEQA Guidelines § 15064(d)(2). An indirect physical change – defined as a project impact that occurs “later in time or farther removed in distance than a direct effect” (*id.* § 15358(a)(2)) – *must* be considered if it is “reasonably foreseeable.” *Id.* § 15064(d)(3). Here, buildout under the Overlay is not just foreseeable – it is the entire point of adopting the Project. Accordingly, the City violated CEQA when it failed to predict and analyze the reasonably foreseeable impacts of building out the Overlay.

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III. The Overlay is Improperly Segmented from the General Plan Update.

The DEIR improperly considers the Overlay separately from the imminent General Plan Update of which it is a part. CEQA prohibits segmenting a single project into distinct pieces, which allows public agencies to “avoid the responsibility of considering the environmental impacts of the project as a whole.” *Orinda Ass’n v. Bd. of Supervisors* (1985) 182 Cal.App.3d 1156, 1171. This prohibition ensures that “environmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences.” *Laurel Heights*, 47 Cal.3d at 396 (quoting *Bozung*, 13 Cal.3d at 283-84); CEQA Guidelines §15165. By artificially separating the Overlay from the General Plan Update, as well as deferring analysis of any of its impacts, the DEIR obscures and minimizes the environmental impacts of the Overlay.

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Activities are part of the same project when they are “related to each other.” *Id.* at 74 (quoting *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal. App. 4th, 12141225). Actions are related when they are “among the ‘various steps which taken together obtain an objective’” or when they are “part of a coordinated endeavor.” *Tuolumne*, 155 Cal.App.4th at 1226 (*citing Ass’n for a Cleaner Env’t v. Yosemite Cmty. Coll. Dist.* (2004) 116 Cal.App.4th 629, 639). They are also related when one activity “legally compels or practically presumes” another. *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1223. And a sufficient relationship exists when activities are “related in 1) time, 2) physical location, and 3) the entity undertaking the action [sic].” *Tuolumne*, 155 Cal.App.4th at 1227. Viewed through any of these lenses, the Overlay and the imminent General Plan Update are closely related, and the Overlay must be analyzed as part of the General Plan Update, rather than independently.

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First, the General Plan Update essentially proposes to include the Overlay as one of its downtown land use alternatives.³ As such, the General Plan Update “practically presumes” the Overlay. *Banning Ranch*, 211 Cal.App.4th at 1223. And, with respect to the Overlay, the City asserts that “consideration of a General Plan amendment to allow the zoning overlay [is] informed by the City’s work on the General Plan Update.”⁴ Indeed, in the Initial Study, the City proposed that the Overlay and General Plan amendment “will be carried forward to the new General Plan.” Initial Study at 10.

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Additionally, including the Overlay as one of the proposed land use alternatives shows that it is one of the “steps” taken to achieve the objectives of the General Plan Update. *See Tuolumne*, 155 Cal.App.4th at 1226 (explaining that “[o]ne way to evaluate which acts are part of a project is to examine how closely related the acts are to the overall objective of the project”). One of the objectives of the General Plan Update is “to direct the long-term physical development of the city.” Draft City of Petaluma General Plan Update, Draft Land Use Policy Framework at 5. The proposed Overlay is plainly one way to direct the physical development of the downtown area.

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And finally, the Overlay is related to the General Plan Update in terms of time, physical location, and the entity undertaking it. *Tuolumne*, 155 Cal.App.4th at 1227. The General Plan Update is set to be finalized next year; it includes the physical location of the Overlay; and it is undertaken by the City, just as is the Overlay. Thus, under any test, the Overlay is plainly part of the General Plan Update project, and it should be analyzed there.

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The consequences of improperly segmenting the Overlay from the General Plan Update include understating and precluding any meaningful analysis of the Overlay’s environmental impacts. CEQA’s prohibition on segmenting is meant to prevent a public agency from approving a small portion of a project that appears to have minimal

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³ Draft City of Petaluma General Plan Update, Draft Land Use Policy Framework at 43, available at https://static1.squarespace.com/static/5ea880f6d9a2075c7b7f54af/t/66c7e3a395624f73d25439cc/1724375979648/PGPU_PublicDraft_PolicyFramework_LandUse.pdf.

⁴ See Proposed Downtown Housing & Economic Opportunity Overlay for a Specified Area in Downtown Petaluma FAQ’s (hereinafter “FAQ’s”), “Why Now Before the General Plan Update?” available at <https://cityofpetaluma.org/proposed-downtown-housing-economic-opportunity-overlay-for-a-specified-area-in-downtown-petaluma-faqs/>.

consequences, when in fact it is part of a larger project that may have disastrous consequences. *Bozung*, 13 Cal.3d at 283-84. Plainly, the City is doing that here. The DEIR not only understates the impacts of the Overlay, but it outright refuses to study them, instead averring that these impacts will be studied in later project-specific reviews. *See, e.g.*, DEIR at 3.1-17 - 18 (stating that because the Overlay does not result in physical development, there will be no direct impacts on scenic resources, and that because future development consistent with the Overlay will be assessed at the project level, there will be no significant impact on scenic resources); 3.2-53 (noting that although development under the Overlay could affect historic resources, any such development will be subject to discretionary review); 3.3-19 (concluding that any development facilitated by the Overlay will be subject to review for consistency with the General Plan).

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Thus, in effect, the DEIR refuses to meaningfully assess the environmental impacts of the Overlay, despite the fact that it could have significant impacts, especially when considered in the context of the broader General Plan Update. However, without any mention of how that Update will interact with the Overlay, the public and decisionmakers cannot make an informed assessment of the scope or scale of those impacts.

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The other problem with the DEIR's treatment of the Overlay is that by approving the Overlay pursuant to this DEIR, the City will be incentivized to simply reapprove it as part of the General Plan Update without meaningfully reconsidering its impacts. *See Banning Ranch*, 211 Cal.App.4th at 1221-22 ("Environmental review which comes too late runs the risk of being simply a burdensome reconsideration of decisions already made and becoming the sort of '*post hoc*' rationalization[] to support action already taken,' which our high court disapproved."). Although the City claims that the Overlay could be designed to expire before the General Plan Update is approved (DEIR at 3.3-22), there is no clarity on that issue in the DEIR, and thus no guarantee of its longevity. And the fact that a very similar Overlay is proposed as part of the General Plan Update shows that the City will be highly incentivized to simply reapprove it as part of that document without meaningfully assessing its impacts.

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IV. The Overlay appears to be nothing more than fig leaf designed to get around the City's admission that approving the Hotel on its own would constitute Illegal Spot-Zoning.

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As a practical matter, the Overlay is a thinly-veiled attempt to hide the fact that approval of Hotel alone would constitute illegal spot zoning. Spot zoning is "the creation

of an island of property with less restrictive zoning in the middle of properties with more restrictive zoning.” *Foothill Communities Coalition v. County of Orange* (2014) 222 Cal. App.4th 1302, 1314. It is impermissible when there is no public need for the zoning. *Id.* Here, the DEIR does not even attempt to explain how the Project meets this standard. And the City itself explains multiple times on its website that granting the Hotel the requested height, FAR, and lot coverage would be granting a special privilege—which amounts to spot zoning.

Indeed, while the City goes out of its way to claim that it is attempting to *avoid* spot zoning, the City is fact trying to have its cake and eat it too. For example, the City opines that creating a Planned Use Development (PUD) “to allow the FAR, height and lot coverage limits that are required for the Hotel would allow a vastly different land use potential,” would “create a special privilege,” and therefore “would be an instance of spot zoning.”⁵ The City similarly explains that “granting a variance for this site would constitute a special privilege,” because it would allow the Hotel to be built to a FAR and building height that other parcels in the area are prohibited from using.⁶

But the only difference between creating a PUD or granting a variance—which the City admits constitute spot zoning—and the Overlay—which the City contends does not—is that the Overlay applies to three additional areas. However, the DEIR repeatedly claims that the Overlay will not actually result in any physical development (*see, e.g.*, DEIR At 3.1-17) or have any impacts in any of these areas and that, in fact, it is only temporary. DEIR at 3.3-22 (the Overlay is proposed to “only be in effect for a short period of time,” i.e., until the General Plan Update is completed).

If, in fact (and as the DEIR states), the Overlay is not intended to actually allow development on any other sites, but only to facilitate development of the Hotel, then it is nothing more than a sham to cover up a Hotel that clearly is, and has been, spot zoned. *See* FAQ’s, “What are the Economic Benefits of the Proposed EKN Appellation Hotel?” (“[T]he EKN Appellation Hotel application remains the primary driver for consideration of the overlay district.”)

On the other hand, if the Overlay is in fact intended to facilitate development on the other three areas to which it applies, then the City must analyze the impacts of that

⁵ *See* FAQ’s, “Why Not Rezone the Hotel Project Site to a Planned Unit Development (PUD)?”

⁶ *See* FAQ’s, “Why Not Apply for a Variance Instead?”

development now. *See* FAQ’s, “Why Not Amend Chapter 12 to Allow Greater FAR Instead of Using the Overlay?” (admitting that the City proposed the Overlay to avoid “additional study to determine if the FAR or height increase was feasible or warranted and the environmental effects of the FAR or height increase”). The City cannot have it both ways.

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Allowing the Hotel’s requested height, FAR, and lot coverage specifications to determine the City’s land use regulations for the Overlay area is allowing the tail to wag the dog. Rather than using the Overlay to facilitate approval of the Hotel as spot zoning, the City should wait until it completes the General Plan Update to comprehensively consider the land use planning for the downtown area, and at that point determine whether the Hotel is consistent with those updated policies.⁷

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V. The DEIR Fails to Adequately Analyze and Mitigate for the Project’s Foreseeable Environmental Impacts.

The discussion of a proposed project’s environmental impacts is at the core of an EIR. *See* CEQA Guidelines § 15126.2(a) (“[a]n EIR *shall* identify and focus on the significant environmental effects of the proposed project”) (emphasis added). As explained below, the DEIR’s environmental impacts analysis is deficient under CEQA because it fails to provide the necessary facts and analysis to allow the City and the public to make informed decisions about the Project. An EIR must effectuate the fundamental purpose of CEQA: to “inform the public and responsible officials of the environmental consequences of their decisions before they are made.” *Laurel Heights*

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⁷ In its explanation for adopting the Overlay before the General Plan Update, the City contends that it must respond to the Hotel’s land use application or risk violating the time limits set by the Statewide Permit Streamlining Act. *See* FAQ’s, “Why Now, Before the General Plan Update?” But this explanation ignores the City’s option to deny the application as inconsistent with City land use requirements, and to require the applicant to modify its proposal to comply with both, or to wait until the General Plan has been updated. This option is clearly lawful under the State Planning and Zoning Law. Indeed, it is legally compelled. *See, e.g., Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782-83 (overturning approval of project as inconsistent with county’s general plan and emphasizing that all land use approvals must be consistent with general plan); *Foothill Communities Coalition*, 222 Cal. App.4th at 1314 (finding, as the City has acknowledged, that spot zoning is unlawful where no substantial public need exists).

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Improvement Ass’n v. Regents of University of California (1993) 6 Cal.4th 1112, 1123. To do so, an EIR must contain facts and analysis, not just an agency’s bare conclusions. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568. Thus, a conclusion regarding the significance of an environmental impact that is not based on an analysis of the relevant facts fails to fulfill CEQA’s informational mandate.

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Additionally, an EIR must identify feasible mitigation measures to mitigate significant environmental impacts. CEQA Guidelines § 15126.4. Under CEQA, “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. . . .” Pub. Resources Code § 21002. As explained below, the DEIR’s analysis of both the Hotel and the Overlay falls far short of these requirements.

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A. The DEIR’s analysis of the Project’s impacts on Cultural and Historic Resources is inadequate.

The DEIR fails to properly consider the project’s impacts on historic resources. Under CEQA, a project that “may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Pub. Resources Code §§ 21084.1, 5020.1; CEQA Guidelines § 15064.5. Here, the Hotel and Overlay are both likely to have significant adverse impacts on a historic district and on other historic resources. However, the DEIR fails to properly disclose and evaluate the extent of those impacts.

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Instead, with respect to the Hotel, the DEIR improperly concludes without substantial evidence that because adjacent properties are not historically significant, the Hotel will not impact historic resources. DEIR at 3.2-55. And it concludes that the Hotel will be consistent with design guidelines for the Historic District in which it sits, despite substantial evidence to the contrary. DEIR at 3.1-23. With respect to the Overlay, the DEIR again defers any meaningful analysis of its impacts on historic resources, concluding that any potential for impacts will be studied and mitigated in future project-based analyses. *See, e.g.*, DEIR at 3.1-17; 3.2-49-54.

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Included with these comments are two documents prepared by Chris VerPlanck, Architectural Historian, a recognized expert in this field.⁸ Both documents are incorporated herein by reference. We refer the City to these documents, both here and throughout these comments, for further detail and discussion of the DEIR's inadequacies and request that the City respond to each of the comments.

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1. The Hotel will significantly impact adjacent and nearby historic resources, as well as the Historic District of which it is a part.

The Hotel would have a significant impact on the historic resources to which it is adjacent and near, and on the historic district in which it sits. Nevertheless, without substantial evidence, the DEIR concludes that the Hotel would have less than significant impacts on historic resources, including the Historic Commercial District. DEIR at 3.2-55. The DEIR acknowledges that the Hotel site is within the Historic Commercial District, and that there are several "[c]ontributing buildings in the vicinity of the project site." DEIR at 3.1-3. Properties that are within the Historic Commercial District, including the Hotel, must comply with the Petaluma Historic Commercial District Design Guidelines. DEIR at 3.1-15.

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(a) The DEIR lacks substantial evidence for finding that 313 B Street is not a historical resource.

In an attempt to minimize the Hotel's impact on nearby historic resources, the DEIR relies on a Historic Built Environment Impacts Assessment (HBEA) prepared for the Hotel which asserts that two buildings adjacent to the Hotel site do not meet local or state significance criteria for a historic resource. DEIR at 3.2-54; *see* App. B, HBEA at 22. One of those buildings, 313 B Street (Rex Hardware), has historically been identified as a contributor to the Historic Commercial District. *Id.* But the DEIR asserts that this building no longer has "the requisite integrity" to be significant on its own or to contribute to the historic district. On that basis, the DEIR further asserts that, for purposes of CEQA, there were no historical resources adjacent to the proposed site. DEIR at 3.2-55. The DEIR then concludes that, despite the Hotel's massive scale and height, which

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⁸ The first document, attached is Exhibit A, is a summary report prepared by Mr. VerPlanck before the City extended the comment period. The second document, attached as Exhibit B, is a technical memorandum providing a more in depth analysis of the proposed Hotel for compliance with the Secretary of the Interior's Standards, as well as the Petaluma Historic Commercial District Guidelines

dwarf the surrounding properties, the Hotel “would not cause a substantial adverse change in the significance of a historical resource.” *Id.* The DEIR thus finds that, as a result, the Hotel would have less than significant impacts on historic resources, including the Historic Commercial District. *Id.*

The DEIR’s entire analysis on this point thus depends on its assertion that the building that replaced the Rex Hardware at 313 B Street is no longer a historic resource. However, as Architectural Historian Chris VerPlanck demonstrates, this conclusion is unfounded and is not supported by substantial evidence. 313 B Street was “previously identified as a contributor to the Historic Commercial District but was destroyed by a fire in 2006, leaving only an ancillary building that subsequently received substantial alterations from its original appearance.” DEIR at 3.2-54. 313 B Street was replaced in 2007 after the fire. DEIR at 3.2-52.

As Mr. VerPlanck explains, after the fire in 2006 and the building’s reconstruction in 2007, the 1995 National Register nomination “was never amended to remove the partially reconstructed Rex Hardware store,” likely because the replacement is “a reasonable reproduction of what previously stood on the site.” Exhibit A, at 3; *see also* Exhibit B. The 313 B Street building is a “reproduction of a complex of older nineteenth-century structures.” *Id.* The building’s “height, massing, materials, and detailing are all quite similar to the building that was destroyed,” and “[v]ery few people . . . could tell the difference” between the original building and its replacement. *Id.* Consequently, “[i]t is quite clear . . . that 313 B Street is still a contributor to the Petaluma Commercial Historic District.” *Id.* Even the DEIR acknowledges that the building “constructed in 2007 . . . was designed in a similar fashion to the original building at that location.” DEIR at 3.2-35.

Despite this compelling evidence that 313 B Street is still a historic resource, the DEIR reaches the opposite conclusion, unsupported by substantial evidence. The HBEA report prepared for the DEIR applies a too-strict standard for the reconstruction of a historic building. The report states that the reconstructed 313 B Street Building “is not a true reconstruction as defined by the National Park Service’s Secretary of Interior’s Standards and is therefore not a historic resource today.” App. B at 21. According to the report, this is because whereas the original building was “made up of incrementally developed wood buildings,” the replacement “was constructed as one individual building of Hardiplank synthetic wood.” App. B at 21.

But these statements are both demonstrably incorrect. As Mr. VerPlanck explains based on this inspection of the subject building and conversation with its owner, the

building was not constructed of Hardieplank, but rather of redwood rustic channel siding, which is the same material as used in the original building. Exhibit A at 3.

Because the 1995 National Register nomination was never amended to remove the Rex Hardware Store, the 313 B Street property is still itself a historic resource and a contributor to the historic district. Exhibit A at 3; *see League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 908 (where a building was listed as a historic property on the City of Oakland's general plan, it "must be classified as a presumptively 'historical resource' within the meaning of section 21084.1."). As such, the DEIR should have considered whether the Hotel would detrimentally impact that resource. Plainly, given the massive difference in size, scale, and height between the two buildings, the Hotel will significantly impact the historic resource at 313 B Street. *See* Exhibit A at 3 and 4 and Exhibit B.

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(b) The Hotel will significantly impact the Historic Commercial District.

In addition to impacting the historic resource at 313 B Street, the Hotel will also impact the Historic District in which it sits, which is itself a historic resource. As a part of the Historic District, the Hotel is subject to the District Design standards. The DEIR concedes as much. DEIR at 3.2-55. However, it concludes without substantial evidence that the Hotel will meet these design standards. *Id.*; *see also* DEIR at 3.1-23. To the contrary, given how out-of-step the Hotel is with the other buildings in the district, it does not satisfy the Design Standards.

The Design Standards include the requirements that the "average height and width of the surrounding buildings (should) determine a general set of proportions for an infill structure." Exhibit A at 3 (citing Petaluma Planning Department, *Petaluma Historic Commercial District Design Guidelines* at 38). Here, however, the Hotel's height "[d]efinitely does not comply because all of the adjoining properties are either one or two stories in height," and the proposed six-story Hotel "will tower above the buildings in the rest of the historic district." *Id.*

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In the face of this substantial evidence that the Hotel will be inconsistent with, and therefore out of context with the remainder of the district, the DEIR relies on the vague and conclusory HBEA report, which attempts to defend these inconsistencies. For example, the HBEA concluded that while the Hotel would be taller than the immediately surrounding buildings, "the use of multiple stories is not a new concept in the historic district." HBEA at 25; *see also* DEIR at 3.2-55. This conclusion vastly understates the

extent of the problem: the Hotel is not just “multiple stories,” i.e., a two-story building. Instead, at six stories high, it is massively out of scale with the surrounding buildings, all of which are 1 or 2-stories. The HBEA fails to analyze the actual size of the buildings adjacent to and near the Hotel, instead just concluding that at “five stories with a roof deck” it will not “tower over other buildings.” HBEA at 25. Furthermore, the fact that other buildings have been built with multiple stories is not substantial evidence that the Hotel will be in harmony with the other historic buildings in the district.

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Similarly, the DEIR asserts without supporting evidence or explanation that the Hotel “would be consistent with the character of the surrounding area.” DEIR 3.1-23 – 24. This conclusion is plainly unsupported by substantial evidence, as the surrounding area is predominantly one- and two-story buildings with far lower lot coverage. The Hotel, by contrast, would be 6 stories tall and would completely cover the lot, thereby towering above the surrounding area.

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The DEIR concludes that recent redevelopment within the historic district near the Hotel, including the reconstruction project at 313 B Street, “has compromised the historic integrity of this portion of the historic district,” so there is “no potential for the proposed project to impact the existing historic setting/context of the district.” HBEA at 22-23. This approach is not supported by substantial evidence and is inconsistent with the district design guidelines. If anything, the Hotel’s massive size and scale should be considered in a cumulative impacts analysis together with the reported degradation of the integrity of the historic district.

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(c) The DEIR improperly incorporates mitigation measures into its analysis of the Hotel’s impact on historic resources.

The DEIR concludes that because the Hotel would be required to comply with mitigation measure MM Overlay Cul-1e and meet certain criteria to obtain a CUP, the Hotel would not cause a “substantial adverse change in the significance of a historical resource,” and would therefore result in less than significant impacts to historic resources, and no “project specific mitigation would be required for development of the proposed Hotel.” DEIR at 3.2-55. CEQA prohibits this exact tactic because it precludes meaningful understanding of the project’s true impacts. *Lotus v. Dept. of Transportation* (2014) 223 Cal.App.4th 645, 655-56.

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In particular, a DEIR may not incorporate a mitigation measure into the description of the project and then “conclud[e] that any potential impacts from the project

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will be less than significant.” *Id.* “By compressing the analysis of impacts and mitigation measures into a single issue, the EIR disregards the requirements of CEQA.” *Id.* (citing Pub. Resources Code §§ 21100(b), 21081; Guidelines §§ 15126, 15091). This failure to separately “identify and analyze the significance of the impacts . . . before proposing mitigation measures is not merely a harmless procedural failing,” but instead it “subverts the purposes of CEQA” by preventing analysis of the project’s consequences and mitigation measures that might mitigate them. *Id.* at 658.

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As in *Lotus*, by relying on a mitigation measure and “failing to indicate any significant impacts,” the DEIR “fails to make the necessary evaluation and findings concerning the mitigation measures that are proposed.” *Id.* at 655-56. The DEIR should instead make a determination about the significance of the Hotel’s impact on historical resources in the first instance, and then based on that significance finding, “determine whether mitigation measures are required or [] evaluate whether other more effective measures than those proposed should be considered.” *Id.* at 656. A meaningful analysis of mitigation measures should include analysis of “whether the project itself could be modified to lessen the impact.” *Id.*

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For example, the Hotel design could be modified to make the building smaller and less imposing, thereby reducing its adverse impact on the surrounding Historic District. Instead, by incorporating a purported mitigation measure into the analysis of the historic impact in support of its conclusion that the Hotel will have a less than significant impact on historic resources, the DEIR obfuscates the true nature of the Project’s impacts and of the measures that could be taken to meaningfully mitigate them.

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(d) The DEIR improperly defers mitigation of the Hotel’s impacts on historic resources.

Even if it were appropriate to rely on mitigation measure MM Overlay CUL-1e, that measure improperly defers formulation of the actual measures that could mitigate the Hotel’s impacts on historic resources, in violation of CEQA. Guidelines § 15126.4(a)(1)(B). That measure merely requires that developments taller than 45-feet, like the proposed Hotel, obtain a Conditional Use Permit based on specific findings. DEIR at 3.2-56-57. Those findings include that the height positively contributes to the character of the area and the building is compatible with its surroundings, and that the height not adversely affect the building’s relationship with neighboring structures. *Id.* In this case, the DEIR fails to meaningfully analyze how to actually mitigate the Project’s likely significant impacts on nearby historic resources, including the Historic District,

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instead asserting that review for a CUP pursuant to MM Overlay CUL-1e will address these issues. This is improper deferral of mitigation, and it is prohibited by CEQA.

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2. The DEIR defers analysis of the Overlay's likely significant impacts on historic resources

The DEIR acknowledges that portions of Areas A and B of the Overlay are located within the Historic Commercial District. DEIR at 3.1-2. In 1995, the Historic Commercial District was placed on the National Register of Historic Places and established as a National Register District. *Id.* at 3.1-3. It explains that “many buildings” in the Overlay are single-story, “with a few 2-story buildings.” DEIR at 3.1-2.

The DEIR notes that because the Overlay Area contains “multiple potential historic resources” and is “adjacent to the NRHP-listed Petaluma Historic Commercial District and the Oakhill-Brewster Historic District,” there is a “moderate to high” likelihood that the proposed Overlay will have an “adverse effect on historic or cultural resources.” DEIR at 3.2-53; *see also id.* at 3.1-17 (“foreseeable development under the Overlay has the potential to impact views of scenic resources, including the Historic Districts and individual listed or eligible historic resource.”).

Nevertheless, rather than provide any meaningful analysis of the scope or extent of these impacts on historic or cultural resources, the DEIR again defers their analysis and mitigation to future project-specific analyses. *See* DEIR at 3.1-17; 3.2-49-51, 53. For example, it notes that while development under the Overlay could affect historic resources, any such development will be reviewed for consistency with the General Plan policies related to historic resources, and will undergo discretionary review. DEIR at 3.1-17 - 18, 3.2-53. The DEIR asserts that any future projects taller than 45 feet or with a lot coverage above 80 percent will be required to obtain a CUP, which will require a finding that the additional height and lot coverage do not negatively impact historic resources. DEIR at 3.1-17.

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The DEIR concludes that the Overlay's impacts on historic or cultural resources will be reduced to less than significant levels with the use of mitigation measures, including one that will require individual development projects affecting older buildings to undergo a Historic Resources Evaluation. DEIR at 3.2-54. Similarly, the DEIR finds that the Overlay will have no potentially significant impact on scenic resources, including historic resources, because it will not result directly in physical development and because future discretionary review will ensure project-level review. DEIR at 3.1-18

This rationale and proposed mitigation are both classic deferred analysis and mitigation. The DEIR lacks substantial evidence for its conclusion that impacts will be reduced to less than significant levels, since it has failed in the first instance to identify the nature and extent of the likely impact on historic or cultural resources. The DEIR is so vague about these impacts that the public and decision-makers cannot accurately weigh project's pros and cons, nor can they accurately assess the efficacy of a mitigation measure that is largely hypothetical at this point.

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3. The DEIR ignores state law that could preclude future discretionary review of certain projects in the Overlay.

In the DEIR, the City attempts to minimize concerns about the visual and historic impacts of development under the Overlay by relying on future discretionary review. DEIR at 3.1-20-22; 3.2-49-50; 3.2-56-57. In particular, the City claims that buildings taller than 45 feet will be required to undergo review for approval of a Conditional Use Permit (CUP), which can only be granted to buildings up to 75 feet tall. DEIR at 3.1-20-21; 3.2-49-50; 3.2-56-57. The City also asserts that a CUP may only be granted if the developer can make an affirmative showing for a number of criteria. DEIR 3.1-20; 3.2-49-50; 3.2-56-57. These include that the height "makes a positive contribution" to the area; that the building will be "compatible" with its surroundings; and that it will not adversely affect the "character, or the historical, architectural, or aesthetic interest or value of the district." DEIR at 3.1-20-21; 3.2-49-50; 3.2-56-57. These assertions are apparently meant to assuage concerns that development in the Overlay may be inconsistent with, and damaging to, the character of the historic resources in the surrounding area. *See* DEIR at 3.2-53-54.

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However, the state's Density Bonus Law undercuts the City's assurances. This statute requires the City to award a density bonus that allows a development to exceed maximum density requirements for projects that include certain ratios of affordable, senior, or student housing. Gov. Code § 65915(b)(1), (e)(1). The law prohibits the City from applying any development standard that would physically preclude construction of qualifying developments. *Id.* § 65915(b)(1), (e)(1). These development standards include height limitations. *Id.* § 65915(o)(2). There are minimal exceptions to this rule, including development standards that would adversely impact property listed on the California Register of Historical Resources. *Id.* § 65915(e)(1). However, with respect to the Overlay areas outside the Petaluma Commercial Historic District, this exception may not provide any protection.

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Given the state Density Bonus Law, qualifying developments in the Overlay areas potentially could significantly exceed the City’s height limitations and ignore the “criteria” listed in the DEIR for buildings that exceed 45 feet. So long as a development includes the requisite ratio of affordable, senior, or student housing, it potentially could waive the criteria and height limitations that would preclude it from being built at the density and height proposed. *See Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 772, 774 (holding that the City must waive the 65-foot height limit to allow a proposed 170-foot tall project that would include certain proportion of low-income units).

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Accordingly, the City may not blindly assert that its Conditional Use Permit and discretionary review procedures will ensure that new development in the Overlay areas does not erode downtown Petaluma’s historic character. *See* DEIR at 3.1-22; 3.2-49-50. Instead, the revised DEIR must analyze the reasonably foreseeable development of much taller buildings in these areas at the maximum density allowed under the Density Bonus Law, and account for their impacts on adjacent historic districts.

B. The DEIR Fails to Adequately Analyze or Mitigate the Project’s Significant Visual Effects.

1. The DEIR fails to disclose and mitigate the Hotel’s significant visual impact on nearby resources.

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Related to its failure to adequately study and mitigate the Hotel’s significant impacts on historic resources, the DEIR also provides an inadequate assessment of the Hotel’s visual impacts. As noted, the proposed six-story Hotel would be noticeably taller than the surrounding one- and two-story low-intensity developments in its vicinity, and it would have a significantly larger mass. DEIR at 2-12. The proposed Hotel would also cast substantial shadows on the surrounding area, including shadow on Center Park during winter mornings. DEIR at 3.1-27.

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Under CEQA, it is the State’s policy to “[t]ake all action necessary to provide the people of this state with. . . enjoyment of aesthetic, natural, scenic, and historic environmental qualities.” Pub. Resources Code § 21001(b). Thus, courts have recognized that aesthetic issues “are properly studied in an EIR to assess the impacts of a project.” *The Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 937 (overturning a mitigated negative declaration and requiring an EIR where proposed project potentially affected street-level aesthetics).

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Here, the DEIR's conclusion that the Hotel would have a less than significant impact on the visual character of the surrounding area is not supported by substantial evidence. DEIR at 3.1-24. The DEIR simply states without any support that the Hotel "would be consistent with the character of the surrounding area." *Id.* That assertion is unfounded, given the vast difference in height and mass between the Hotel and the surrounding area. The revised EIR must provide a more complete and accurate assessment of the Hotel's visual impact on the surrounding area, which takes into account the significant impact of such a large and imposing structure.

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The DEIR's analysis of the Hotel's impacts on visual resources, including historic resources, is also characterized by deferred analysis. For example, the DEIR states that the Hotel "would be subject to" the City's discretionary process via an HSPAR, the Historic Commercial District Design Guidelines, and the Secretary of the Interior's Standards for the Treatment of Historic Properties, and approval by the HCPC. DEIR at 3.1-23. As a result of these future discretionary review processes, "which will require findings related to compatibility with the surrounding neighborhood and that the development would not have significant environmental impacts," the DEIR concludes that the Hotel will not have "an adverse effect on the visual character of the surrounding area." DEIR at 3.1-24.

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But this rationale improperly defers the analysis that is necessary in this DEIR to later processes. CEQA prohibits this type of deferred analysis because it precludes decisionmakers and the public from understanding the Project's impacts at the stage when they can actually be mitigated. *See No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84 (one of the purposes of an EIR is to ensure that relevant data are before the agency prior to its decision to commit resources to the project). Here, the City has all the necessary information about the proposed Hotel to enable a thorough analysis of its visual impacts now. A revised EIR must provide that analysis, rather than defer it to future discretionary review processes.

2. The DEIR defers any analysis of the Overlay's potential visual impacts.

As with all other impact areas, the DEIR improperly defers any meaningful analysis of the Overlay's visual impacts. Instead, the DEIR provides only that future projects proposed under the Overlay "would be required to adhere to the standards" related to visual impacts. DEIR at 3.1-22. The DEIR also contends that applying the Historic Commercial District Design Guidelines would ensure development under the Overlay "would be harmonious with the surrounding area, appropriately scaled, and

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maintains and enhances the unique cultural and historic resources of the City.” *Id.* Accordingly, the DEIR concludes that the Overlay will have less than significant impacts on the visual character of the surrounding area. *Id.* at 3.1-24.

This deferral of any analysis of the Overlay’s visual impacts violates CEQA. *See* Guidelines § 15168(c)(5) (the law requires that a program EIR provide in-depth analysis of a project, looking at effects “as specifically and comprehensively as possible”). Here, development under the Overlay is likely to have significant visual impacts on the surrounding area, and in particular on the historic districts in downtown Petaluma. The revised EIR must actually disclose and analyze these reasonably foreseeable significant visual impacts of the Overlay. *See Cal. Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 200 (tiering does not excuse a lead agency from “adequately analyzing reasonably foreseeable significant environmental effects” and “does not justify deferring such analysis.”).

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3. The DEIR’s analysis of the Project’s cumulative visual impacts is inadequate.

The Hotel and Overlay both have the potential to have significant cumulative impacts on scenic resources, but the DEIR’s analysis of these impacts is garbled, confusing, and internally inconsistent. For example, the DEIR states that there could be “a cumulative impact related to scenic resources.” DEIR at 3.1-29. But in the DEIR section describing cumulative impacts on scenic resources, the DEIR concludes that the Hotel will have “less than significant” cumulative impacts associated with visual character and views. DEIR at 3.1-31.

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The DEIR’s analysis of the Hotel’s and the Overlay’s potential for cumulative impacts on scenic resources is inaccurate and not supported by substantial evidence. The DEIR concludes that both the Hotel and the Overlay will have a less than significant cumulative impact on scenic vistas. DEIR at 3.1-29. But this conclusion is based on its assertion that “views to scenic resources are predominantly obstructed,” apparently addressing only the Sonoma Mountain and the foothills to the south, so compliance with discretionary reviews will ensure future projects do not detract from scenic resources. DEIR at 3.1-29. This assertion is contradicted by the DEIR’s acknowledgment elsewhere that nearby historic buildings and districts are also scenic resources. DEIR at 3.1-17 (noting that “scenic resources” include “the Historic Districts and individual listed or eligible historic resources”).

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Accordingly, the DEIR lacks substantial evidence for its conclusion that compliance with discretionary review will ensure future development under the Overlay does not detract from scenic resources. DEIR at 3.1-29. Additionally, CEQA prohibits relying on future discretionary review to reduce impacts as improper deferred analysis. *Cal. Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 200 (“CEQA’s demand for meaningful information ‘is not satisfied by simply stating information will be provided in the future.’”) (internal citation omitted).

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C. The DEIR’s Analysis of the Project’s Transportation and Traffic Impacts is Inadequate.

Included with these comments is a report prepared by Tom Brohard, P.E., attached as Exhibit C. This report is incorporated herein by reference. We respectfully refer the City to the attached report, both here and throughout these comments, for further detail and discussion of the DEIR’s transportation and traffic inadequacies, and we request that the City respond to each of the comments.

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1. The DEIR fails to include a Valet Service Plan for the Hotel.

The Initial Study omits an essential valet service plan for the proposed Hotel. Exhibit C at 3. The Initial Study recommends preparing such a plan, but the DEIR does not include the plan and make it available for public review and comment. *Id.* Moreover, the valet plan that is described in the Initial Study would be plainly inadequate. In the event of two concurrent special events at the hotel, the four valet employees recommended in the Initial Study will be unable to meet the demand for valet parking services. *Id.* The mechanical lifts in the underground garage will also be unable to meet the parking demands of the hotel during such events. *Id.* at 4. Additionally, hotel employees would be forced to park outside the below-ground parking structure during special events, thereby filling all remote parking spaces relied on to meet the valet parking demand. *Id.*

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The DEIR must be revised to include a plan that ensures special events at the Hotel do not result in significant traffic impacts, “including severe congestion and impacts on emergency services on the adjacent streets.” *Id.* at 4. The DEIR must also require regular monitoring and reporting on the plan’s success, so that it may be adjusted as necessary. *Id.* at 3-4.

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Furthermore, the DEIR’s Traffic Impact Study (“TIS”) presents an incomplete analysis of collisions at intersections near the hotel. As explained in the Brohard report,

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the collision analysis should have included information on the direction of the collisions and analysis of multiple other variables that could contribute to the higher than average number of collisions in the area. *See* Exhibit C. In addition, the TIS includes a recommendation to include reflective backing around the traffic signal indications at Petaluma/Washington. Traffic Impact Study dated July 20, 2023 at 5 and Exhibit C at 5. However, given that the analysis is incomplete, the DEIR fails to provide evidence that the proposed recommendation for reflective backing around the traffic signal indications at Petaluma/Washington would in fact address anticipated project-related congestion that would exacerbate collisions in the area. At any rate, the DEIR fails to include the proposed recommendation as a mitigation measure for the Hotel project.

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2. The DEIR improperly defers analysis of the Overlay’s traffic and transportation impacts

The DEIR and Initial Study fail to analyze the Overlay’s impacts on traffic and transportation. Nevertheless, the Initial Study concludes that the Overlay will have less than significant impacts caused by conflicts with plans, policies and ordinances. IS at 4.17(a). Given the lack of any plan identifying “the roadway and transportation improvements within and near Downtown Petaluma that will be needed” as part of the Overlay, the Initial Study’s conclusion of a less than significant impact is not supported by substantial evidence. *See* Exhibit C at 2.

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The Initial Study also concludes that the Project will have a less than significant impact caused by the Overlay’s design feature hazard or impaired emergency access. IS at 4.17(b)-(d). However, this conclusion is not supported by substantial evidence. Instead, because the Initial Study fails to analyze the Overlay’s traffic and transportation impacts, and instead defers analysis of these impacts until future project-specific VMT screening, there is no support for the Less Than Significant conclusion.

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Finally, the DEIR concludes that most development in the Overlay will have a less than significant VMT impact because it will be screened out for various reasons. *See* Appendix C. The only exception is for retail projects of 30,000 square feet or greater. However, the DEIR fails to specify the measures that will be applied to these projects to achieve the City’s VMT threshold of 18.9 VMT or less per employee. Exhibit C at 3.

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As discussed throughout this letter, CEQA prohibits this type of deferred analysis because it precludes decisionmakers and the public from understanding the Project’s direct and indirect impacts. *See No Oil, Inc.*, 13 Cal.3d at 84 (one of the purposes of an EIR is to ensure that relevant data are before the agency prior to its decision to commit

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resources to the project). Having failed to conduct the analysis of impacts stemming from retail projects of 30,000 square feet or greater, the DEIR also defers identification of feasible measures to minimize these impacts. A revised analysis must include a thorough analysis of the entirety of the Overlay's impacts related to VMT, and must identify mitigation measures to address them.

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D. The DEIR's analysis of Air Quality and Climate Change Impacts is inadequate.

1. The DEIR defers analysis of the Overlay's air quality and climate change impacts

As with all other impact areas, the DEIR improperly defers any analysis of the Overlay's air quality and climate change impacts. The DEIR acknowledges that the Overlay "may result in reasonably foreseeable future development" with the potential for "air quality impacts including emission of criteria pollutants during construction and operation," and that "future development as a result of the Overlay, as well as development of cumulative projects, may result in emissions that could affect sensitive receptors." DEIR at 4-5, 4-13. Nevertheless, rather than provide any estimate of reasonably foreseeable development and associated air quality impacts, the DEIR asserts that future development will be evaluated on a project-level basis "to determine potential air quality impacts." DEIR at 4-5. Accordingly, the DEIR concludes that the Overlay's air quality impacts will be less than significant. *Id.*

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This approach violates CEQA. The DEIR lacks any substantial evidence to support the conclusion that the Project's impacts on air quality are less than significant. Under well-established CEQA case law, compliance with regulations does not excuse the agency from describing Project activities or from analyzing resulting impacts. *East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 300-301 (a regulatory standard cannot be applied "so as to foreclose consideration of substantial evidence showing a significant environmental impact"). Even if a sophisticated technical analysis of a particular impact is not feasible, courts require "some reasonable, albeit less exacting, analysis" of the impact. *Citizens to Pres. the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 432.

The DEIR also relies repeatedly on the contention that any new development under the Overlay will be all-electric under the City's all-electric ordinance. DEIR at 4-3. However, this contention ignores the recent 9th Circuit decision overturning a substantially similar ordinance in *California Restaurant Association v. City of Berkeley*,

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89 F.4th 1094 (9th Cir. 2024). Given that the City cannot guarantee that all new development in the Overlay areas will be all-electric under the current version of its ordinance, it may not rely on this assertion to support its failure to analyze the likely development's air quality impacts.

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2. The DEIR's analysis of cumulative air quality impacts is flawed.

In the context of cumulative air quality impacts, the DEIR finds that the Hotel and Overlay "may result in emissions that could affect sensitive receptors" when considered together with the development of other "cumulative projects." DEIR at 4-13. However, the DEIR concludes that "all development would be subject to BAAQMD health risk significance thresholds and be required to mitigate as necessary." *Id.* The DEIR also asserts that because the Hotel and development in the Overlay would be similar to other uses in the immediate vicinity, this development would not "result in a significant source of emissions affecting sensitive receptors," and therefore the Project would not have a cumulatively considerable impact on sensitive receptors. *Id.*

This analysis violates CEQA because it improperly relies on regulations to avoid analyzing resulting impacts. *East Sacramento Partnerships*, 5 Cal.App.5th at 300-301. It also improperly defers analysis of cumulative air impacts on sensitive receptors. Without providing a reasonably foreseeable forecast of the nature of the development in the Overlay or analyzing the Hotel and Overlay's likely emissions, the DEIR lacks substantial evidence for its conclusion that the Project would not have cumulative air quality impacts. *See Planning & Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 253 (an agency must "use its best efforts to find out and disclose all that it reasonably can"). The revised EIR must evaluate and disclose the full extent and severity of the Project's impacts on adjacent sensitive receptors.

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E. The DEIR's Analysis of Land Use Impacts Is Deficient.

The State Planning and Zoning Law (Gov't Code § 65000 et seq.) requires that development decisions be consistent with the jurisdiction's general plan. *See* Gov't Code §§ 65860 (requiring consistency of zoning to general plan), 66473.5 & 66474 (requiring consistency of subdivision maps to general plan), and 65359 and 65454 (requiring consistency of specific plan and other development plan and amendments thereto to general plan). General plans establish long-term goals and policies to guide future land use decisions, thus acting as a "constitution" for future development. *Leshner Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540. As reiterated by the courts, "[u]nder state law, the propriety of virtually any local decision affecting

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land use and development depends upon consistency with the applicable general plan and its elements.” *Resource Defense Fund v. County of Santa Cruz* (1982) 133 Cal.App.3d 800, 806. Accordingly, “[t]he consistency doctrine [is] the linchpin of California’s land use and development laws; it is the principle which infuses the concept of planned growth with the force of law.” *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1336.

Therefore, to promote coordinated land use policies and practices, state law requires local governments not just to formulate theoretical land use plans, but also to conform their development and land use projects and approvals with those duly certified plans. *Citizens of Goleta Valley v. Board of Supervisors* (1990), 52 Cal.3d at 570; *see also* Gov’t Code §§ 65860 (requiring consistency of zoning to general plan), 66473.5 & 66474 (requiring consistency of subdivision maps to general plan), and 65359 and 65454 (requiring consistency of specific plan and other development plan and amendments thereto to general plan). It is an abuse of discretion to approve a project that “frustrate[s] the General Plan’s goals and policies.” *Napa Citizens for Honest Gov’t v. Napa County* (2001) 91 Cal.App.4th 342, 379. The project need not present an “outright conflict” with a general plan provision to be considered inconsistent; the determining question is instead whether the project “is compatible with and will not frustrate the General Plan’s goals and policies.” *Id.*

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The DEIR concludes that, after imposing mitigation, the proposed Project would have a less than significant impact with respect to any land use impact caused by a conflict with any land use plan or policy. DEIR at ES-18. However, this analysis in the DEIR is flawed, as it fails to account for many applicable General Plan policies with which the Overlay, Hotel, or both would be inconsistent. The DEIR also improperly defers analysis of the Overlay’s consistency with many General Plan policies, instead contending that future development in the Overlay Areas would need to show consistency with the City’s planning documents. *Id.* at 3.3-22. To ensure that the Overlay does not create inconsistencies with General Plan policies, the EIR must instead forecast reasonably likely development in the Overlay to analyze consistency with General Plan policies.

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Additionally, in many instances, the DEIR’s conclusion about the Project’s consistency with various applicable goals is clearly erroneous and unsupported by any substantial evidence. Furthermore, the DEIR’s analysis of consistency with the General Plan fails to account for goals and policies in the General Plan Update, despite that plan’s imminent publication in 2025. *See* DEIR at 3.3-15.

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1. The DEIR's conclusions about General Plan consistency omit several relevant General Plan policies.

The DEIR includes a table of existing General Plan 2025 goals and policies and the City's determination regarding whether the Project will be consistent with each one. *See* DEIR at 3.3-22 – 3.3-35. However, the City failed to consider, weigh, and balance a number of General Plan policies, which undermines its consistency determinations regarding the General Plan policies it did consider. The DEIR must consider the Project's consistency with the policies that it omitted.

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The following table shows General Plan 2025 policies for which the DEIR failed to make consistency findings, along with a brief explanation for the Project's inconsistencies with those policies. Given these omissions and conflicts, the City cannot conclude that the Project's land use impact is less than significant. The revised EIR must account for policies omitted in the DEIR, and the Project must be modified to ensure it is actually consistency with all applicable policies.

Policy	Overlay	Hotel
2-G-2: City Form and Identity – Maintain and enhance Petaluma's unique identity and sense of community, history and place.	Inconsistent: The Overlay abuts and in some cases overlaps the City's Historic Districts, and the scale of buildings allowed by the Overlay will dwarf the historic buildings.	Inconsistent: The hotel is proposed to be in a historic district, and it does not comply with the Secretary of the Interior's Standards and the 1999 <i>Petaluma Historic Commercial District Design Guidelines</i> . The Hotel dwarfs the buildings around it.
2-P-18: Develop Downtown uses and activities that relate to the city's history: Continue the preservation, rehabilitation, and reuse of historically significant structures within the Downtown, as directed by the Petaluma	Inconsistent: The Overlay has the potential to significantly impact historic resources in the Historic Commercial District, but any analysis of those impacts is deferred.	Inconsistent: The Hotel is wholly inconsistent with nearby historic resources, including the Historic Commercial District, and it will significantly impact those historic resources.

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Historic Commercial District Design Guidelines.			94 CONT
2-P-122: Require development projects to prepare a Construction Phase Recycling Plan that would address the reuse and recycling of major waste materials (soil, vegetation, concrete, lumber, metal scraps, cardboard packaging, etc.) generated by any demolition activities and construction of the project.	Inconsistent: The Overlay has the potential to generate a significant amount of waste materials from demolition and construction projects, but any analysis of those impacts is deferred.	Inconsistent: The DEIR does not address the Hotel's potential to generate waste materials during construction of the project, nor does it reference a Construction Phase Recycling Plan.	95
3-P-1: Protect historic and archaeological resources for the aesthetic, cultural, educational, environmental, economic, and scientific contribution they make to maintaining and enhancing Petaluma's character, identity and quality of life C. Develop floor area ratio and other design standards that relate overall building size and bulk to site area for Downtown, the Oak Hill-Brewster, and "A" Street Historic District neighborhoods	Inconsistent: The Overlay has the potential to significantly impact historic resources in the Historic Commercial District, but any analysis of those impacts is deferred.	Inconsistent: The Hotel is wholly inconsistent with nearby historic resources, including the Historic Commercial District, and it will significantly impact those historic resources.	96
3-P-5: The protection of historic resources shall be a key consideration and an	Inconsistent: The Overlay has the potential to significantly impact	Inconsistent: The Hotel is wholly inconsistent with nearby historic resources,	97

<p>equal component in the development review process</p> <p>B. Ensure that future plans, ordinances, and City programs are complimentary to the historic preservation goals and policies contained within this plan</p>	<p>historic resources in the Historic Commercial District, but any analysis of those impacts is deferred.</p>	<p>including the Historic Commercial District, and it will significantly impact those historic resources.</p>	<p>97 CONT</p>
<p>4-P-26: Implement all measures identified in the municipal Climate Action Plan to meet the municipal target set in Resolution 2005-118 (20% below 2000 levels by 2010).</p>	<p>Inconsistent: The DEIR fails to analyze any likely development under the Overlay, thereby precluding meaningful analysis.</p>	<p>N/A</p>	<p>98</p>
<p>5-P-10: Maintain an intersection level of service (LOS) standard for motor vehicle circulation that ensures efficient traffic flow and supports multi-modal mobility goals. LOS should be maintained at Level D or better for motor vehicles due to traffic from any development project.</p>	<p>Inconsistent: The DEIR fails to analyze the overall potential traffic impact of the Overlay to ensure the resulting traffic flow would comply with this policy.</p>		<p>99</p>
<p>5-P-24: Give priority to the pedestrian network and streetscape amenities near schools, transit, shopping, and mixed use corridors</p>	<p>Inconsistent: The DEIR fails to analyze any likely development under the Overlay, thereby precluding meaningful analysis.</p>	<p>N/A</p>	<p>100</p>

emphasized in the General Plan.			100 CONT
7-P-17: Achieve and maintain a minimum ratio of one fire suppression personnel per 1,000 population served or a similar level of response service to meet increased call volumes.	Inconsistent: The DEIR fails to assess or consider the likely growth-inducing impacts of the Overlay, which could impact the ability to meet the required service ratio.	N/A	101
7-P-19: Maintain a four minute travel time for a total of 6-minute response time for emergencies within the City.	Inconsistent: The DEIR fails to assess or consider the likely growth-inducing impacts of the Overlay, which could impact the ability to meet the required service ratio.	N/A	102
7-P-31: Maintain a minimum standard of 1.3 police officers per 1,000 population or a similar level of coverage to meet increased service calls	Inconsistent: The DEIR fails to assess or consider the likely growth-inducing impacts of the Overlay, which could impact the ability to meet the required service ratio.	N/A	103
7-P-36: Ensure adequate police staff to provide rapid and timely response to all emergencies and maintain the capability to have minimum average response times. Actions that could be taken to ensure rapid and timely response to all emergencies include . . .	Inconsistent: The DEIR fails to assess or consider the likely growth-inducing impacts of the Overlay, which could impact the ability to meet the required service ratio.	N/A	104

9-P-2: Ensure new commercial development will have a net positive impact on Petaluma's economy, existing businesses, city finances and quality of life.	Inconsistent: Allowing development in the Overlay that is inconsistent with historic resources, including Historic Districts, will adversely affect the integrity of those districts, likely having an adverse economic impact on the downtown.	Inconsistent: The Hotel is wholly inconsistent with nearby historic resources, including the Historic Commercial District, and it will significantly impact those historic resources, which are important to the quality of life in the City.	105
9-P-7: Plan jointly for economic development, housing, and transportation to assure that the collective effect of change in each area will support movement toward enhanced sustainability over the planning horizon.	Inconsistent: Adopting the Overlay independently from the imminent General Plan Update is inconsistent with joint planning.	N/A	106
9-P-8: Pursue economic development that is consistent with and supportive of Petaluma's quality of life.	Inconsistent: Allowing development in the Overlay that is inconsistent with historic resources, including Historic Districts, will adversely affect the integrity of those districts, likely having an adverse economic impact on the downtown.	Inconsistent: The Hotel is wholly inconsistent with nearby historic resources, including the Historic Commercial District, and it will significantly impact those historic resources, which are important to the quality of life in the City.	107

2. The DEIR's conclusions about General Plan consistency are not based on substantial evidence.

Additionally, many of the DEIR's conclusions that the project is consistent with particular General Plan policies and goals are not supported by any substantial evidence, as the City's own Planning Commissioner Racusen detailed in his September 24, 2024

submission. We agree with Commissioner Racusen that there is no substantial evidence to support the City’s findings of consistency with the General Plan. *See* Racusen submission at p. 5-14. We hereby incorporate those findings by reference.

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CONT

Additionally, the DEIR fails entirely to consider consistency with the upcoming General Plan Update, even though that update is imminent. To ensure consistent and cohesive planning, the revised EIR should consider whether the Project is consistent with relevant policies and goals in the General Plan Update. For example, the General Plan Update includes policy 2-P-18, which aims to “Develop Downtown uses and activities that relate to the city’s history by continuing the preservation, rehabilitation, and reuse of historically significant structures within the Downtown, as directed by the Petaluma Commercial Historic District Design Guidelines.”⁹ Because the Project is inconsistent with the Historic District Design Guidelines, as explained above, it is inconsistent with such policies in the General Plan Update.

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F. The DEIR’s analysis of population, housing and growth inducing impacts is inadequate.

As noted above, the DEIR fails to forecast the amount of growth likely within the Overlay. Compounding this error, the DEIR also fails to assess whether the Overlay will induce substantial population growth either directly or indirectly. Instead, the DEIR states only that, because any development under the Overlay would be subject to existing density requirements, “the Overlay would not result in an increase in population beyond what is already projected as part of General Plan buildout, what was already evaluated and disclosed in the General Plan EIR, and what is allowed by State regulation including the Housing Accountability Act.” DEIR at 4-59. However, the DEIR lacks substantial evidence to support this conclusion. The current General Plan did not anticipate the level of growth and density and intensity of use being proposed under the Overlay, so it cannot have evaluated and disclosed the population, housing, and growth-inducing impacts that might be caused by the Overlay.

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CEQA requires an EIR to assess a project’s reasonably foreseeable indirect impacts, which include growth-inducing impacts. CEQA Guidelines §§ 15126.2(a), 15064(d)(2), 15358(a)(2). Therefore, the revised EIR for this Project must conduct this

⁹ City of Petaluma General Plan Update, Land Use Policy Framework Public Draft at 99 (Aug. 22, 2024), *available at* https://static1.squarespace.com/static/5ea880f6d9a2075c7b7f54af/t/66c7e3a395624f73d25439cc/1724375979648/PGPU_PublicDraft_PolicyFramework_LandUse.pdf.

analysis. The growth-inducing analysis in the revised analysis must include: (a) an estimate of the amount, location, and time-frame of growth that may occur as a result of the Project and (b) identification of mitigation measures or alternatives to address significant direct and indirect impacts.

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G. The DEIR’s analysis of the Project’s public services impacts is insufficient.

Relatedly, the DEIR fails to adequately analyze the increased demand for essential public services and utilities resulting from the Overlay. Instead, the DEIR lacks any substantial evidence for its conclusion that “[f]uture development under the proposed Overlay would not adversely impact service ratios, response times, or other performance objectives for fire and police protection.” DEIR at 4-61. This conclusion appears to be based on the DEIR’s assumption that any development under the Overlay would be required to pay development impact fees, thereby offsetting “costs associated with the expansion of public services.” *Id.* This reliance on a vague development fee paid at some future date violates CEQA. Although an agency may rely on impact fees to mitigate development impacts, the fee program must be fully evaluated under CEQA to be considered adequate. *Cal. Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4th 1026, 1053, 1054 (“fee-based mitigation programs may provide adequate mitigation “when reviewed under CEQA”) (emphasis in original).

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The DEIR also states that the General Plan EIR has already analyzed the development proposed under the Overlay. DEIR at 4-61. This assertion is not supported by substantial evidence, as the existing General Plan did not analyze the level of density and intensity of development—particularly non-residential development—proposed under the Overlay. Accordingly, it cannot have analyzed the resulting need for increased fire and police protection and other public services. The revised DEIR must meaningfully assess the impact of increased development under the Overlay on public services and utilities.

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VI. The DEIR Fails to Properly Consider the Project’s Foreseeable Significant Cumulative Impacts.

A. The DEIR’s failure to analyze the Overlay’s environmental impacts results in an inadequate analysis of cumulative impacts.

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As discussed above, the DEIR fails entirely to analyze the Overlay’s impacts, instead deferring this analysis to future project-level reviews. As a related defect, the

DEIR’s failure to analyze the Overlay means it also fails to account for any cumulative impacts to which the Overlay contributes.

For example, in addressing potential cumulative impacts on scenic resources, which include historic resources (*see* DEIR at 3.1-17, noting that “scenic resources” include “the Historic Districts and individual listed or eligible historic resources”), the DEIR states that compliance with SPAR/HSPAR and the CUP process for all future projects in the Overlay that are taller than 45 feet or that have a lot coverage greater than 80 percent will ensure that all future development in the Overlay “would have a less than significant contribution to cumulative impacts on scenic vistas.” DEIR at 3.1-29. But this conclusion is not supported by substantial evidence, because it ignores the likely significant cumulative impacts on neighboring historic districts of developing up to the height and lot coverage limits allowed under the Overlay.

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B. The DEIR entirely omits the upcoming General Plan Update from its cumulative impacts analysis.

Even if the DEIR’s consideration of the Overlay as separate from the General Plan Update were not improper piecemealing, the City would still be required to consider the cumulative impacts of the Overlay together with the General Plan Update. *See* CEQA Guidelines § 15165 (“Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency . . . shall in either case comment upon the cumulative effect.”). But the DEIR never once mentions the General Plan Update in its cumulative impact analysis, despite the similarity and clear relationship between the Overlay and the General Plan Update. This omission alone renders the EIR legally defective as it means that the “severity and significance” of the proposed Overlay’s cumulative impacts are not “reflected adequately” in the EIR. *Golden Door Props., LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 527 (citation omitted).

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CEQA requires that an EIR discuss the projects’ cumulative impacts when the project’s incremental effect is “cumulatively considerable,” meaning that it is “significant when viewed in connection with the effects of” past, current, and probable future projects. CEQA Guidelines §§ 15130(a)(1), 15065(a)(3). The cumulative impacts analysis must consider projects of a similar “type” to the one at issue. *Id.* § 15130(b)(2). A cumulative impacts analysis cannot be described “in such general terms that the big picture . . . is missing from the analysis.” *City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465, 490. And an EIR cannot be approved unless it makes a “good

faith and reasonable disclosure” of cumulative impacts supported by “substantial evidence.” *Id.*

Here, the DEIR’s discussion of the project’s anticipated cumulative impacts wholly misses the “big picture” by ignoring the General Plan Update that is already under review and scheduled for adoption in 2025. The list of projects considered in the cumulative impacts analysis includes only nine discrete building projects throughout the City. *See* DEIR at 3-3 – 3-4. This list omits the General Plan Update, despite the fact that it is plainly of a similar “type” to the Overlay. The Overlay would comprise a General Plan Amendment. *Id.* at ES-2. And, just like the upcoming General Plan Update, the Overlay proposes to increase intensity of uses in several downtown areas.¹⁰

Indeed, the City claims on the website for the Overlay that “consideration of a General Plan amendment to allow the zoning overlay [is] informed by the City’s work on the General Plan Update.”¹¹ . Clearly, the City understands the connection between the General Plan Update and the Overlay. And yet, the DEIR fails to consider the cumulative impacts of the related General Plan Update together with the Overlay.

As a result of this glaring omission, the DEIR prevents “the severity and significance of the cumulative impacts from being accurately reflected.” *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1215 . In *Bakersfield*, the court invalidated the EIRs of two projects that were being developed in parallel, but which both did not adequately consider the other project in its cumulative impacts analysis. 124 Cal. App. 4th at 1219; *see also San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal.App.4th, 713 741 (finding EIR’s cumulative impacts analysis “inadequate as a matter of law” where “other development projects are neither listed nor adequately discussed”).

Similarly here, by failing to consider the General Plan Update in the cumulative impacts analysis, the DEIR fails to inform the public and decisionmakers about the likely significant cumulative impacts of this Project in conjunction with that Update. For

¹⁰ Compare *id.* at ES-2 with General Plan Update Draft at 42-56 available at https://static1.squarespace.com/static/5ea880f6d9a2075c7b7f54af/t/66c7e3a395624f73d25439cc/1724375979648/PGPU_PublicDraft_PolicyFramework_LandUse.pdf.

¹¹ See FAQ’s for the Overlay, “How Does the Timeline for the General Plan Update Relate to the Timeline for This Overlay?”, available at <https://cityofpetaluma.org/proposed-downtown-housing-economic-opportunity-overlay-for-a-specified-area-in-downtown-petaluma-faqs/>

example, the DEIR concludes that the project would have a Less Than Significant cumulative impact with respect to Greenhouse Gas emissions and population and housing (*see* ES-27, ES-34). However, with proper consideration of the cumulative impacts of the upcoming General Plan Update, these cumulative impacts would likely be found to be significant.

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VII. The DEIR's Analysis of Alternatives Is Inadequate.

At the heart of CEQA is the requirement that an EIR consider a reasonable range of alternatives to the proposed project. Pub. Resources Code § 21002.1; CEQA Guidelines § 15126. Here, the DEIR fails to analyze a legally adequate range of alternatives. Notably absent from consideration in the DEIR's analysis are alternatives that would (1) reduce intensity of development throughout the Overlay; (2) permit the hotel only without an Overlay; (3) permit the hotel at a lower height and FAR, thereby obviating the need for an Overlay; (4) move the hotel outside of the downtown core; and (5) consider the possibility that the Overlay might be developed beyond the 25% capacity assumed in the DEIR. By considering only two very limited alternatives rather than considering a number of other feasible alternatives that could reduce project impacts, and by inadequately discussing the two alternatives it did consider, the DEIR violates CEQA.

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A. The DEIR ignored many feasible alternatives.

Under CEQA, an agency may not approve a proposed project if a feasible alternative exists that would meet most of the project's objectives and would diminish or avoid its significant environmental impacts. Pub. Resources Code § 21002; *see also Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 731 (an EIR must contain a meaningful discussion of both alternatives and mitigation measures). The selection and discussion of alternatives should foster informed decision making and informed public participation. CEQA Guidelines § 15126(d)(5). The primary purpose of CEQA's alternatives requirement is to explore options that will reduce or avoid adverse impacts on the environment. *Watsonville Pilots Ass'n v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1087. Therefore, the discussion of alternatives must focus on project alternatives that are capable of avoiding or substantially lessening the significant effects of the project, even if such alternatives would impede to some degree the attainment of the project objectives or would be more costly. CEQA Guidelines § 15126.6(b); *see also Watsonville Pilots*, 183 Cal.App.4th at 1089 ("[T]he key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts").

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Here, the DEIR's assessment of alternatives fails to live up to these standards. The root of this failure can be traced to the DEIR's deferred analysis of the impacts of the Overlay. As noted above, the DEIR avoids discussing the Overlay's likely impacts by asserting that any project-specific impacts will be analyzed under future EIRs. *See, e.g.*, DEIR at 3.1-17 - 18; 3.2-53; 3.3-19. Without discussing the Overlay's likely environmental impacts in the DEIR, the City also attempts to dodge its obligation to identify and assess meaningful alternatives that might reduce those impacts. A meaningful assessment of the Overlay's likely environmental impacts would have triggered a more thorough review of alternatives that could have reduced those impacts.

Instead, the DEIR assesses only two substantive alternatives, apart from the No Project Alternative: a "Reduced Area C Alternative," which reduces the proposed size of Overlay Area C, but leaves the hotel project unchanged; and a "Reduced Height Alternative," which reduces the building height throughout the Overlay, including on the hotel, to 45 feet. DEIR at ES-4. The DEIR fails to explain the rationale for selecting only these two alternatives, and not a more meaningful array of alternatives. CEQA Guidelines § 15126.6(c) (the EIR must "briefly describe the rationale for selecting the alternatives to be discussed"). Further, this limited range of alternatives is insufficient to foster informed decision-making about the Project. Without disclosure of the actual impacts of the Overlay, the public and decisionmakers are not equipped to determine if these two alternatives represent the full range of options that might avoid the significant effects of the Overlay.

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The following is a non-exhaustive discussion of the types of feasible alternatives that could reduce project impacts, and that the DEIR should have included:

First, the DEIR should have assessed an alternative that combined a reduction of intensity in the Overlay with the proposed hotel project. A less-intensive Overlay would involve a lower FAR than the proposed 6, and a lower lot coverage ratio than the proposed 100 percent. DEIR at ES-2. Presumably, allowing lower density of development throughout the Overlay would reduce the impacts of this portion of the Project. As it stands, however, because the DEIR does not meaningfully assess the Overlay, nor does it consider a lower-intensity version of the Overlay, decision-makers and members of the public are unable to make this determination.¹²

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¹² The DEIR purports to have considered but rejected a related alternative that would retain the existing lot coverage ratio of 80 percent. DEIR at 6-35. The DEIR's analysis of

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Second, the DEIR should include an alternative that would permit the Hotel at a lower height and FAR, thereby obviating the need for an Overlay or zoning change at all. Such an alternative would ensure that the Hotel is consistent with existing zoning and General Plan regulations, thereby reducing the impacts associated with the Hotel. It would also eliminate any impacts associated with the Overlay.

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Third, the DEIR should consider alternative locations for the Hotel. In particular, the Hotel could be located outside the downtown core but still within City limits. In an alternative location, the Hotel could have a reduced impact on historic and other cultural resources. This alternative would also obviate the need for an Overlay. The DEIR asserts that several alternative sites were considered, but that none would “accomplish the objective of avoiding or lessening significant impacts.” DEIR at 6-34. This conclusion is premised on the DEIR’s flawed conclusion that the Project will not have a significant impact on historic resources. With the proper analysis and conclusion regarding impacts on historic resources, the DEIR would likely have reached a different conclusion about alternative sites for the Hotel.

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Finally, the DEIR should have assessed the possibility that the Overlay might be developed beyond the 25% capacity assumed in the DEIR. *See* DEIR at PD 2-29. As explained above, this assumption is not supported by substantial evidence. Accordingly, the DEIR should have assessed the impacts from a range of potential development under the Overlay.

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B. The DEIR’s discussion of its two substantive alternatives is deficient.

In addition to selecting an inadequate range of alternatives, the DEIR also provides an insufficient discussion of those alternatives’ environmental impacts. Just as the DEIR fails to forecast any likely impacts of the Overlay, it also fails to meaningfully predict any impacts of the alternatives it considers.

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this alternative is not supported by substantial evidence. The only reason it provides for rejecting this lower-density alternative is that the proposed Project’s impacts from increased lot coverage will be mitigated by complying with discretionary review, so such an alternative would not reduce any significant impacts. *Id.* But the DEIR may not rely on future discretionary review to reduce significant impacts. *See* CEQA Guidelines § 15126.4(a)(1)(B) (an agency may defer developing specific details of a mitigation measure only when it adopts specific performance standards the mitigation will achieve, among other requirements).

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For example, in assessing the aesthetic impacts of Alternative 2 (which would reduce the size of Overlay Area C), the DEIR notes that “future development would be required to comply with the policies and actions of the General Plan designed to protect scenic resources,” so the alternative’s impacts would be “largely the same as the proposed project.” DEIR at 6-10. This type of analysis simply perpetuates the deferred analysis in the DEIR by asserting that all future development will comply with regulations. The DEIR also states repeatedly about this alternative that its impacts would be “similar to the proposed project, although slightly decreased.” DEIR at 6-15. This vague and anodyne statement provides very little in the way of specifics for the public or decisionmakers to assess. Finally, the DEIR concludes confusingly that Alternative 2 “would result in the same level of impacts as the proposed project,” but also that “there would be an incremental reduction” in impacts relative to the proposed project. DEIR at 6-18.

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The DEIR also confusingly asserts that “development under [the reduced size of Area C] Alternative was already anticipated and was analyzed as part of the General Plan EIR.” *See, e.g.*, DEIR at 6-15. This assertions is untrue: the 2025 General Plan EIR did not consider and analyze the Overlay or a version of the Overlay that included a smaller Area C. *See* DEIR at ES-2 (noting that if even 25 percent of the Overlay were built out, it would result in an additional 387,44 additional square feet of nonresidential development beyond what is allowed in the relevant area under the current General Plan).

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The discussion of Alternative 3, which would reduce the maximum height permitted throughout the Overlay, including with respect to the Hotel, is similarly vague and uninformative. With respect to aesthetic impacts, the DEIR concludes that this alternative “would have a slightly lower level of aesthetic impacts compared to the project.” DEIR at 6-19. In fact, this alternative is likely to significantly reduce many of the concerns related to aesthetic impacts.

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Because the DEIR reached erroneous and unsupported conclusions about the proposed Project’s significant impacts, particularly with respect to impacts on historic and visual resources, the conclusion that neither substantive alternative would reduce a significant impact is flawed. *See Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 566 (an EIR must consider a range of alternatives that offer substantial advantages over the project proposal).

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VIII. Conclusion

For all these reasons, the DEIR fails to adequately evaluate all of the impacts of the whole of the Project. As a result, the DEIR fails to comply with CEQA, triggering the need for a revised Draft EIR and recirculation. PHA urges the City to incorporate analysis of the Project into the General Plan update process.

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Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Robert "Perl" Perlmutter



Lauren Tarpey



Carmen J. Borg, AICP
Urban Planner

cc: Andrew Trippel, Planning Manager (atrippel@cityofpetaluma.org)
Eric Danly, City Attorney (edanly@cityofpetaluma.org)
Petaluma Historic Advocates

List of Exhibits:

- Exhibit A VerPlanck Historic Preservation Consulting, Comments on Draft Environmental Impact Report, October 14, 2024.
- Exhibit B VerPlanck Historic Preservation Consulting, Technical Memorandum on Draft Environmental Impact Report, October 21, 2024.
- Exhibit C Tom Brohard and Associates, Traffic and Transportation Comments, October 17, 2024.

EXHIBIT A



Response Letter: Downtown Housing & Economic Opportunity Overlay & EKN Appellation Hotel Projects

To: Robert "Perl" Perlmutter
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102

From: Christopher VerPlanck, Principal
VerPlanck Historic Preservation Consulting
530 Rockdale Drive
San Francisco, CA 94127

CC:

Date: 14 October 2024

Re: Comments on Draft Environmental Impact Report

Dear Mr. Perlmutter,

As requested, my firm has prepared the following preliminary opinion on the Draft Environmental Impact Report (DEIR) for the Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel projects. I anticipate completing a more extensive technical memorandum in the near future, but due to the compressed timeframe of the review period I have prepared this initial high-level analysis of the DEIR and the potential impacts on historical resources posed by the two projects.

Qualifications

I am a San Francisco-based architectural historian and historic preservation consultant. I hold an M.Arch.H., as well as a Certificate in Historic Preservation, from University of Virginia's Graduate School of Architecture. While attending UVA I interned as an architectural conservator at Monticello, where I restored nine mahogany window sashes in Thomas Jefferson's bed chamber. Upon graduating from UVA, the Society of Architectural Historians awarded me its highest honor – the Sally Kress Tompkins Fellowship. As a recipient of this fellowship, I interned with the Historic American Engineering Record (HAER) in Washington, D.C., where I completed measured drawings of buildings in textile mill villages in the Chattahoochee River Valley of Georgia and Alabama. In November 1997, I returned to the Bay Area to take a job at The Foundation for San Francisco's Architectural Heritage (now San Francisco Heritage), where I did advocacy work for two years. In 1999, I joined the preservation architecture firm of Page & Turnbull, where I founded the Cultural Resources Studio. Since 2007 I have been an independent historic preservation consultant. I meet the Secretary of the Interior's Professional Qualifications for architectural history and history. I have also received several awards, including from the California Preservation

Foundation, San Francisco Beautiful, and the Northern California Chapter of the American Institute of Architects.

As a freelance architectural historian/preservation consultant, I have completed hundreds of historic resource evaluations, historic structure reports, National Register nominations, cultural resource surveys, and CEQA documents across California, including several in Sonoma County. My most notable projects in the county include an award-winning historic structure report (HSR) for the Blue Wing Inn, a Mexican-period adobe in Sonoma. I also prepared an HSR and Historic American Building Survey (HABS) documentation package for the Marguerite Wildenhain studio and residence outside Guerneville. Although I have not completed any projects in Petaluma before, I am quite familiar with the city, which I think has one of the best-preserved nineteenth-century downtowns anywhere in Northern California.

I am also very conversant in the California Environmental Quality Act (CEQA), in particular as it pertains to historical resources. I have prepared dozens of technical reports in support of CEQA documents, as well as reviewing the completeness and accuracy of other CEQA documents.

Methodology

The scope of work for this letter consists primarily of document review, including the DEIR and its attachments, specifically Appendix A - NOP and Initial Study, and Appendix B – Cultural Resources Supporting Information. Of special interest were Painter Preservation's *Historic Cultural Resource Report for Downtown Housing and Economic Opportunity Overlay* (September 2023), and South Environmental's *Historic Built Environment Impacts Assessment for the EKN Hotel Project, City of Petaluma, California* (June 2024). I also reviewed the 1995 Petaluma Historic Commercial District National Register nomination by Donald S. Napoli and the *Petaluma Historic Commercial District Design Guidelines* prepared by the Petaluma Planning Department (1999). This letter also references the *Secretary of the Interior's Standards for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (2017).

Project Description

As you know, the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel dovetails two separate but related undertakings into one project for the purpose of environmental review. The proposed EKN Appellation Hotel comprises one part of the project. EKN Development of Newport Beach, California, proposes a six-story, 70-foot-high hotel for three adjoining vacant parcels at the southeast corner of Petaluma Boulevard South and B Street (APNs 008-063-009-000, 008-063-008-000, and 008-063-011-000). As the tail wagging the proverbial dog, the hotel project provides the impetus for the proposed downtown overlay. If approved, the City of Petaluma would implement the overlay in the Petaluma General Plan. The overlay would allow for much taller buildings (up to 75 feet as opposed to the 45-foot height limit now in place), as well as increasing lot coverage from 80 to 100 percent, and enlarging the maximum FAR from 2.5 to 6.0. These changes would apply to three discontinuous areas (hereafter known as Areas A, B, and C) ringing the National Register-listed Petaluma Commercial Historic District. According to the City, the overlay needs to be approved in order to build the hotel. Provided below are my preliminary observations for each of the project components.

Proposed EKN Appellation Hotel

As mentioned, the proposed EKN Appellation Hotel would occupy three adjoining vacant parcels at the southeast corner of Petaluma Boulevard and B Street (2 Petaluma Boulevard South). For well over a century these three lots were occupied by a service station. The building, the gas pumps, and the canopy were all demolished in 2009 after the station closed. Two of the lots (APNs 008-063-009-000 and 008-063-008-000) are located inside the boundaries of the National Register-listed Petaluma Historic Commercial District (Historic District), and the third (APN 008-063-011-000) is just outside the district.

The adjoining property at 313 B Street, Tomasini's Rex Ace Hardware & Country Store (Rex Hardware), is also located inside the boundaries of the Historic District. This property consists of a pair of wood-frame commercial buildings, including a one-story warehouse constructed Ca. 1870 and a one and partial-two-story retail store constructed in 2007. The newer building is a reproduction of a complex of three or four

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older nineteenth-century structures that were destroyed in a fire in 2006. The two historical reports prepared for the DEIR erroneously claim that the property is no longer a contributor to the Historic District because the newer building is a reconstruction. One of the reports also says that it is clad in Hardieplank (an imitation wood product), which is not true – it is clad in redwood rustic channel siding, which is the same material used on the original building. ¹ The DEIR relies on these assertions to find that the proposed hotel would not cause a substantial adverse change in the significance of a historical resource because 313 B Street is allegedly no longer a contributor to the Historic District.	136 137
In reality, the 1995 National Register nomination was never amended to remove the 313 B Street from the Historic District. This is due to the fact that the replacement building is a reasonable facsimile of what previously stood on the site. Its height, massing, materials, and detailing are all quite similar to what was destroyed. Indeed, very few people who walk or drive by the building every day could even tell the difference. Furthermore, the original Ca. 1870 warehouse still survives toward the rear of the property. Based on these factors, it is quite clear to me that 313 B Street is still a contributor to the Petaluma Commercial Historic District. Accordingly, given the outsized scale and massing of the proposed hotel, it will necessarily result in a substantial adverse change in the significance of the adjacent property – to say nothing of potential visual impacts on the rest of the Historic District.	138
Due to the fact that the majority of the proposed hotel is within the Historic District, the design must comply with the 1999 <i>Petaluma Historic Commercial District Design Guidelines</i> – especially Chapter 7, which deals with new construction. As an initial matter, the proposed six-story hotel does not comply with Section 7.1 which states: the “average height and width of the surrounding buildings (should) determine a general set of proportions for an infill structure.” ² Although the width of the proposed hotel is comparable to nearby properties, the height is not in conformance because none of the adjoining properties – both inside and outside the Historic District – exceed three stories. Simply put, the hotel will tower above the surrounding buildings and be front and center at the very heart of the Historic District.	139
The Secretary of the Interior’s Standards provides additional guidance on new construction, including a recommendation against “Introducing a new building or landscape feature that is out of scale or otherwise inappropriate to the setting’s historic character.” ³ The project site is directly across the street from Center Park and only a block away from the collection of cast iron front buildings at the corner of Petaluma Boulevard and Western Avenue. This ensemble, which comprises the centerpiece of the Historic District, represents one of the most intact collections of Victorian-era cast iron commercial buildings in California. Not one of the buildings is over three stories in height – half the height of the proposed hotel.	140
Although my upcoming technical report will provide more detail on this topic, the design of the proposed hotel embodies a blend of contemporary and traditional features, which although they may not be out-of-place in other settings, would certainly be disruptive to the Historic District. The proposed hotel’s height (almost 70 feet at the penthouse), stepped “wedding cake” massing, and overly contemporary (and busy) exterior fenestration pattern departs from the evenly spaced, punched fenestration of most of its neighbors, rendering it incompatible with the Historic District.	141
Proposed Housing and Economic Opportunity Overlay The proposed Housing and Economic Opportunity Overlay would amend the General Plan to allow for an increase in the maximum FAR from 2.5 to 6.0 and raise the maximum height limit from 45 to 75 feet. It would also increase maximum lot coverage from 80 to 100 percent. The current residential density of 30 dwelling units per acre would remain the same. In the abstract, this proposal seems like a potentially effective way to extend the dense, walkable part of downtown westward along B Street, Western Avenue,	142

¹ The author personally inspected the site on October 11, 2024 and asked the owner of the store, who confirmed that it is clad in redwood rustic siding – also known as drop siding.

² Petaluma Planning Department, *Petaluma Historic Commercial District Design Guidelines* (Petaluma, CA: 1999), 38.

³ U.S. Department of the Interior, National Park Service, *Secretary of the Interior’s Standards for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (Washington, D.C.: rev. 2017), 146.

and Washington Street, as well as to revitalize and activate several parcels on the edge of downtown where there are now parking lots and/or underutilized 1970s-era bank buildings. What mainly concerns me is how the overlay is moving forward hand-in-hand with EKN Development's hotel application. Indeed, the hotel cannot be built without these changes. To my knowledge, there are no other active projects that could even take advantage of these new rules. Therefore, why not let the upcoming General Plan update take place and propose these changes as part of that process?

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It is impossible to predict exactly how the proposed overlay would impact the Petaluma Commercial Historic District because there is scarcely any analysis in the DEIR of the type of development that it would cause or allow. Most important, the properties within the overlay need to be surveyed before changing their height limits. Furthermore, the proposed overlay overlaps the Historic District in two places, including 2 Petaluma Boulevard South and 313 B Street (Area A), and the Chase Bank property at 101 Western Avenue (Area B), which means that much taller buildings could be allowed within the Historic District itself. Finally, the nearly thirty-year-old Historic District should be updated to determine if any of the properties that were originally designated as non-contributors because they were not old enough may now be eligible, such as 1 Petaluma Boulevard North. In addition, restoration work completed since 1995 in the Historic District may mean that some non-contributors should be made contributors, including the Penny Building at 119 Petaluma Boulevard North.

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The redevelopment of properties in Areas A, B, or C of the overlay could have serious implications and significant impacts on the Historic District. For example, if the properties along Keller Street were replaced with 75-foot-high buildings, they would tower over the district contributors on nearby Kentucky Street. For an idea of what this might look like, consider this: Hotel Petaluma is currently the tallest building in downtown Petaluma. It ranges in height from 32 feet along Kentucky Street to slightly over 50 feet on Telephone Alley. Constructing a row of buildings significantly taller than Hotel Petaluma along Keller Street would clearly cause significant adverse impacts on the Historic District. Since the proposed overlay would allow for a row of buildings up to 75-feet tall (and with 100% lot coverage) in this area, such impacts are potentially foreseeable and should be analyzed and disclosed in the EIR.

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Conclusion

In my opinion, the proposed project could have a significant impact on historical resources in downtown Petaluma. My main concern is that the proposed EKN Appellation Hotel does not comply with the Secretary of the Interior's Standards or the 1999 *Petaluma Historic Commercial District Design Guidelines*. The DEIR's conclusion that the project will have a less than significant impact is not based on substantial evidence but rather on the assertion that the Rex Hardware building at 313 B Street is no longer a contributor because a portion of it was reconstructed in 2007. However, this property remains a contributor and the Historic District boundaries have not changed. As a project that is located within the Historic District, the hotel needs to comply with all applicable guidelines. The proposed overlay portion of the project could also have significant impacts on the Historic District, but the DEIR contains no information about those impacts or potential mitigation measures or alternatives.

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Please do not hesitate to contact me if you have any questions.

Sincerely,



Christopher VerPlanck

EXHIBIT B



Technical Memorandum: Downtown Housing & Economic Opportunity Overlay & EKN Appellation Hotel Projects

To: Robert "Perl" Perlmutter
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102

From: Christopher VerPlanck, Principal
VerPlanck Historic Preservation Consulting
530 Rockdale Drive
San Francisco, CA 94127

CC:

Date: 21 October 2024

Re: Technical Memorandum

Dear Mr. Perlmutter,

As requested, my firm has prepared a technical memorandum as a follow-up to my October 14 Response Letter: "Downtown Housing & Economic Opportunity Overlay & EKN Appellation Hotel Project." I prepared this technical memorandum in response to your request for a professional opinion regarding the project's potential impacts on the National Register-listed Petaluma Historic Commercial District. This report provides an in-depth analysis of the proposed EKN Appellation Hotel for compliance with the Secretary of the Interior's Standards, as well as the Petaluma Historic Commercial District Design Guidelines. This report does not analyze the proposed Overlay in any depth because there are no other specific projects proposed for these areas at this time.

Qualifications

I am a San Francisco-based architectural historian and historic preservation consultant. I hold an M.Arch.H., as well as a Certificate in Historic Preservation, from University of Virginia's Graduate School of Architecture. While attending UVA, I interned as an architectural conservator at Monticello, where I restored nine mahogany window sashes in Thomas Jefferson's bed chamber. Upon graduating from UVA, the Society of Architectural Historians awarded me its highest honor – the Sally Kress Tompkins Fellowship. As a recipient of this fellowship, I interned with the Historic American Engineering Record (HAER) in Washington, D.C., where I completed measured drawings of buildings in textile mill villages in the Chattahoochee River Valley of Georgia and Alabama. In November 1997, I returned to the Bay Area to take a job at The Foundation for San Francisco's Architectural Heritage (now San Francisco Heritage), where I did advocacy work for two years. In 1999, I joined the preservation architecture firm of Page & Turnbull, where I founded the Cultural Resources Studio. Since 2007 I have been an independent historic

preservation consultant. I meet the Secretary of the Interior’s Professional Qualifications for architectural history and history. I have also received several awards, including from the California Preservation Foundation, San Francisco Beautiful, and the Northern California Chapter of the American Institute of Architects.

As a freelance architectural historian/preservation consultant, I have completed hundreds of historic resource evaluations, historic structure reports, National Register nominations, cultural resource surveys, and CEQA documents across California, including several in Sonoma County. My most notable projects in the county include an award-winning historic structure report (HSR) for the Blue Wing Inn, a Mexican-period adobe in Sonoma. I also prepared an HSR and Historic American Building Survey (HABS) documentation package for Marguerite Wildenhain’s Pond Farm studio and residence outside Guerneville. Although I have not completed any projects in Petaluma before, I am quite familiar with the city, which I think has one of the best-preserved nineteenth-century downtowns anywhere in Northern California.

I am also very conversant in the California Environmental Quality Act (CEQA), in particular as it pertains to historical resources. I have prepared dozens of technical reports in support of CEQA documents, as well as reviewing the completeness and accuracy of other CEQA documents.

Methodology

I visited Petaluma on October 11, 2024 to walk through the city’s downtown, taking photographs and recording field notes in regard to properties located inside and adjoining the Petaluma Historic Commercial District (Historic District). I also reviewed several background reports prepared for the Draft Environmental Impact Report (DEIR) for the EKN Appellation Hotel project and the proposed Overlay, including Painter Preservation’s *Historic Cultural Resource Report for Downtown Housing and Economic Opportunity Overlay* (September 2023), and South Environmental’s *Historic Built Environment Impacts Assessment for the EKN Hotel Project, City of Petaluma, California* (June 2024). I also carefully analyzed the 1995 Petaluma Historic Commercial District National Register nomination by Donald S. Napoli. In addition, I reviewed the project sponsor’s drawings side-by-side with the *Petaluma Historic Commercial District Design Guidelines* prepared by the Petaluma Planning Department in 1999, and the *Secretary of the Interior’s Standards for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*.

Project Overview

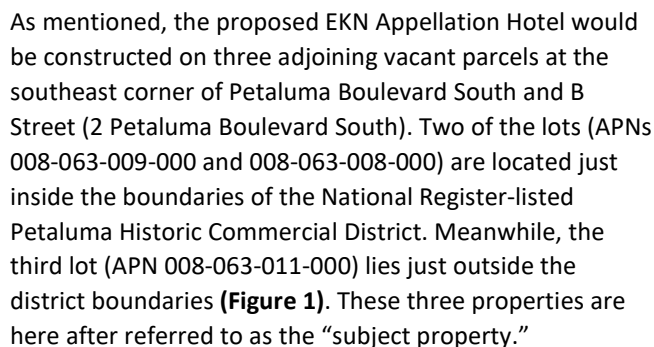
The Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel project combines two separate but related undertakings into one project for the purpose of expedited environmental review. EKN Development of Newport Beach, California, proposes to build a six-story, 70-foot-high hotel on three contiguous vacant lots at the southeast corner of Petaluma Boulevard South and B Street.¹ Because the hotel cannot be built under existing zoning and height and bulk regulations, the City of Petaluma has proposed instituting a zoning overlay in Petaluma’s General Plan to allow for much taller buildings (up to 75 feet as opposed to the 45-foot height limit now in place) within three discontinuous areas (hereafter known as Areas A, B, and C). Areas A and B partially overlap the Historic District, and otherwise the three areas bound the Historic District on three sides. Provided below is an in-depth description of the project site, adjoining properties, and the hotel component of the project.

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¹ The hotel would occupy APNs 008-063-009-000, 008-063-008-000, and 008-063-011-000.



For well over a century these three lots were occupied by a service station. The building, the gas pumps, and the canopy were all demolished in 2009, a year or so after the station closed. At present, the subject property, which has 100.5 feet of frontage along B Street and a little over 142 feet along Petaluma Boulevard South, is enclosed within a chain link fence. The level site is covered in compacted soil, gravel, weeds, and piles of excavation debris (**Figure 2**). The subject property is bounded to the southwest by Tomasini's Rex Ace Hardware & Country Store (Rex Hardware) at 313 B Street, and to the southeast by a 1970s-era bank building at 20 Petaluma Boulevard South.

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Figure 2. Subject property at 2 Petaluma Boulevard South, looking south from Petaluma Boulevard.

Properties within the Vicinity of the Subject Property

Rex Hardware, which adjoins the subject property, is a district contributor located just inside the Historic District boundaries. This property consists of a pair of wood-frame commercial buildings, including a one-story warehouse constructed Ca. 1870 (**Figure 3**) and a one and partial-two-story retail store constructed in 2007 (**Figure 4**). The newer building replaced several older nineteenth-century structures that were destroyed in a fire in 2006. Although not an exact replica of what had existed on the site previously, the 2007 building largely matches the original in regard to its height, massing, design, and materials. The only

real notable difference is that the 2007 building has a flat roof instead of multiple gable roofs concealed behind a level parapet. In addition, the replacement building has a continuous slab foundation instead of multiple perimeter foundations and a slightly more “regularized” fenestration pattern than the original.

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Figure 3. Ca. 1870 accessory building at 313 B Street – built Ca. 1870.



Figure 4. 2007 Rex Hardware building at 313 B Street, looking northeast from intersection of 4th and B streets-
reconstructed 2007.

The only other building on the block is the former Bank of the West branch at 20 Petaluma Boulevard South. Designed by Frederick K. Lesan and built in 1974 for Northbay Saving & Loan, the property encompasses a “drive-thru” bank building facing Petaluma Boulevard and a surface parking lot facing 4th Street to the rear (**Figure 5**). The bank building, which appears to be mostly intact, is built of slump block, and it is capped by a compound roof consisting of a flat-roofed section at the middle that is flanked by three shed-roofed sections. This building is designed in a 1970s-era vocabulary that incorporates features of the “environmental” style with the so-called “shed style.” Portions of the property facing Petaluma Boulevard are landscaped with lawns, trees, and shrubs, but most of the property is paved in asphalt and used for vehicular circulation and parking.

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Figure 5. Former Bank of the West, 20 Petaluma Boulevard South, looking south from Petaluma Boulevard – built 1974.



Figure 6. Former Victory Sales Building at 25 Petaluma Boulevard South, looking northwest from Petaluma Boulevard – built Ca. 1915, with Ca. 1925 additions.

The subject property is located across the street from several other properties that are located inside the boundaries of the Petaluma Historic Commercial District, including the former Victory Auto Sales Building at 25 Petaluma Boulevard South. Built Ca. 1915 and enlarged Ca. 1925, this one-story commercial building is designed in the Mission Revival style (**Figure 6**). This property also includes a surface parking lot at the northeast corner of Petaluma Boulevard and B Street. This property is a contributor to the Historic District.

Located on the opposite side of B Street from the subject property is 1-5 Petaluma Boulevard North. Built Ca. 1950, this one-story commercial building is designed in the Late Moderne style (**Figure 7**). The property is not currently a contributor to the Historic District because it was constructed after the end of the period of significance (1854-1945).

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Also located across the street from the subject property on B Street is Center Park, a tiny public open space that was historically used for tying up horses (**Figure 8**). Center Park, which contains several redwoods, an outdoor seating area, and a historical plaque, is a contributor to the Historic District. Along with Helen Putnam Park, it is the only public park located inside the boundaries of the Petaluma Historic Commercial District.

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Figure 7. 1-5 Petaluma Boulevard North, looking north from 4th Street – built Ca. 1950.



Figure 8. Center Park, looking south from Petaluma Boulevard.

Located catty corner from the subject property is the Great Petaluma Mill complex at 6 Petaluma Boulevard North (**Figure 9**). With sections dating back as far as 1854, this complex comprises three conjoined nineteenth-century warehouses that were adaptively reused for retail and restaurant use in 1979. This historically notable property is a contributor to the Historic District. This property has a surface parking lot near the corner of Petaluma Boulevard and B Street.

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Figure 9. Great Petaluma Mill, 6 Petaluma Boulevard North, looking northwest from B Street – built 1854, with additions dating to Ca. 1880 and 1903.

Although it does not directly border the subject property, the first block of Western Avenue, which contains the most impressive row of Victorian-era, cast iron front buildings in California, is located approximately half a block north and west of the subject property (**Figure 10**). The subject property is within the viewshed of the prominent Masonic Building, which anchors the intersection of Petaluma Boulevard and Western Avenue.

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Located even closer to the subject property are two other cast iron front buildings at 15-19 and 21-23 Petaluma Boulevard North. Collectively known as the McNear Building, this High Victorian complex, which extends through the block from Petaluma Boulevard to 4th Street, is just as significant as the row on Western Avenue (**Figure 11**). This complex featured prominently in George Lucas's famous film, *American Graffiti*. Altogether, the National Register-listed Petaluma Historic Commercial District comprises the largest and most intact collection of cast iron front buildings in California. On the West Coast, it is second only to Portland, Oregon.²

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Outside of Portland, cast iron front buildings are quite rare in the West, being primarily concentrated in New York City, Baltimore, Louisville, and St. Louis.³ Most of Petaluma's cast iron front buildings were built in the 1880s, using pre-fabricated parts designed and made in San Francisco foundries. San Francisco once used to have many cast iron front buildings, but they were almost entirely destroyed in the 1906 Earthquake and Fire. Petaluma, in contrast, was not so severely damaged in the 1906 Earthquake, sparing its trove of cast iron front buildings. This factor, combined with successful preservation efforts during the last quarter of the twentieth century, has resulted in the survival of these distinctive buildings, which form the basis of the Historic District.

² Terry Smith, Greg Sarris, David Glass, et al, *Celebrating Petaluma* (Petaluma, CA: Petaluma Sesquicentennial Committee, 2009), 71.

³ Most of St. Louis' cast iron front buildings were demolished in the 1940s to make way for a parking lot that eventually became the location of the iconic Gateway Arch.



Figure 10. Victorian-era, cast iron front buildings along Western Avenue.



Figure 11. McNear Building, looking southeast along Petaluma Boulevard toward the subject property – built 1886, with an addition built in 1911.

Project Description: EKN Appellation Hotel

The proposed EKN Appellation Hotel consists of a six-story, approximately 70-foot-high tourist hotel containing 93 guest rooms and 58 parking spaces. The building would encompass the entire 77,000-sf property at 2 Petaluma Boulevard South. The basement would contain the parking garage, storage rooms, utility space, and a bike room. The ground-floor level would include the lobby, front office, employee areas, laundry and housekeeping, a kitchen, utility rooms, a 3,209-sf restaurant seating up to 150 customers, and a 901-sf outdoor seating area at the corner of Petaluma Boulevard and B Street. The second-floor level would include 20 guestrooms, an 898-sf terrace, a fitness room, and an administration office. The third and fourth-floor levels would each contain 27 guestrooms. The fifth-floor level would comprise a “bridal suite” with a private balcony, a “deluxe suite,” four “executive suites,” and 13 regular

guestrooms. The sixth-floor level would consist of a 5,585-sf rooftop terrace, a 1,444-sf event space, and 900 square feet of pantry and support space, as well as a mechanical penthouse.

The proposed EKN Appellation Hotel is designed in a contemporary vocabulary. It would be built to the property lines on all four sides apart from the three outdoor terraces, including the ground-floor outdoor seating area at the corner of Petaluma Boulevard South and B Street; the balconies at the second, third and fourth-floor levels; a small break in the street wall at the fifth-floor level; and the roof terrace at the sixth-floor level. The fifth-floor level would be stepped back from the lower floors by five feet and the sixth-floor level would be set back 25 feet from the sidewalk on Petaluma Boulevard and 30 feet from the sidewalk on B Street. The exterior would be clad in flush porcelain panels with contrasting colored paneling at the fifth-floor level. Laser-cut metal panels featuring a decorative pattern would be installed in several areas, including above the first-floor windows and at the balconies. Windows and doors would have clear sheet glass embedded in bronze metal frames, with some having textured accent strips.

Topping out at 70 feet, the proposed EKN Appellation Hotel would be, by far, the tallest building in downtown Petaluma with the sixth-floor level being nearly twenty feet higher than the highest part of Hotel Petaluma. The hotel would be much taller than any of the buildings adjoining it, most of which do not exceed two or three stories.

Project Description: Proposed Housing and Economic Opportunity Overlay

The proposed Housing and Economic Opportunity Overlay (Overlay), which the City has proposed to enable it to approve the hotel, would amend the General Plan to allow for an increase in the maximum floor area ratio (FAR) from 2.5 to 6.0. It would also raise the maximum height limit from 45 to 75 feet in three different areas ringing the Petaluma Historic Commercial District, and it would increase maximum lot coverage from 80 to 100 percent. The Overlay would not change the current residential density of 30 dwelling units per acre. The Overlay would allow for the construction of up to 1,549,776 sf of non-residential development above what is currently allowed in the General Plan (1,106,983 sf).

The proposed Overlay encompasses three discontinuous areas in downtown Petaluma, including Area A, which encompasses the site of the proposed EKN Appellation Hotel, as well as the two blocks bounded by Petaluma Boulevard South, D Street, 4th Street, and B Street. Area B is much smaller, comprising a pair of properties on Western Avenue between 4th and 5th streets. Area C is the largest. It is bounded by Washington Street to the north, Telephone Alley to the east, Western Avenue to the south, and Liberty and Court streets to the west (**Figure 12**).

The proposed Overlay overlaps the Historic District in two places, including the subject property at 2 Petaluma Boulevard South and Rex Hardware at 313 B Street (Area A), and the Chase Bank property at 101 Western Avenue (Area B). This means that much taller buildings would eventually be allowed within the Historic District itself. Furthermore, most of the properties within the proposed Overlay areas outside the Historic District have not been surveyed or assessed for architectural or historical value – particularly Area C, which contains the largest number of “age-eligible” properties of any of the areas proposed for the Overlay.

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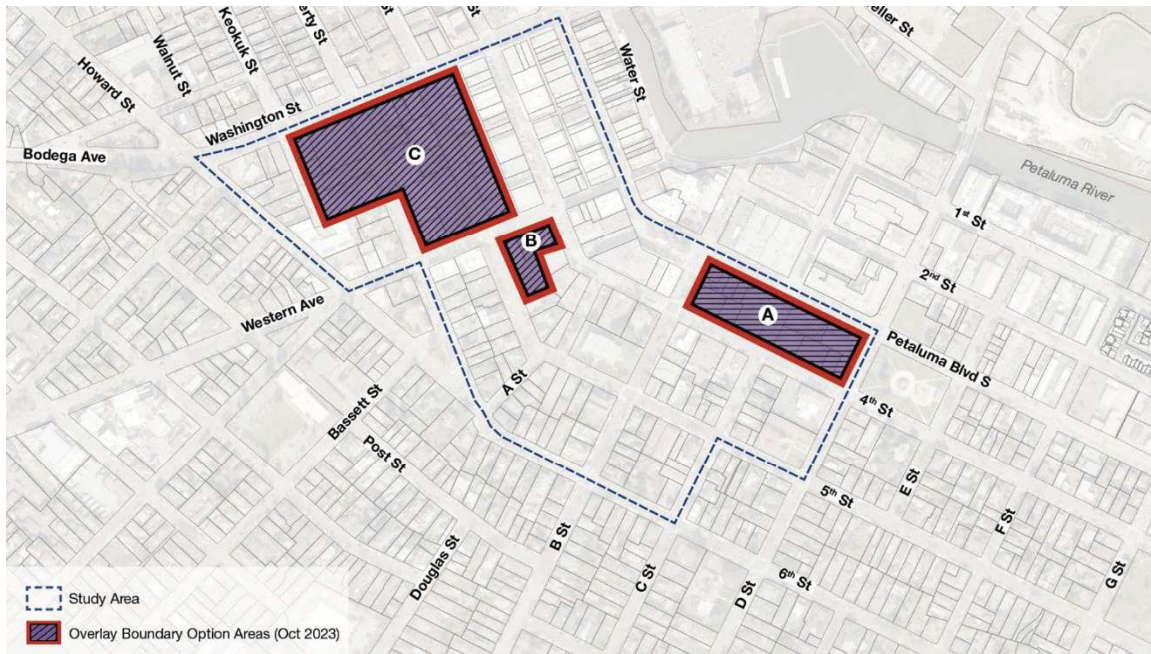


Figure 12. Map showing location of proposed Overlay areas.
Source: Petaluma Planning Department

Petaluma Historic Commercial District

Listed in the National Register of Historic Places in 1995, the Petaluma Historic Commercial District comprises 99 elements, all but three of which are buildings. When the district was listed, 64 of the elements were determined to contribute to the district, with 35 not contributing due to having been built after the end of the period of significance (1854-1945) or due to unsympathetic alterations. There were also originally 14 vacant lots that did not contribute to the Historic District.

The Historic District, whose boundaries are depicted in **Figure 13**, extends a little over four blocks along Petaluma Boulevard from C Street to just beyond Prospect Street. The district also extends a little over three blocks south and west from Water Street to Telephone Alley. As mentioned, the Historic District is most notable for embracing the largest and most intact collection of Victorian-era cast iron front buildings in California. It also includes several buildings dating back to the Gold Rush and Petaluma's founding. Most of the district consists of one, two, three, and four-story buildings with retail on the ground floor, and offices, civic, or residential uses on the upper floors. Most contributors are built of brick, stone, concrete, cast iron, and other fire-resistant materials. Construction dates span the years 1854 to 2005, with the bulk of the contributors built between 1880 and 1920. High Victorian and early twentieth century styles predominate, including the Italianate, American Commercial, Classical Revival, and Mission Revival.

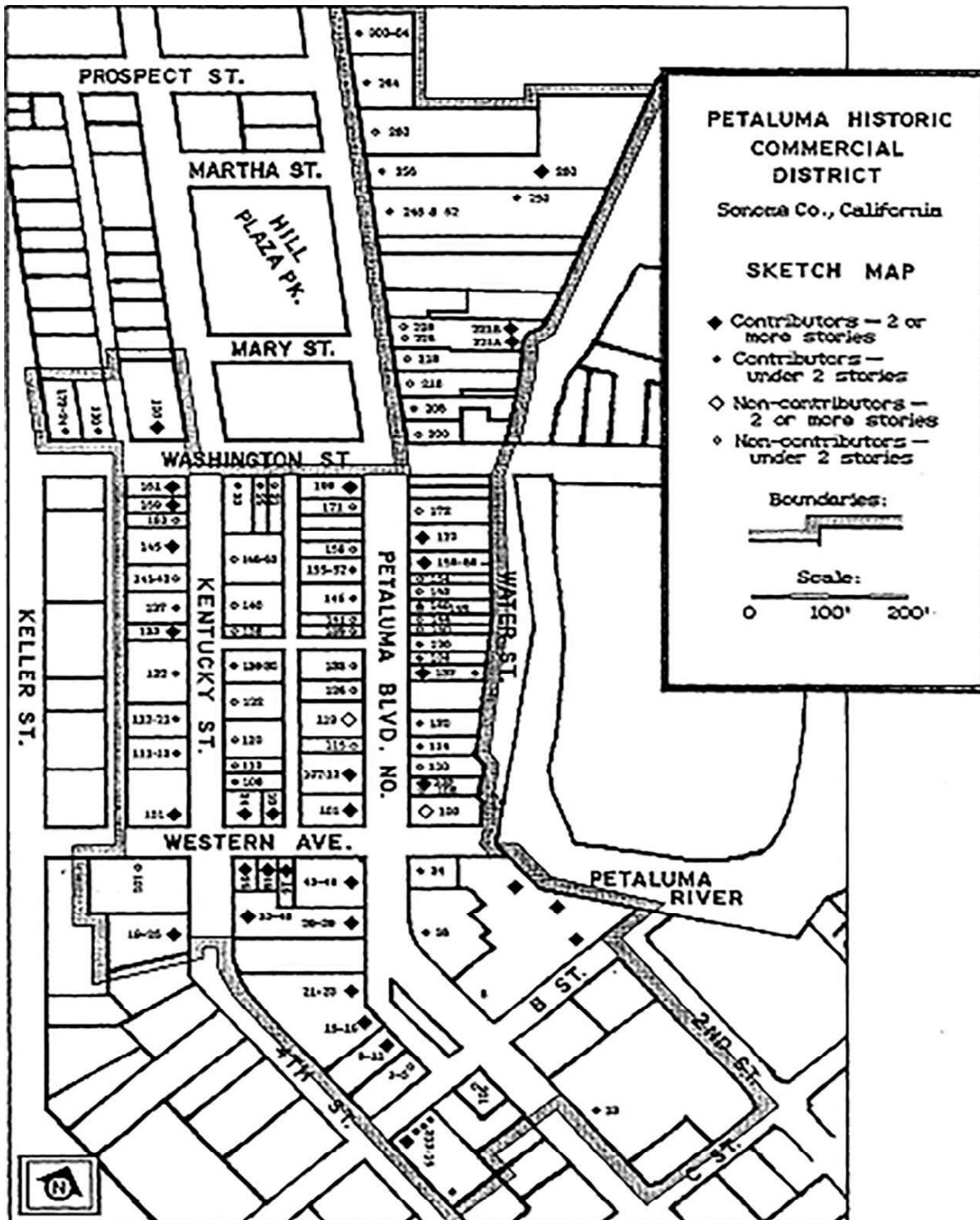


Figure 13. Map showing the boundaries of the Petaluma Historic Commercial District.

Since the Historic District was instituted nearly three decades ago, there have been many changes to the composition of businesses in the area. Downtown Petaluma had suffered for decades from disinvestment following the construction of the Highway 101 bypass in 1956. Although the city's downtown core had rebounded by the mid-1990s when the Historic District was created, there were still many vacant and/or

underutilized buildings. Since 1995, however, downtown Petaluma has continued to revive as it has evolved into one of the foremost urban shopping and entertainment destinations in Sonoma County.



Figure 14. 119 Petaluma Boulevard North.

In the nearly three decades that it has existed, the National Register Historic District has done its job of safeguarding Petaluma's commercial core from unnecessary intrusions and inharmonious alterations. Although there has been little new construction inside the Historic District boundaries since 1995, several buildings have been restored. A good example is 119 Petaluma Boulevard North (**Figure 14**). This building, popularly known as the Penney's Building, was built Ca. 1885. Ca. 1960, the front of the building was modified with a "slip cover" façade which concealed its cast iron front. The slip cover was removed in recent years, exposing

the original façade to view. Designated a non-contributor in 1995, this building should now be a contributor. Another building that has been rehabilitated in recent years is the former Leader/Carithers department store at 101 Kentucky Street. Built in 1941, this building at the northwest corner of Kentucky Street and Western Avenue was recently rehabilitated to serve as the headquarters of Amy's Kitchen, Inc. The rehabilitation, which won a California Preservation Foundation Award, restored and burnished the building's classic Streamline Moderne exterior and adaptively reused the interior.

In 2000, a developer proposed to demolish the Victory Auto Sales building at 5-25 Petaluma Boulevard South – a contributor to the Historic District – to construct a new hotel. Due to the outcry over the proposal, the developer rehabilitated the building instead (See **Figure 6**). Today the building is home to a half-dozen successful restaurants and other businesses.

In 2005, a developer constructed a new theater inside the Historic District boundaries at 200 C Street. Known as Boulevard 14 Cinemas, this building is designed in a retro Art Deco style that is generally compatible with the Historic District.

In sum, development in the Historic District in recent decades has focused on bolstering the historic character of this district, rather than introducing oversized and/or inharmonious contemporary designs.

Analysis of the Project for Compliance with the Secretary of the Interior's Standards

In the following sections, we analyze the proposed Project for compliance with the Secretary of the Interior's Standards for Rehabilitation. The *Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings* (the Rehabilitation Standards and the Guidelines, respectively) provide guidance for reviewing work done on historic properties.⁴ Developed by the National Park Service for reviewing certified rehabilitation tax credit projects, the Rehabilitation Standards have been adopted by local governmental bodies across the country to review work to historic

⁴ U.S. Department of Interior National Park Service Cultural Resources, Preservation Assistance Division, *Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings*, 1992. The Standards, revised in 1992, were codified as 36 CFR Part 68.3 in the July 12, 1995 Federal Register (Vol. 60, No. 133). The revision replaces the 1978 and 1983 versions of 36 CFR 68 entitled *The Secretary of the Interior's Standards for Historic Preservation Projects*. The 36 CFR 68.3 Standards are applied to all grant-in-aid development projects assisted through the National Historic Preservation Fund. Another set of Standards, 36 CFR 67.7, focuses on "certified historic structures" as defined by the IRS Code of 1986. The Standards in 36 CFR 67.7 are used primarily when property owners are seeking certification for federal tax benefits. The two sets of Standards vary slightly, but the differences are primarily technical and non-substantive in nature. The Guidelines, however, are *not* codified in the Federal Register.

properties. The Rehabilitation Standards provide a useful analytical tool for understanding and describing potential changes to historical resources, including new construction inside or adjoining historic districts.

Conformance with the Rehabilitation Standards does not determine whether a project would cause a substantial adverse change in the significance of a historical resource under CEQA. Rather, projects that comply with the Standards benefit from a regulatory presumption that they would have a less-than-significant adverse impact on a historical resource.⁵ Projects that do not comply with the Rehabilitation Standards may or may not cause a substantial adverse change in the significance of a historical resource and would therefore require further analysis by the Petaluma Planning Department to determine whether the historical resource would be “materially impaired” by the project under CEQA Guidelines Section 15064.5(b).

Rehabilitation is the *only* one of the four treatments in the Standards (the others are Preservation, Restoration, and Reconstruction) that allows for the construction of an addition or other alteration to a historical resource to accommodate a change in use.⁶

The first step in analyzing a project’s compliance with the Rehabilitation Standards is to identify the resource’s character-defining features, including characteristics such as design, materials, detailing, and spatial relationships. Once the property’s character-defining features have been identified, it is essential to devise a rehabilitation approach that protects and maintains these important materials and features – meaning that the work involves the “least degree of intervention” and that important features and materials are safeguarded throughout the duration of construction.⁷ It is critical to ensure that the new work does not result in the permanent removal, destruction, or radical alteration of any significant character-defining features.

The following sections evaluate the proposed Project for compliance with the Secretary of the Interior’s Standards for Rehabilitation in regard to potential impacts to the Petaluma Historic Commercial District. This analysis concentrates on the proposed EKN Appellation Hotel and not the Overlay because the former is an actual physical project proposed for a specific site within the Historic District. The Rehabilitation Standards are typically used to evaluate work to historic buildings. Because the hotel is proposed for a vacant lot and will not directly *physically* impact any historic buildings, some of the individual standards do not apply. These are noted below where necessary. Nevertheless, the Rehabilitation Standards provide relevant guidance for assessing the proposed hotel’s impacts on the Historic District.

Rehabilitation Standard 1: A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

The proposed project does not comply with Rehabilitation Standard 1. The subject property comprises what was historically Petaluma’s tiny Chinatown. Sanborn Maps from 1885 indicate that the subject property was occupied by a row of one-and-a-half-story masonry buildings housing a range of Chinese-owned businesses facing B Street. Toward the rear of the property, on 3rd Street (now Petaluma Boulevard South), there was a Chinese school housed in a pair of one-story, wood-frame buildings. By 1888, the commercial buildings were gone, but the Chinese school remained. In 1894, the school was converted into the “Chinese Mission.” By the time the 1910 Sanborn Maps were published, the buildings housing the Chinese Mission had been converted into dwellings. These dwellings were demolished and replaced soon after by a service station. The subject property remained in use as a service station for the next century, until the site was cleared in 2009.

The proposed project would replace what is now a vacant lot with a hotel. Given the fact that the property has housed a range of uses over the last 170 years, a hotel would not necessarily be an inherently incompatible use of the property. That said, the buildings on this property have historically not exceeded two stories. As such, the introduction of a new six-story building on this site would drastically

⁵ CEQA Guidelines subsection 15064.5(b)(3).

⁶ Ibid.

⁷ Ibid.

change the spatial relationships between buildings in this part of the Historic District. Historically speaking, buildings have always gradually stepped up in height north of B Street toward the two major intersections of Petaluma Boulevard at Western Avenue and Washington Street. North and south of these intersections, the buildings typically step down in height toward the adjoining residential districts. Introducing a new six-story, 70-foot-high building at the far southern edge of the Historic District disrupts this historical development pattern.

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Rehabilitation Standard 2: *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize the property will be avoided.*

The proposed project does not comply with Rehabilitation Standard 2. Given that the resource in this instance is the Petaluma Historic Commercial District and not the subject property itself, the introduction of a new six-story, 70-foot-high hotel inside the boundaries of the Historic District will drastically change the spatial character of downtown Petaluma. The proposed primary entrance on Petaluma Boulevard acknowledges the historical importance of this street. On the other hand, the height of the proposed hotel, which would rise to almost 70 feet at its highest point, would make it by far the tallest building in downtown Petaluma. Hotel Petaluma at the northwest corner of Washington and Kentucky streets is only 50 feet at its highest point. The EKN Appellation Hotel would tower over its neighbors, including district contributors such as Rex Hardware at 313 B Street and the former Victory Auto Sales building at 5-25 Petaluma Boulevard South. In addition, due to the shift in the street grid at B Street, the proposed hotel would be readily visible from the intersection of Petaluma Boulevard and Western Avenue – the heart of the Historic District. The proposed hotel’s disproportionate size, massing, and contemporary design undermine, rather than preserving or retaining, the historic character of the Historic District.

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Rehabilitation Standard 3: *Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The proposed project complies with Rehabilitation Standard 3 because it would add no conjectural features or elements from other historic properties to either the subject property or to the Historic District.

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Rehabilitation Standard 4: *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

Rehabilitation Standard 4 does not apply to the proposed project because the subject property is vacant and also due to the fact the project would not physically impact any properties in the Historic District that have acquired historic significance in their own right since the end of the period of significance.

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Rehabilitation Standard 5: *Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

Rehabilitation Standard 5 does not apply to the proposed project because the subject property is vacant and because the project would not physically impact the distinctive materials, features, finishes, etc. of any Historic District contributors.

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Rehabilitation Standard 6: *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

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Rehabilitation Standard 6 does not apply to the proposed project because the subject property is vacant and because the project would not propose the replacement of any distinctive features of any Historic District Contributors.

Rehabilitation Standard 7: *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

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Rehabilitation Standard 7 does not apply to the proposed project because the subject property is vacant and because the project does not propose any chemical or physical treatment to any Historic District Contributors.

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Rehabilitation Standard 8: Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

At this time, it is not known whether the proposed project would comply with Rehabilitation Standard 8. What is known is that the project will require substantial excavation to build the foundation and basement level of the proposed hotel. Given that Petaluma's Chinatown was located on this site, the potential for recovering historic-period archeological resources in this area is very high.

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Rehabilitation Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Of the ten Rehabilitation Standards, Rehabilitation Standard 9 is the one that is the most pertinent to the proposed project, and unfortunately it does not comply with this standard. The majority of the subject property is located inside the boundaries of the Historic District. Furthermore, the property is bounded on three sides by properties that are entirely within the Historic District. The historical development pattern of this part of the Historic District is characterized by low-scale buildings that do not exceed two stories. Historically the location of Petaluma's Chinatown, the subject property is located on the southern edge of downtown Petaluma, where the larger buildings of the commercial district's core step down toward the lower auto-oriented buildings that have long defined this part of downtown Petaluma.

The construction of substantially taller building inside the boundaries of the Historic District is highly problematic. No building in the Historic District currently exceeds five stories. As mentioned, the tallest building in the Historic district is Hotel Petaluma, which ranges from one story to five stories in height. Built in 1923 to take advantage of the growing volume of tourists traveling along the Redwood Highway, Hotel Petaluma has remained the tallest building in downtown Petaluma for over a century. After it, the next-highest buildings in the Historic District include the Mutual Relief Building at 25 Western Avenue (built 1885) and the Masonic Building (built 1882) at 43-49 Petaluma Boulevard North. Both of these buildings are three stories tall, although the Masonic Building is capped by a tower and the Mutual Relief Building has unusually high floor-to-ceiling heights, which give them both the appearance of four-story buildings.

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In keeping with best preservation practice, a new building in a historic district should be similar to the established scale of the district. Furthermore, larger masses should be subdivided into smaller "modules" replicating the average width of buildings in the vicinity. The roof form should also respect the range of forms and massing found in the historic district. Simply put, the proposed hotel does not comply with Rehabilitation Standard 9 because it would be four to five times higher than the adjoining buildings and about twenty feet higher than the highest point of the tallest building in the Historic District. Furthermore, the hotel's stepped "wedding cake" massing is not in keeping with historic district contributors.

In regard to its overall design, there is no denying that the proposed hotel is a modern building juxtaposed against one of the most important downtown historic districts in California.

Rehabilitation Standard 10: New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

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The proposed project complies with Rehabilitation Standard 10. Although unlikely, the proposed hotel could be demolished, leaving the essential form and integrity of the Historic District intact.

In sum, the proposed hotel does not comply with the majority of relevant and applicable Rehabilitation Standards. Its size, massing, and contemporary design will detract from, rather than preserve or retain, the historic character of the Historic District.

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Petaluma Historic Commercial District Design Guidelines

In 1999, the Petaluma City Council adopted design guidelines for the Historic District. This document, which is titled *Petaluma Historic Commercial District Design Guidelines* (Design Guidelines), is geared toward a general audience, although it is focused on providing property owners with advice on how to rehabilitate their buildings. Included in this document is a brief history of downtown Petaluma, a summary of where the guidelines apply, standards for rehabilitating historic buildings, standards for streetscape improvements and signage, standards for new construction, an account of economic advantages available to property owners, and a summary of the design review process. The Design Guidelines apply to both contributors and non-contributors in the Historic District.

The Design Guidelines were adopted just four years after the Historic District was listed in the National Register. At the time there were 14 vacant lots in the historic district, as well as 35 non-contributing resources. According to the Design Guidelines, a “non-contributing building may become contributing through rehabilitation and the application of design criteria.” Furthermore, “non-contributing buildings may also have historic relevance of their own associated with their period of construction, and are also subject to the provisions of these Guidelines.”⁸

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When the Design Guidelines were adopted, the site of the proposed EKN Appellation Hotel was a service station. Although most of the service station property was located inside the boundaries of the Historic District, it was designated a non-contributor due to its date of construction (Ca. 1970). As mentioned previously, the service station was demolished Ca. 2009. The property has remained vacant ever since. Even though the property is not a contributor to the Historic District, any new building constructed on the site must comply with the Design Guidelines.

Section 7.0 of the Design Guidelines deals with new construction. The construction of infill buildings on vacant lots is strongly encouraged in the Design Guidelines, although it is acknowledged that “The design of a new infill building, particularly its front façade, is a special challenge.”⁹ The Design Guidelines state:

There is no definitive answer as to what constitutes good infill design. Good design will vary according to the surrounding setting. Because an infill building is new, it should look new. However, its appearance must always be sensitive to the character of its neighbors without mimicking them.¹⁰

The Design Guidelines provide specific guidance regarding the design of new buildings in the Historic District. the first one, Section 7.1, addresses the proportions of the façade:

The average height and width of the surrounding buildings determine a general set of proportions for an infill structure. The infill building should fill the entire space and reflect the characteristic rhythm of façades along the street.¹¹

Section 7.1 goes on to say:

If the site is large, the mass of the façade can be broken into a number of small bays, to maintain a rhythm similar to the surrounding buildings.¹²

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⁸ City of Petaluma, *Petaluma Historic Commercial District Design Guidelines* (Petaluma, CA: Petaluma Planning Department, 1999), 10.

⁹ *Ibid*, 38.

¹⁰ *Ibid.*, 38.

¹¹ *Ibid*, 38.

¹² *Ibid.*, 38.

Section 7.2 of the Design Guidelines deals with composition, stating that new buildings in the Historic District should reference the fenestration patterns of nearby historic buildings, and that the size and proportion of window and door openings should “be similar to those on surrounding façades.”¹³

Section 7.3 of the Design Guidelines say that the detailing of new buildings should “reflect some of the detailing of the surrounding buildings in window shapes, cornice lines, and brickwork.”¹⁴

Section 7.4 of the Design Guidelines state that new buildings should be “composed of materials complimentary to the adjacent façades.”¹⁵

Section 7.5 of the Design Guidelines say that “the colors chosen for the face of an infill building shall compliment the colors of neighboring buildings.”¹⁶

Finally, Section 7.6 of the Design Guidelines state “The new façade should be flush with its neighbors. If this cannot be achieved, the façade should be located such that it will present a natural break in the rhythm of the buildings on the street.”¹⁷

In regard to the proposed EKN Appellation Hotel, the project does not comply with the majority of the Design Guidelines. By far the most important issue is its size. Section 7.1 of the Design Guidelines says that “The average height and width of the surrounding buildings determine a general set of proportions for an infill structure.” The subject property measures 100.5 feet by 142 feet. Larger than many lots at the heart of the Historic District, the property does not stand out in the southern part of the Historic District where the lots are somewhat larger. Buildings in this part of downtown Petaluma are not as high in general as the core of the Historic District, with none of the adjoining properties exceeding two stories. The Design Guidelines say that infill construction should take its cue from the height of surrounding buildings. At six stories, the proposed hotel would be at least three times higher than its neighbors. Furthermore, it would be almost 20 feet higher than the tallest building in the Historic District – Hotel Petaluma. In terms of horizontal proportions, given the larger footprint of buildings in this part of downtown Petaluma, the project complies.

In regard to its fenestration pattern, which is addressed in Section 7.2 of the Design Guidelines, the proposed hotel does not comply either. Most of the contributors to the Historic District have symmetrical fenestration patterns composed of equally spaced punched windows. In contrast, the proposed hotel has an asymmetrical fenestration pattern with recessed sections. The recessed sections contain balconies, which are also not characteristic of the Historic District.

Section 7.3 of the Design Guidelines deals with architectural detailing. Although the design of the proposed hotel makes some weak gestures toward older buildings in the Historic District, the design does not reference any of the features mentioned in the Design Guidelines, including window shapes, cornice lines, or brickwork.

As mentioned, Section 7.4 says that the materials of the infill building should be compatible with adjoining buildings. The adjoining Rex Hardware building at 313 B Street is clad in redwood rustic channel siding. The former Victory Auto Sales building at 5-25 Petaluma Boulevard South is clad in stucco with brick and tile detailing. The Great Petaluma Mill at 6 Petaluma Boulevard North is clad in a variety of materials, including stone, brick, and corrugated metal. Furthermore, most of the Historic District contributors elsewhere in the district are clad either in brick, iron, or stucco. Ceramic panels have no real correlation to any of the building materials used in the Historic District.

Section 7.5 of the Design Guidelines say that the colors chosen for an infill building shall compliment the neighboring buildings. Predominant colors in the Historic District vary, ranging from red brick, to gray corrugated metal, to painted stucco and cast iron. Many of the Historic District contributors embody the

¹³ Ibid., 38.

¹⁴ Ibid., 39.

¹⁵ Ibid., 39.

¹⁶ Ibid., 39.

¹⁷ Ibid., 39.

natural colors of their building materials, including red and buff-colored brick, gray stone and terra cotta, and light-colored stucco. In regard to its palette of light-colored ceramic paneling with contrasting bronze-tinted windows, the proposed hotel loosely complies with this standard.

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Finally, Section 7.6 says that infill buildings should be flush with their neighbors. Although there are several setbacks at various floor levels, the proposed hotel is generally set flush with the property lines. However, the many recessed voids – such as the proposed balconies and terraces – are not characteristic of the Historic District, meaning that the proposed project does not comply with this standard either.

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Conclusion

Altogether, the proposed EKN Appellation Hotel does not comply with the majority of the Rehabilitation Standards. It also fails to comply with the Petaluma Historic Commercial District Design Guidelines. The proposed hotel would not be inappropriate on any of the large vacant parcels on the opposite bank of the Petaluma River or on many of the sparsely developed blocks south of the Historic District. The primary problem is the proposed hotel's size for this particular location. A building of two, three, or even four stories could potentially work, but six stories is completely inappropriate given its location within the Historic District. Furthermore, the design of the building should take more cues from district contributors. Finally, the proposed Overlay could potentially have an even more significant impact on the Historic District down the road, especially if height limits are raised from 45 to 75 feet.

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Please do not hesitate to contact me if you have any questions.

Sincerely,



Christopher VerPlanck

EXHIBIT B

Tom Brohard and Associates

October 17, 2024

Mr. Robert "Perl" Perlmutter, Esq.
Shute, Mihaly & Weinberger, LLP
396 Hayes Street
San Francisco, California 94102

**SUBJECT: Petaluma Downtown Overlay & EKN Appellation Hotel Draft EIR
– Traffic and Transportation Comments**

Dear Mr. Perlmutter:

As requested, Tom Brohard, P.E., has reviewed the traffic and transportation portions of the August 23, 2024 Draft Environmental Impact Report (Draft EIR) prepared by First Carbon Solutions for the Proposed Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project in the City of Petaluma, California. I have also reviewed the April 2024 Initial Study for the Proposed Project, the July 20, 2023 Traffic Impact Study (TIS), and the July 3, 2024 VMT Assessment, Appendix C to the Draft EIR (Appendix C).

As described in further detail throughout this letter, there are the following significant traffic and transportation issues regarding the Proposed Overlay of Downtown Petaluma:

- 1) Conflicts with Plans, Policies, and Ordinances
- 2) Conflicts with VMT - Geometric Design Feature Hazard, and Emergency Access
- 3) Inappropriate deferral of analysis and identification of mitigation measures in Appendix C – VMT Assessment for Overlay

As described in further detail throughout this letter, there are the following significant traffic and transportation issues regarding the EKN Appellation Hotel Project in Downtown Petaluma:

- 1) Mitigation Measure EKN TRA-1 for Valet Parking Is Insufficient
- 2) Collision Analysis Is Incomplete

Education and Experience

Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained over 55 years of professional traffic engineering and transportation planning experience. I am licensed as a

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Professional Civil Engineer both in California and Hawaii and as a Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and have served many diverse communities as the City Traffic Engineer and/or the Transportation Planner. During my career in both the public and private sectors, I have reviewed numerous environmental documents and traffic studies for various projects. As the Transportation Planner in many cities, I have reviewed, conditioned, and coordinated with City Planning staff on over 1,500 land development projects in my career.

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Significant Findings of My Review

There is substantial evidence presented in this letter that the proposed project will have significant effects on the environment not disclosed in the Draft EIR. The primary findings of my review of the pertinent documents supporting this conclusion are as follows:

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Issues Requiring Further Study Involving the Overlay

- 1) Conflicts with Plans, Policies, and Ordinances – Regarding the Overlay, 4.17(a) on Page 91 of the April 2024 Initial Study indicates these conflicts result in less than significant impacts even though greater building intensity “will densify the city’s downtown, encourage transit-oriented development, and consequently, increase use of alternative transportation such as walking, biking, and public transit.” All future development will require independent review, and those projects will pay applicable traffic impact and other development fees.

While there is no analysis of what improvements may be required or what fees will be collected, the Initial Study indicates impacts related to a conflict with plans, policies, and ordinances addressing the transportation system will be less than significant. No plan has been presented that identifies the roadway and transportation improvements within and near Downtown Petaluma that will be needed, when they will be needed, and the costs associated with them. The conclusion that impacts related to the transportation system will be less than significant cannot be supported without analysis and further study which has not been done at this time.

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- 2) Conflicts with VMT - Geometric Design Feature Hazard, and Emergency Access - Regarding the Overlay, 4.17 (b-d) on Page 91 of the April 2024 Initial Study indicates that the majority of the proposed Overlay within the downtown is within one-half mile of the Copeland Street Transit Mall and the Downtown Petaluma SMART Station and “it is anticipated that future development will meet the VMT screening criteria.” Draft EIR at pages 4-65

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and 4-66. While projects may meet one or more of these criteria, the City maintains discretion to request a project-specific VMT screening to ensure that a design feature hazard or impaired emergency access does not result. The Draft EIR then concludes that impacts to design hazards and emergency access will be less than significant.

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The conclusion that a design feature hazard or impaired emergency access does not result cannot be supported without analysis and further study which has not been done at this time.

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- 3) Appendix C – VMT Assessment for the Overlay – The VMT Assessment for the Overlay (W-Trans, July 3, 2024) provides an overall assessment for the Overlay and is included in Appendix C to the August 23, 2024, Draft EIR. Based on the calculations in this report, most development projects in the Overlay would be assumed to have a less than significant VMT impact as they could be screened out based on proximity to the nearby major transit stop (less than 0.5 mile), low VMT areas according to the SCTA travel-demand model, or be a local-serving retail project less than 30,000 SF. With these exceptions, only those retail projects more than 30,000 SF would be required to conduct a project-level VMT analysis. The report asserts that this project-level VMT analysis will occur in the future once specific projects are approved and would include incorporating unspecified measures to achieve the City’s VMT threshold of 18.9 VMT or less per employee. Draft EIR Appendix C, pages 3 and 5. However, under CEQA, the City cannot defer all VMT analysis until specific projects are proposed. Rather, it must, at the very least, forecast the VMT that would be generated by projects over 30,000 SF. And the DEIR may not rely on unspecified measures to mitigate future impacts. Rather, this Draft EIR must identify feasible mitigation measures and provide evidence that such measures would reduce any significant impacts from retail projects more than 30,000 SF to less than significant levels. Such proposed measures and analysis of their efficacy must be disclosed as part of this Draft EIR to allow public review and comment.

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Issues Involving Further Study For The Hotel

- 1) Mitigation Measure EKN TRA-1 for Valet Parking Is Insufficient – Page 93 of the April 2024 Initial Study recommends preparation and ongoing implementation of a valet service plan for the proposed hotel. The Initial Study recommends four valet employees at peak operation as part of the plan to reduce queuing. Overflow valet parking is assumed to be available off-site for an additional 20 spaces at 149 C Street beyond the available 58 vehicle and 7 bicycle parking spaces under the hotel.

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Draft EIR mitigation measure, MM EKN TRA-1, for the Hotel involves submittal of a Valet Service Plan to ensure that the three-space vehicle capacity for the valet waiting area on-street is not exceeded. However, this Valet Service Plan has not been included as part of the Draft EIR. The calculations and assumptions of the valet plan operation must be shown and be made available for public review as part of the Draft EIR. In addition, regular valet parking monitoring of the plan must be made, reported, and adjusted, as necessary. A complete plan will ensure that the scheduling of special events at the hotel does not create significant traffic impacts including severe congestion and impacts on emergency services on the adjacent streets

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As it stands, the vehicle-handling capacity of the four valets at the hotel will be exceeded with full occupancy of the 93 hotel rooms, a function with 150 guests on the first floor, and another event on the rooftop with 60 guests. Furthermore, the mechanical lifts in the underground garage will be inefficient and will not be able to serve the demands of a full hotel with two significant and simultaneous concurrent special events.

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The July 20, 2023 W-Trans Traffic Impact Study (TIS) for the project indicates that employees would self-park within the below-ground parking structure. W-Trans Traffic Impact Study at p. 20. This may be appropriate when there are no special events at the hotel, but employees would need to park elsewhere when special events occur, filling all underground and remote parking spaces needed to meet the valet parking demand. The valet parking plan must include ongoing monitoring as recommended.

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The Valet Service Plan must analyze the “worst case” condition including a sold-out hotel together with at-capacity special events simultaneously occurring on the first floor (150 guests) and on the rooftop with 60 guests. The plan must include contingency conditions to schedule special events that do not overlap and do not exceed the maximum occupancy limits as well as the parking capacity, with monitoring of significant events during the first five years of operation.

Enclosed is an outline of a very thorough, complete proposed Draft Valet Service Plan which addresses hotel employees, hotel guests, and event guests. This proposal is based on valet service plans I have seen proposed and adopted for other projects, and in my experience any effective valet service plan will need to include similar components. For the plan to be effective, it should be the responsibility of the owner and the operator of the hotel to ensure the policies implemented in a valet service plan are adhered to at all times. This Draft Valet Service Plan should be used to assist in the formulation of an effective plan for the Proposed Hotel.

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2) Collision Analysis Is Incomplete – Page 5 of the July 20, 2023, Traffic Impact Study (TIS) provides collision information for five years at the four intersections studied. The intersection of Petaluma/Washington experienced a collision rate 30% higher than the statewide average, and the intersections of Petaluma/Western and Petaluma/D Street experienced collision rates at about the statewide average. In addition to detailed study of collisions at Petaluma/Washington, collision patterns at the two traffic signals with rates just below the state average should also be studied to identify collision patterns and appropriate countermeasures.

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The TIS recommends reflective backing at Petaluma/Washington to increase visibility of the traffic signals based on a high number of rear-end collisions. From Google Earth photos of the four intersections studied, closely spaced adjacent traffic signals on Washington together with inconsistent traffic signal indication sizes and placements may very well be part of the collision problem at Petaluma/Washington. Providing uniform traffic signal indications along Washington should also be considered.

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The TIS fails to include important details about prior collisions at the intersections proximate to the proposed hotel site, particularly the direction of the collisions. Before incorporating specific recommendations, the direction of the collisions should be evaluated and used to confirm the appropriate solution, with a focus on those intersection approaches with high numbers of rear end collisions.

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Therefore, the TIS and the Draft EIR fail to provide evidence and analysis that the proposed recommendation for reflective backing around the traffic signal indications at Petaluma/Washington would in fact address anticipated project-related congestion that would exacerbate collisions in the area.

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If you have questions regarding these comments, please contact me.

Respectfully submitted,

Tom Brohard and Associates


Tom Brohard, PE
Principal

Enclosures

Resume
Draft Valet Service Plan



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DRAFT VALET SERVICE PLAN

HOTEL EMPLOYEES:

All Employees of the Hotel who drive their own vehicle to work or who carpool to work with other employees must register their primary vehicle with the hotel operator. At hiring/ orientation all employees will be informed of all hotel and local parking policies. The parking plan and policies will be included in all employee training manuals and handbooks to be developed prior to occupancy and utilized for all employee training sessions pre-opening and through ongoing operations. A reporting form shall be maintained through the human resources department of the hotel and be updated monthly to reflect any new hires or employee departures. All employee vehicles will have decals.

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All hotel employees will be instructed to park on the hotel grounds and will be prohibited from parking in public spaces / streets.

Starting at 12 to 18 months after initial occupancy, and annually thereafter, until no longer deemed necessary by the City, the hotel management team shall prepare and submit a parking compliance report to The Planning Department. The report shall list the number of employees traveling to work by vehicle, the number of reported and observed infractions in a given year, and the success of participation in ride sharing, carpool, vanpool, and public transit incentive programs.

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All employees, upon training and employee initiation, shall be informed that local transit passes are available to all employees free of charge. Employees will receive information on alternative transportation options. Employees who utilize vanpools, carpools, ride sharing, or public transit must also be informed that if their regular means of transportation to/from work is somehow compromised, that hotel management is obligated to provide the employee with a “free ride” home via taxi, Uber, Lyft, or other method with no cost to the employee. The number of employees utilizing transit passes and the “free ride” home program will be documented in the annual compliance report. The employee must provide clear proof or documentation that their regular mode of transportation was compromised to prevent employee abuse of the program. The employee will track these events. Hotel management reserves the right to set the number of annual free rides for a given employee if abuse of the program is detected.

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In the Employee Dining area, all transit-related information will be posted. This information will include but is not limited to: Ride sharing boards; and information regarding local mass transit routes, and free public transit passes must be posted at all times. Verification by the Planning Department prior to issuance of a Certificate of Occupancy shall be made available upon inspection by the Planning Department on an ongoing basis.

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Employees shall have access to locker rooms with showers (both male and female) at all times during their employment. This facility is a part of the project plans and shall be verified by the Planning Department staff prior to certificate of occupancy. These facilities shall be inspected to ensure they are in clean and working order on an ongoing basis by the Planning Department, upon request.

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Employees wishing to bike to work shall have access to secure bike storage facilities adjacent to the employee entrance at the subterranean level parking lot adjacent to employee vehicular parking stalls. Those employees who bike to work shall register with human resources and shall inform human resources in the event that they are unable to bike to work for a particular reason including inclement weather. Human resources will work to either provide temporary parking passes to employees who will need to drive to work for a limited period of time, or assist in finding carpools, vanpools, or ride sharing services or public transit services for these employees.

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HOTEL GUEST PARKING

Starting with reservations, prospective and confirmed hotel guests will be made aware of the multiple transportation offers available to them including complimentary transfers upon request. On the Hotel website information will be made available to guests and prospective guests. Upon request, all guests wishing to travel to/from the hotel will be provided with complimentary transit in a hotel owned or leased vehicle. These guests must request this service in advance to ensure timely pick-up. The hotel will have a limited number of house cars available to take guests to local destinations reducing the dependence on renting a vehicle or driving their own vehicle to property.

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Guests will be notified at time of reservation/confirmation that parking is valet only. This fact will be reiterated upon arrival (at valet/ check in). At check in the valet will take the guest's name with the Make/ Model/ Name/ and Color of the vehicle along with license plate and the duration of the stay. A customized parking permit will be generated for display in the guest's vehicle for the duration of their stay to utilize the valet service only. This temporary permit will allow hotel security to recognize guest vehicles parking in public stalls. Hotel management will respond to complaints if they notice a resort guest utilizing public streets. The hotel will have a guest's vehicle information on file and will immediately contact the guest to have the vehicle moved to a hotel lot. The permit must be displayed on the dashboard.

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SPECIAL EVENTS

Hotel events will be valet only. All events will feature a form of validation for guest valet parking (not necessarily complimentary unless the event host covers the cost of parking for event attendees). This system will allow event managers and banquet staff to monitor the number of guests' valet parking vehicles on site for a

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given event. This information will be logged in the event summary and parking log.

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Hotel management is required to produce event-related compliance reports starting 12-18 months after occupancy, and then every year thereafter until no longer deemed necessary by the Planning Department. The report will be generated for events exceeding 50 people in size, or when the cumulative number of outside event guests on site at a given time is 100 or more. The reports will list the type of event, the number of patrons at the event, the time of the event, the number of employees staffing the event, and the number of valet tickets utilized for a particular event.

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Tom Brohard, PE

- Licenses:** 1975 / Professional Engineer / California – Civil, No. 24577
1977 / Professional Engineer / California – Traffic, No. 724
2006 / Professional Engineer / Hawaii – Civil, No. 12321
- Education:** 1969 / BSE / Civil Engineering / Duke University
- Experience:** 55+ Years
- Memberships:** 1977 / Institute of Transportation Engineers – Fellow, Life
1978 / Orange County Traffic Engineers Council - Chair 1982-1983
1981 / American Public Works Association – Life Member

Tom is a recognized expert in the field of traffic engineering and transportation planning. His background also includes responsibility for leading and managing the delivery of various contract services to numerous cities in Southern California.

Tom has extensive experience in providing transportation planning and traffic engineering services to public agencies. In addition to conducting traffic engineering investigations for Los Angeles County from 1972 to 1978, he has previously served as City Traffic Engineer in the following communities:

- Bellflower 1997 - 1998
- Bell Gardens 1982 - 1995
- Big Bear Lake..... 2006 - 2015
- Indio..... 2005 - 2019
- Huntington Beach 1998 - 2004
- Lawndale..... 1973 - 1978
- Los Alamitos 1981 - 1982
- Oceanside..... 1981 - 1982
- Paramount 1982 - 1988
- Rancho Palos Verdes 1973 - 1978
- Rolling Hills 1973 - 1978, 1985 - 1993
- Rolling Hills Estates 1973 - 1978, 1984 - 1991
- San Fernando..... 2004 - Present
- San Marcos..... 1981
- Santa Ana 1978 - 1981
- Westlake Village 1983 - 1994

During these assignments, Tom has supervised City staff and directed other consultants including traffic engineers and transportation planners, traffic signal and street lighting personnel, and signing, striping, and marking crews. He has secured over \$10 million in grant funding for various improvements. He has managed and directed many traffic and transportation studies and projects. While serving these communities, he has personally conducted investigations of hundreds of citizen requests for various traffic control devices. Tom has also successfully presented numerous engineering reports at City Council, Planning Commission, and Traffic Commission meetings in these and other municipalities.

Tom Brohard and Associates

Tom Brohard, PE, Page 2

In his 14 years of service to the City of Indio, Tom accomplished the following:

- ❖ Oversaw preparation and adoption of the 2008 Circulation Element Update of the General Plan including development of Year 2035 buildout traffic volumes, revised and simplified arterial roadway cross sections, and reduction in acceptable Level of Service criteria under certain conditions.
- ❖ Oversaw preparation of fact sheets/design exceptions to reduce shoulder widths on Jackson Street and on Monroe Street over I-10 as well as justifications for protected-permissive left turn phasing at I-10 on-ramps, the first such installations in Caltrans District 8 in Riverside County; reviewed plans and provided assistance during construction of both \$2 million projects to install traffic signals and widen three of four ramps at these two interchanges under Caltrans encroachment permits.
- ❖ Reviewed traffic signal, signing, striping, and work area traffic control plans for the County's \$45 million I-10 Interchange Improvement Project at Jefferson Street.
- ❖ Reviewed traffic impact analyses for Project Study Reports evaluating different alternatives for buildout improvements of the I-10 Interchanges at Jefferson Street, Monroe Street, Jackson Street and Golf Center Parkway.
- ❖ Oversaw preparation of plans, specifications, and contract documents and provided construction assistance for over 70 traffic signal installations and modifications.
- ❖ Reviewed and approved over 2,000 work area traffic control plans as well as signing and striping plans for all City and developer funded roadway improvement projects.
- ❖ Oversaw preparation of a City-wide traffic safety study of conditions at all schools.
- ❖ Obtained \$47,000 grant from the California Office of Traffic Safety and implemented the City's Traffic Collision Database System. Annually reviews "Top 25" collision locations and provides traffic engineering recommendations to reduce collisions.
- ❖ Prepared over 1,500 work orders directing City forces to install, modify, and/or remove traffic signs, pavement and curb markings, and roadway striping.
- ❖ Oversaw preparation of engineering and traffic surveys to establish enforceable speed limits on over 500 street segments.
- ❖ Reviewed and approved traffic impact studies for more than 35 major projects and special events including the annual Coachella and Stagecoach Music Festivals.
- ❖ Developed and implemented the City's Golf Cart Transportation Program.

Since forming Tom Brohard and Associates in 2000, Tom has reviewed many traffic impact reports and environmental documents for various development projects. He has provided expert witness services and also prepared traffic studies for public agencies and private sector clients.

Tom Brohard and Associates

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CONT

The City as the Lead Agency has independently reviewed and analyzed the December 12, 2024, “EKN Response to Petaluma Historic Advocates Comment Letter” (EKN Letter) which was in submitted in response to the October 21, 2024, letter by Shute, Mihaly, & Weinberger. The EKN Letter is incorporated into the Final EIR (Appendix A). Response to SHUTE, MIHALY, & WEINBERGER, LLP-1

The comment provides introductory remarks and states that the commenter represents Petaluma Historic Advocates (“PHA”). The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-2

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application. Additionally, this comment does not raise specific environmental impacts and no further response is needed. CEQA requires that comments on a Draft EIR identify substantial evidence of environmental impacts or inadequacies in the analysis. Generalized assertions or conclusory statements, without supporting evidence or specific examples, do not demonstrate that the Draft EIR is inadequate or noncompliant. (CEQA Guidelines §§ 15088(c), 15132(d) and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549).

Moreover, as further explained in Response to SHUTE, MIHALY, & WEINBERGER LLP-114, given the uncertainty of what will ultimately be included in the General Plan Update, it would be speculative and infeasible for this EIR to attempt to include a cumulative analysis of that update. The General Plan Update will broadly address future cumulative development throughout the entire City, and analysis of the cumulative impacts of such development is appropriately deferred until the City actually prepares a draft of the General Plan Update and then prepares a program EIR to analyze it.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-3

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-4

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 discusses the analysis completed at the project level for the proposed Hotel and at the programmatic level for the proposed Overlay.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-5

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how

the Density Bonus law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-6

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-7

The comment states, “. . . that the Overlay was proposed not as a result of any meaningful public planning process...” This statement does not address an environmental impact or the adequacy of the Draft EIR and therefore does not require a response. CEQA requires that comments on a Draft EIR identify substantial evidence of environmental impacts or inadequacies in the analysis. Generalized assertions or conclusory statements, without supporting evidence or specific examples, do not demonstrate that the Draft EIR is inadequate or noncompliant. (CEQA Guidelines §§ 15088(c), 15132(d) and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549). We direct the commenter to Master Response 5. Master Response 5 includes a comprehensive table detailing all public meetings and notices associated with the proposed project, demonstrating the extensive public planning process undertaken.

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Please also refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains that an evaluation of a Hotel-Only Alternative would not result in significantly different information from that already presented in the Draft EIR because the Draft EIR already distinguishes between the proposed Hotel and the proposed Overlay in each topical section. It also discusses that spot zoning is not illegal or prohibited by case law; discusses why spot zoning is not a physical impact on the environment and therefore not an impact that the Draft EIR needs to address. Also the Hotel-Only Alternative would not constitute spot zoning, nor is it illegal or otherwise prohibited by case law. Further, spot zoning by definition occurs when a property is subject to more restrictive standards, effectively diminishing the property’s rights. In contrast, the proposed project would provide property owners within the Overlay additional development flexibility, such as increased height limits, rather than imposing greater restrictions. Therefore, the proposed Overlay and a reduced Overlay limited to the Hotel site (such as the Hotel-Only Alternative) is not spot zoning.

Lastly, the comment states, “That the Overlay was proposed not as a result of any meaningful public planning process. . . .” This statement does not address an environmental impact or the adequacy of

the Draft EIR and therefore does not require a response. CEQA requires that comments on a Draft EIR identify substantial evidence of environmental impacts or inadequacies in the analysis. Generalized assertions or conclusory statements, without supporting evidence or specific examples, do not demonstrate that the Draft EIR is inadequate or noncompliant. (CEQA Guidelines §§ 15088(c), 15132(d) and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549). Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that do not identify specific issues. We direct the commenter to Master Response 5. Master Response 5 includes a comprehensive table detailing all public meetings and notices associated with the Project, demonstrating the extensive public planning process undertaken.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-8

Please refer to Master Response 9, Historic Built Environment Impact Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional information on the substantial evidence, including visual simulations, archival research, survey, and impacts analysis completed by a qualified architectural historian as part of the Draft EIR that supports the conclusion that the proposed Hotel would result in less than significant impacts to historic resources including the District.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-9

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-8. For clarification, the Draft EIR concluded that upon compliance with the City's discretionary review process (e.g., Historic Site Plan and Architectural Review), the proposed Hotel would result in less than significant impacts to historic resources. This conclusion does not depend upon implementation of any mitigation measures. Discretionary review processes are outlined in Master Response 6.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-10

The Draft EIR provides a comprehensive analysis supported by substantial evidence and reasoned conclusions, determining that the Hotel would have a less than significant impact on historic resources. Development within the Overlay would be required to implement Mitigation Measure (MM) Overlay CUL-1a through MM CUL-1e, as applicable. MM CUL-1e requires that the proposed Hotel comply with provisions of the CUP. See also Master Response 9—Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character.

Given the absence of significant historic resources on the project site, and that the immediate adjacent properties and the properties in the project's city block do not qualify as a historic resources under CEQA, the analysis finds that the Hotel would not directly impact an existing or eligible historic resource. Furthermore, as mandated by existing regulations, the proposed project would be developed in compliance with the Petaluma Historic Commercial District Design Guidelines, ensuring adherence to appropriate standards for new construction and avoiding negative impacts to the Historic District's character and integrity. Accordingly, the Draft EIR concludes the Hotel's impact on historic resources would be less than significant. Additionally, because the

proposed Hotel is located within Area A of the Overlay, it would be required to comply with requirements of the Overlay, including MM CUL-1a through MM CUL-1e; however, as explained previously these measures are not necessary to mitigate any project specific impact of the Hotel.

The commenter's reliance on *Lotus v. Department of Transportation* (2014) 233 Cal.App.4th 645 (*Lotus*) is incorrect as the reasoning in *Lotus* is inapplicable here. Unlike *Lotus*, where the EIR failed to analyze environmental impacts or provide a standard of significance, this Draft EIR includes a clear and detailed analysis of historic resource impacts for the proposed Hotel and the proposed Overlay. It evaluates the Hotel site's lack of historical resources, the absence of significant impacts, and mandates compliance with Historic District Design Guidelines. In *Lotus*, the lack of analysis precluded an evaluation of mitigation measures; here, the Draft EIR explicitly addresses both impacts and required compliance measures. Thus, the *Lotus* case does not apply to this scenario.

The Draft EIR's conclusion that the proposed Hotel would result in less than significant impacts on historic resources is based on substantial evidence, rendering the concerns addressed in *Lotus* inapplicable here.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-11

Please refer to Master Response 2, Recirculation Not Required, in Section 2.1, Master Responses, of this document. Master Response 2 discusses why the conditions established in the CEQA Guidelines under which the Draft EIR must be recirculated have not been met.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-12

Please refer to Master Response 2, Recirculation Not Required, in Section 2.1, Master Responses, of this document. Master Response 2 discusses why the conditions established in the CEQA Guidelines under which the Draft EIR must be recirculated have not been met.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-13

The comment purports to summarize CEQA case law. No environmental issues are raised, and no response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-14

The Project Description explains the proposed General Plan Amendment to allow for an increased floor area ratio (FAR) for nonresidential uses and includes a list of features of the proposed Zoning Amendment, including height, FAR, and lot coverage. Contrary to the comment's assertion, the Draft EIR outlines the proposed text amendments to both the General Plan and the Implementing Zoning Ordinance. Section 2.2.1 explicitly details the General Plan amendments, which involve increasing the FAR within the Overlay from 2.5 to 6.0 (Draft EIR 2-28). This section also specifies the maximum additional square footage allowed within the Overlay due to the FAR increase.

The Zoning Text amendments related to the Overlay are detailed on pages Draft EIR 2-29 to 2-30. Additionally, the findings required for the new CUP standards are presented on Draft EIR pages 3.3-20 through 3.3-21.

The commenter does not identify any project features that are not included in the Project Description. No further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-15

The Overlay does not approve any specific development projects; however, it allows for flexibility in use and design. The City cannot predict, and CEQA does not require the City to speculate regarding the specific users or project designs with any degree of specificity at this time, as the specific users, design elements and uses are dependent on future development applications. While it is impossible to predict the exact development patterns, densities, heights, etc. that would result from the proposed Overlay, Table 2-5 in Chapter 2, Project Description, of the Draft EIR presents buildout square footage assumptions for the proposed Overlay. These assumptions are evaluated in Section 4.1.11, Population and Housing, and Section 4.1.14, Transportation to disclose the potential effects of the proposed Overlay.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-16

As described in the Draft EIR, the Central Petaluma Specific Plan (CPSP) provided for an estimated 1,997,942 square feet of new nonresidential development. Since the time of its adoption, a total of 303,640 square feet of nonresidential development has been approved within the CPSP, representing 15 percent of the CPSP buildout potential over 11 years.

In consultation with the City, FCS considered what increment of development could be expected to occur over and above the more than 1.1 million square feet that is already allowed by buildout under the current General Plan, settling on 387,444 square feet, which represents approximately 25 percent of the total Overlay buildout potential.

As described in the Draft EIR, when it is difficult to foresee future conditions or events, an EIR may rest its analysis on reasonable estimates or assumptions. (*Claremont Canyon Conservancy v. Regents of Univ. of Cal.* (2023) 92 CA5th 474, 492-93; *Citizens for a Sustainable Treasure Island v. City & County of San Francisco* (2014) 227 CA4th 1036, 1067). An EIR is not required to include an analysis of a worst-case scenario. (*East Oakland Stadium Alliance v. City of Oakland* (2023) 89 CA5th 1226, 1252-1253). Moreover, this comment does not explain why the City's estimate is not accurate or provide their own justification for what is a likely buildout percentage due to the Overlay.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-17

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-16. One objective of the proposed Overlay, as stated in Section 2.3.2 of the Project Description, is to "provide opportunities for economic development by allowing for flexibility in building forms and FAR to accommodate a variety of commercial services to meet evolving demands."

While this objective seeks to allow flexibility in building form and FAR in order to encourage development on underutilized parcels, it does not mean that 100 percent of the buildout potential would occur. It is more accurate to base buildout assumptions on historical development patterns, such as that of the CPSP. Relying on past development inherently accounts for the potential

application of State housing laws, as the parcels evaluated during this period were eligible for such laws. As a result, the influence of State housing laws is implicitly reflected in the City's justification for the 25 percent buildout projection. If and when development in the Overlay approaches the square footage that is evaluated in the Draft EIR, additional analysis under CEQA would be required to evaluate and disclose an additional increment of buildout.

Again, this comment does not explain why the City's estimate is not accurate, nor does the comment provide justification for what is a likely buildout percentage due to the Overlay.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-18

The comment alleges that the proposed Overlay would exceed past development trends.

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-16 and 17. The City believes that it is reasonable to refer to past development trends as part of the analysis. These trends inherently account for the potential application of State housing laws, as the parcels evaluated during this period were eligible for such laws. As a result, the influence of State housing laws is implicitly reflected in the City's justification for the 25 percent buildout projection. Attempting to analyze unidentified future development that may exceed previous development trends is wholly speculative and is not required or appropriate under CEQA. When the City determines that an assessment of a project's effects would be speculative because it would require an analysis of hypothetical conditions, it is not obligated to evaluate the effect in the EIR. (*Santa Rita Union Sch. Dist. v. City of Salinas* (2023) 94 CA5th 298, 344; *Sierra Watch v. County of Placer* (2021) 69 CA5th 86, 105; *Rodeo Citizens Ass'n v. County of Contra Costa* (2018) 22 CA5th 214, 226; *Anderson First Coalition v. City of Anderson* (2005) 130 CA4th 1173; *Marin Mun. Water Dist. v. KG Land Cal. Corp.* (1991) 235 CA3d 1652, 1662; see also CEQA Guidelines § 15064(d)(3) (indirect impacts that are speculative or unlikely to occur are not reasonably foreseeable, and need not be considered under CEQA). Moreover, the City need only use its best efforts to uncover and disclose what it reasonably can when addressing controversial issues that resist reliable forecasting. (*Planning & Conserv. League v. Castaic Lake Water Agency* (2009) 180 CA4th 210, 252).

As explained in the Draft EIR, the proposed Overlay in and of itself would not result in any physical development and would not result in any adverse physical impacts to the environment until such time as future development is proposed. Future development in the Overlay would be required to comply with City of Petaluma General Plan policies in effect at the time of submittal, would be subject to independent review in accordance with CEQA, and would be evaluated on a project-by-project basis to determine potential impacts at the time a development application is received. It is not reasonable or required to anticipate, without any factual background, that the proposed Overlay would exceed development projections, historical development trends, or conflict with the General Plan. Additionally, this comment does not present an alternative percentage buildout to demonstrate why the Draft EIR's projection of 25 percent is inaccurate or unsupported.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-19

The intent of the reference in the Draft EIR that the proposed Overlay would sunset upon adoption of the new zoning code that implements the City's General Plan Update currently in process (January

2025) is to allow decision-makers to consider incorporating the Overlay into the zoning provisions reflecting the General Plan Update, thereby extending the duration of the Overlay or not, depending on the specific Land Use and zoning regulation changes prompted by the General Plan Update. The primary purpose of the sunset clause is to avoid the potential for a conflict between the proposed Overlay Ordinance and the yet to be determined land use and zoning regulation changes to the downtown that may result from the General Plan Update currently in process.

It is currently uncertain whether the Overlay would be adopted with the proposed sunset provision and when that adoption would occur. The estimated 25 percent buildout projection spans a 20-year period. If the Overlay is adopted with the sunset provision, it would terminate within this 20-year period, reducing the potential buildout and associated environmental impacts compared to those projected in the Draft EIR. Under CEQA, a reduction in impacts compared to those analyzed in an EIR is permissible and does not require additional environmental review, as the analysis provided in the EIR represents the “reasonable worst-case scenario” for potential impacts. As such, inclusion of a sunset provision would not require additional environmental review. Furthermore, because the Draft EIR evaluates the proposed Overlay with its full 20-year build period, the “reasonable worst-case scenario” is already identified.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-20

The comment is noted. Please refer to Response to SHUTE, MIHALY, & WEINBERGER, LLP-13 through Response to SHUTE, MIHALY, & WEINBERGER, LLP-19. No further response is required. However, this comment has been provided to the Lead Agency for consideration.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-21

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that would be performed as the City receives specific development applications in the Overlay Area that are subject to discretionary review.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-22

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been provided to the Lead Agency for consideration.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-23

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been provided to the Lead Agency for consideration.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-24

Impacts related to population and housing, traffic, and noise are discussed in Chapter 4 of the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-25

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-26

As described on page 4-59 of the Draft EIR, while the proposed Overlay was not specifically envisioned by the General Plan, development within the General Plan Area over the past 20 years has been less than what the City envisioned in the existing General Plan, and full buildout of the existing General Plan is not expected. As such, incremental increases in development facilitated by the Overlay (anticipated to be 628 jobs) would be within the expected General Plan buildout potential and the impacts of buildout were analyzed by the General Plan Final EIR. No further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-27

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-28

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. Moreover, while the comment states that “CEQA requires that the City take into account *both* direct changes and foreseeable indirect changes to the environment,” the comment does not state what specific impacts the Draft EIR did not adequately analyze. Rather it just provides the conclusory statement that the Draft EIR “failed to predict and analyze the reasonably foreseeable impacts of building out the Overlay.” CEQA requires that comments on a Draft EIR identify substantial evidence of environmental impacts or inadequacies in the analysis. Generalized assertions or conclusory statements, without supporting evidence or specific examples, do not demonstrate that the Draft EIR is inadequate or noncompliant. (CEQA Guidelines §§ 15088(c), 15132(d) and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549).

Response to SHUTE, MIHALY, & WEINBERGER, LLP-29

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the

relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Moreover, while the comment states that “CEQA requires that the City take into account *both* direct changes and foreseeable indirect changes to the environment,” the comment does not state what specific impacts the Draft EIR did not adequately analyze. Rather it just provides the conclusory statement that the Draft EIR “failed to predict and analyze the reasonably foreseeable impacts of building out the Overlay.” CEQA requires that comments on a Draft EIR identify substantial evidence of environmental impacts or inadequacies in the analysis. Generalized assertions or conclusory statements, without supporting evidence or specific examples, do not demonstrate that the Draft EIR is inadequate or noncompliant. (CEQA Guidelines §§ 15088(c), 15132(d) and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549). See also Response to SHUTE, MIHALY, & WEINBERGER, LLP-28.

See also, Response to Asselin 2-1-4.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-30

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been provided to the Lead Agency for consideration.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-31

Refer to Master Response 12, Relation between Overlay and General Plan. See also, response to SSELINsselin 2-4.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-32

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application. Also see Response to SHUTE, MIHALY, & WEINBERGER, LLP-19.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-33

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-34

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-35

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-36

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Additionally, this comment does not identify specific environmental impacts or deficiencies in the Draft EIR's analysis. Instead, it makes the conclusory statement that "the Draft EIR not only understates the impacts of the Overlay, but it outright refuses to study them." CEQA requires that comments on a Draft EIR identify substantial evidence of environmental impacts or inadequacies in the analysis. Generalized assertions or conclusory statements, without supporting evidence or specific examples, do not demonstrate that the Draft EIR is inadequate or noncompliant. (CEQA Guidelines §§ 15088(c), 15132(d) and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549). The Draft EIR includes a comprehensive analysis of the Overlay's potential impacts based on the best available information and in accordance with CEQA requirements.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-37

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-36

Response to SHUTE, MIHALY, & WEINBERGER, LLP-38

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Also see Response to SHUTE, MIHALY, & WEINBERGER, LLP-19 and 36.

This comment assumes that the General Plan would incorporate the Overlay; however, this is not certain. The Overlay is being evaluated independently of the General Plan Update, and any decision to include the Overlay in the General Plan would require separate consideration and approval. CEQA requires analysis of reasonably foreseeable impacts, and the Draft EIR appropriately evaluates the Overlay as a stand-alone project based on the information currently available. Speculative assumptions about its inclusion in the General Plan are not required to be addressed under CEQA (CEQA Guidelines § 15145).

Response to SHUTE, MIHALY, & WEINBERGER, LLP-39

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains that an evaluation of a Hotel-Only Alternative would not result in significantly different information from that already presented in the Draft EIR because the Draft EIR already distinguishes between the proposed Hotel and the proposed Overlay in each topical section. It also discusses why a Hotel-Only Alternative would not result in any new significant impacts and would not be considered spot zoning.

This comment also does not identify specific environmental impacts or deficiencies in the Draft EIR's analysis. CEQA requires that comments on a Draft EIR identify substantial evidence of environmental impacts or inadequacies in the analysis. Generalized assertions or conclusory statements, without supporting evidence or specific examples, do not demonstrate that the Draft EIR is inadequate or noncompliant. (CEQA Guidelines §§ 15088(c), 15132(d), and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549).

Response to SHUTE, MIHALY, & WEINBERGER, LLP-40

The Draft EIR has adequately analyzed the potential impacts of the Overlay Ordinance. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. Please also refer to Response to SHUTE, MIHALY, & WEINBERGER, LLP-39.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-41

This comment raises questions regarding the planning process. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. (CEQA Guidelines §§ 15088(c), 15132(d), and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549). Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-42

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. (CEQA Guidelines §§ 15088(c), 15132(d), and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549). Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-43

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis as it is a recitation of CEQA law, and no changes to the EIR or further response is required. (CEQA Guidelines §§ 15088(c), 15132(d), and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549). Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-44

This comment does not identify specific environmental impacts or deficiencies in the Draft EIR's analysis, but expresses disagreement with the City's planning process. CEQA requires that comments on a Draft EIR identify substantial evidence of environmental impacts or inadequacies in the analysis. Generalized assertions or conclusory statements, without supporting evidence or specific examples, do not demonstrate that the Draft EIR is inadequate or noncompliant. (CEQA Guidelines §§ 15088(c), 15132(d), and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549).

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Additionally, the Draft EIR includes Alternative 3 - Reduced Height, which evaluates the Overlay as proposed, but also considers a Hotel in which the design height would be limited to 45 feet, which would be in compliance with the existing zoning regulation and would not require a General Plan Amendment for the hotel component.

Under State law, projects are not required to perfectly conform to every aspect of a general plan. As noted in *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 817, "The rule of general plan consistency is that the project must at least be compatible with the objectives and policies of the general plan." California courts have further clarified that a project is consistent with a general plan if, when considering all aspects, it furthers the plan's objectives and policies and does not hinder their attainment (*Naraghi Lakes Neighborhood Preservation Assn. v. City of Modesto* (2016) 1 Cal.App.5th 9, 17). This means that a project, such as the Hotel and Overlay, does not need to comply with every individual policy in the General Plan. Instead, it must advance the overall objectives of the plan.

The Draft EIR, specifically on pages 3.3-18 through 3.3-19, identifies the General Plan policies with which the proposed project is consistent, and Table 3.3-3 provides a detailed analysis of how both the Hotel and Overlay align with the General Plan. Accordingly, Section 3.3 of the Draft EIR demonstrates that the proposed project is consistent with Petaluma's General Plan, as it would further its goals and policies.

Additionally, the alleged project inconsistencies are actually examples of further consistency with the General Plan as explained in Responses to SHUTE, MIHALY, & WEINBERGER, LLP 93-108 below.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-45

The Draft EIR provides feasible mitigation measures for all topical areas with a potentially significant impact throughout Chapters 3 and 4 of the Draft EIR. Alternatives to the proposed project are discussed in Chapter 6 of the Draft EIR.

This comment also does not identify specific environmental impacts or deficiencies in the Draft EIR's analysis. CEQA requires that comments on a Draft EIR identify substantial evidence of environmental impacts or inadequacies in the analysis. Generalized assertions or conclusory statements, without supporting evidence or specific examples, do not demonstrate that the Draft EIR is inadequate or noncompliant. (CEQA Guidelines § 15088(c), 15132(d), and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549).

Response to SHUTE, MIHALY, & WEINBERGER, LLP-46

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR. This comment also does not identify specific environmental impacts or deficiencies in the Draft EIR's analysis. CEQA requires that comments on a Draft EIR identify substantial evidence of environmental impacts or inadequacies in the analysis. Generalized assertions or conclusory statements, without supporting evidence or specific examples, do not demonstrate that the Draft EIR is inadequate or noncompliant. (CEQA Guidelines §§ 15088(c), 15132(d), and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549).

Response to SHUTE, MIHALY, & WEINBERGER, LLP-47

Please refer to Response to SHUTE, MIHALY, & WEINBERGER, LLP-46. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR. This comment also does not identify specific environmental impacts or deficiencies in the Draft EIR's analysis. CEQA requires that comments on a Draft EIR identify substantial evidence of environmental impacts or inadequacies in the analysis. Generalized assertions or conclusory statements, without supporting evidence or specific examples, do not demonstrate that the Draft EIR is inadequate or noncompliant. (CEQA Guidelines §§ 15088(c), 15132(d), and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549).

Response to SHUTE, MIHALY, & WEINBERGER, LLP-48

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides

additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. Also, please refer to Response to SHUTE, MIHALY, & WEINBERGER, LLP-46 and 47.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-49

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. (CEQA Guidelines §§ 15088(c), 15132(d), and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549). The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-50

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR supported by visual simulations, which provide substantial evidence and inform the less than significant impact determination.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-51

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR, and explains that there is in fact substantial physical evidence that 313 B Street no longer retains requisite integrity, despite attempts to reconstruct a similar looking building.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-52

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR. Additionally, the City's Design Standards allow for new construction within the Historic District and the National Park Service (NPS) guidelines acknowledge that new construction may occur within the vicinity of historic districts. As explained in the Draft EIR, the portion of the District surrounding the project site consists of buildings from a variety of styles and periods outside the District's period of significance; as such, the Draft EIR concludes that the proposed Hotel would not adversely impact the Historic District. The Draft EIR as explained in Master Response 9, provides substantial evidence and explains how the Hotel would be in harmony with the Historic District.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-53

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. In addition to the evidence presented in the Historic Built Environment Impacts Assessment, and the visual character analysis, the Draft EIR also presents Exhibit 3.1-1, which shows the Building Heights Adjacent to the Overlay and demonstrates a range of building heights, architectural styles, and lot coverage. As such, the Draft EIR does contain substantial evidence to support the statement that the proposed Hotel would be “consistent with the character of the surrounding area.”

Response to SHUTE, MIHALY, & WEINBERGER, LLP-54

The Historic Built Environment Assessment (HBEA) utilized guidance provided in NPS National Register Bulletin 15 How to Apply National Register Criteria for Evaluation to assess the integrity of the portion of the Historic District surrounding the hotel and to determine that there has been substantial change in this portion of the Historic District. The HBEA also utilized the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings and the NPS Guidelines for New Construction within the Boundaries of Historic Properties as a guide for assessing the potential impacts of the proposed Hotel's construction within the boundaries of the Historic Commercial District. These guidance documents are foundational for any architectural historian and represent current best management practices when dealing with designated properties and districts under CEQA or Section 106 of the National Historic Preservation Act.

Additionally, the City's Petaluma Historic Commercial District Design Guidelines were consulted with respect to guidelines for new construction compatibility within the Historic District. However, these guidelines are most relevant for the denser, intact portions of the Historic District where there is “rhythm” throughout the block with a cohesion of architectural styles, proportions, setbacks, materials, etc. In absence of such cohesion, the guidelines for façade infill in the Historic District can only be applied as applicable to the existing setting.

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR. Further, cumulative impacts are addressed in Sections 3.1.7 (Cumulative Impacts to Aesthetics), 3.2.8 (Cumulative Impacts to Cultural Resources), and 3.3.6 (Cumulative Impacts to Land Use), as well as topically in Chapter 4 of the Draft EIR. As such, the Draft EIR adequately addresses the proposed project's cumulative impacts.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-55

Please refer to SHUTE, MIHALY, & WEINBERGER, LLP Response 10.

The Draft EIR identifies that the potential impacts related to development under the Overlay on cultural resources before mitigation would be “potentially significant.” Specifically, in the discussion

of Impact CUL-1, the Draft EIR states, “Future development proposed under the Overlay has the potential to result in direct and indirect impacts to listed or eligible resources, including through demolition, relocation, or the construction of a new building that, due to its design, could potentially conflict with the historic character” (Draft EIR, p. 3.2-53). On page 3.2-55, the Draft EIR concludes that these impacts would be “potentially significant” prior to mitigation. Mitigation Measures Overlay CUL-1(a) through CUL-1(e) are then proposed to reduce these impacts to less than significant.

Because the Overlay does not authorize any specific development, it is too speculative at this stage to analyze impacts on individual historic buildings. However, the Draft EIR explains that any future development under the Overlay, such as the proposed Hotel, would be required to comply with City policies and programs and adhere to development and design standards. Furthermore, it would be required to comply with applicable mitigation measures for the Overlay, such as MM CUL-1a through MM CUL-1e. Applicable Overlay mitigation for the Hotel includes MM Overlay CUL-1e, which enforces the entitlement and CUP process. The proposed Hotel’s impact would be less than significant, and MM Overlay CUL-1e would apply.

Regarding the Hotel, however, the Draft EIR fully evaluates its potential impacts at a project-specific level and demonstrates that it will not have any impacts on any historic resources that require mitigation. Its discussion does explain that, because the Hotel is located within the Overlay, the Hotel will be subject to the use permit requirement included in Mitigation Measure CUL-1e. However, in this circumstance, the implementation of this measure is not necessary to the Draft EIR’s conclusion that the Hotel will not have any potentially significant impacts. The Draft EIR discloses its potential impacts on historical resources, concluding that the proposed Hotel is compliant with the Petaluma Historic Commercial District Design Guidelines and would not prevent the Petaluma Historic Commercial District’s ability to convey its significance. Given the lack of substantial historic resources on the Hotel site, and the fact that the immediately adjacent properties are not eligible for federal, State, and local designation as historic resources, none of the properties within the neighborhood block containing the proposed EKN Appellation Hotel site are considered historical resources under CEQA.

To address any potential confusion, minor revisions have been made to page 3.2-55 of the Draft EIR to clarify the point that the Hotel will not have potentially significant impacts regardless of the imposition of Mitigation Measure CUL-1.e

Response to SHUTE, MIHALY, & WEINBERGER, LLP-56

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-55. This comment also does not identify specific environmental impacts or deficiencies in the Draft EIR’s analysis. CEQA requires that comments on a Draft EIR identify substantial evidence of environmental impacts or inadequacies in the analysis. Generalized assertions or conclusory statements, without supporting evidence or specific examples, do not demonstrate that the Draft EIR is inadequate or noncompliant. (CEQA Guidelines §§ 15088(c), 15132(d), and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549).

Response to SHUTE, MIHALY, & WEINBERGER, LLP-57

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-55.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-58

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-55. Additionally, the Draft EIR does include Alternative 3 - Reduced Height, which evaluates a Hotel design that is a smaller building and complies with the existing height limits.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-59

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. Please also see Response to SHUTE, MIHALY, & WEINBERGER, LLP-58.

Please also refer to Response to BEARDSWORTH 2-31.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-60

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. Please see Response SHUTE, MIHALY, & WEINBERGER, LLP-55 regarding the extent of the impacts with and without mitigation measures.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-61

The comment describes the CUP process. The City disagrees with the comment's premise that the CUP process is intended "to assuage concerns that development in the Overlay may be inconsistent with, and damaging to, the character of the historic resources in the surrounding area." Rather, the CUP process would ensure that impacts from future development proposed within the Overlay are less than significant. As the City receives development applications for subsequent development under the proposed Overlay, those applications would be reviewed by the City for compliance with development provisions, including the City's specific CUP process, where applicable, as well as policies and programs related to scenic quality in urbanized areas, including view corridors, scenic resources, and natural features, as well as subject to CEQA review for discretionary application. Where a development application could affect a historic property or district, the City would also review the project's compatibility with the existing historic context, preservation goals, Historic Commercial District Guidelines, and the Secretary of the Interior's Standards for the Treatment of Historic Properties. This process is outlined in Appendix D of the Draft EIR. Accordingly, the CUP process ensures orderly and consistent development in the Overlay.

Responses to Written Comments

Response to SHUTE, MIHALY, & WEINBERGER, LLP-62

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus law would or would not impact building height maximums and other development standards within the proposed Overlay. Please also see Response to SHUTE, MIHALY, & WEINBERGER, LLP-55.

Please also refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-63

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR supported by visual simulations, along with a shadow analysis, which provide substantial evidence and inform the less than significant impact determination.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-64

As described in the Draft EIR and shown in Exhibit 3.1-4j, at 9:00 a.m. during the winter solstice, the proposed project Hotel would cast a shadow over Center Park, which already experiences shading from the existing mature trees. However, morning shadows during one season of the year would not constitute a substantial new shadow over any routinely usable outdoor space. No further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-65

The comment provides a recitation of CEQA case law; no changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-66

The comment claims that substantial evidence does not support the Draft EIR's conclusion that the Hotel component would have a less than significant impact on the visual character of the surrounding area.

First, it is important to note that because the proposed project is located in an urbanized area, Downtown Petaluma, the "visual character" discussion in Impact AES-3, is analyzed in terms of compatibility with applicable zoning and other regulations governing scenic quality. Consistency with these regulations, including the General Plan, Zoning Ordinance, and Historic Commercial District, is discussed in detail in the Draft EIR at pages 3.1-22 through 3.1-23.

Additionally, as shown in Exhibit 3.1-3a through Exhibit 3.1-3i, construction of the proposed Hotel would not significantly impede any public views of the Historic District or historic buildings, Sonoma Mountains, or Petaluma River. As shown in Exhibit 3.1-3h and Exhibit 3.1-3i, Viewpoints 8 and 9, the proposed Hotel would not be easily visible to pedestrians looking south toward the project site. As required by MM Overlay CUL-1e, the proposed Hotel would have to meet certain criteria in order to obtain a CUP for its increased height and lot coverage. Accordingly, the Draft EIR contains substantial evidence to support the conclusions in Impact AES-3. The comment does not contain any specific information regarding potential impacts.

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-67

The City disagrees with the assertion that the CUP process is deferred mitigation. A CUP is a City requirement and a necessary element of the proposed project. Moreover, a mitigation plan that provides for some components to be determined in the future is acceptable where it is shown the plan can be successfully implemented and if the plan includes specific performance standards that would ensure significant impacts will not occur. (*See Save the Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 CA5th 665, 686, 692). Detailed information regarding the processes related to applications for Historic Site Plan and Architectural Review (HSPAR), as well as the SPAR and CUP approvals, is provided in Appendix D of the Draft EIR. These processes include detailed requirements, and the City can reasonably expect the process to be adhered to, implemented and effective. Please refer to Master Response 4, regarding deferred mitigation.

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and the Overlay's legislative approvals.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-68

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that would be performed as the City receives specific development applications in the Overlay Area.

Please refer to Master Response 6 and 9 regarding the Overlay's impacts on aesthetics and historical resources.

Additionally, this comment does not identify specific environmental impacts or deficiencies in the Draft EIR's analysis. Rather it is the conclusory and general statement that "Here, development

under the Overlay is likely to have significant visual impacts on the surrounding areas, and in particular on the historic districts”. However, the comment does not explain what those specific impacts would be to the historic resources. CEQA requires that comments identify substantial evidence of environmental impacts or inadequacies in the analysis. Generalized assertions or conclusory statements, without supporting evidence or specific examples, do not demonstrate that the Draft EIR is inadequate or noncompliant. (CEQA Guidelines §§ 15088(c), 15132(d), and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549). Please refer to Master Response 6 and 9 regarding the Overlay’s impacts on aesthetics and historical resources.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-69

The Draft EIR evaluates cumulative impacts of the proposed project in Chapter 3, as well as Chapter 5 and concludes that with mitigation, potentially significant cumulative impacts can be reduced to less than significant levels. As explained in the Draft EIR, the cumulative analysis evaluates whether the impacts of development pursuant to the proposed project, together with the impacts of other development, would result in a cumulatively significant impact based on the significance criteria and thresholds identified in the Draft EIR. The analysis then considers whether the incremental contribution of the proposed project to this cumulative impact would be considerable. Both conditions (a cumulative impact and a cumulatively considerable contribution from the proposed project) must apply in order for a project’s cumulative effects to rise to the level of significance. Clarifications have been made to Volume 1 of the Final EIR on page 3.1-29 in order to provide clarity that, while under certain conditions there could be a cumulative impact to scenic resources, the proposed Hotel would not result in a cumulatively considerable contribution to that potential, and therefore, would result in a less than significant cumulative impact.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-70

Please also see Response to SHUTE, MIHALY, & WEINBERGER, LLP-69. The text on page 3.1-29 of the EIR has been updated to clarify that historic resources are considered visual resources for purposes of this analysis, as shown in Volume 1 of the Final EIR. As shown in Visual Simulations 3.1-3 through 3.1-3i, views of historic resources would not be obstructed by the proposed Hotel. As such, the point that the proposed Hotel would not obstruct views of visual resources is not contradicted. This clarification does not identify any new or more significant impacts or require any changes to the conclusions in the Draft EIR. Recirculation is not required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-71

Detailed information regarding the processes related to applications for HSPAR, as well as the SPAR and CUP approvals, is provided in Appendix D to the Draft EIR. These processes include detailed requirements and findings on the part of the City and the City can reasonably expect the process to be adhered to, implemented and effective and constitutes substantial evidence. The comment does not identify any specific deficiencies in the CUP process.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-72

The HSPAR, as well as the SPAR and CUP approvals processes, include detailed requirements and the City can reasonably expect the process to be adhered to, implemented and effective. Neither the

Hotel component nor any project proposed under the Overlay can proceed without demonstrating compliance with these processes. The comment fails to identify any specific deficiency in the processes and instead generally objects to the City's planning process. As such, this comment does not identify any specific adverse impacts to the physical environment that are not fully addressed in the Draft EIR.

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-73

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The specific comments presented in the report prepared by Tom Brohard are addressed in responses SHUTE, MIHALY, & WEINBERGER, LLP-187 through SHUTE, MIHALY, & WEINBERGER, LLP-215.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-74

Please refer to Master Response 13, Valet Parking, in Section 2.1, Master Responses of this document. Master Response 13 provides additional clarifying information on the location of the valet pickup and drop-off area, as well as the proposed circulation and operation of the valet parking system.

The commenter asserts that the applicant must provide the mitigation Valet Plan to be considered by the public in the Draft EIR at the time of project approval rather than as a required part of the building permit approval process. The argument as to the timing of the Valet Plan is a legal issue and not a competing expert issue; however, to the extent it raises potential environmental issues, it is important to note that the City is the appropriate entity to determine the correct timing, scope and standards of mitigation measures. (*See Laurel Heights, supra*, 47 Cal.3d 376, 407; *Banning Ranch, supra*, 211 Cal.App.4th 1209, 1233) With respect to the legal argument as to the timing of the mitigation measure, the CEQA Guidelines specify that reliance on compliance with a regulatory permit or similar process is appropriate mitigation if compliance with such standards can be reasonably expected, based on substantial evidence, to reduce the impact to the specified performance standard. (CEQA Guidelines § 15126.4(a)(1)(B); *see Save Our Capitol! v. Department of General Services* (2023) 87 Cal.App.5th 655, 687-688, 699.) The mitigation measure expressly requires that the Valet Plan be submitted by a licensed traffic engineer and that, "at a minimum" the Plan "address steps to be taken to ensure the three-vehicle capacity is not exceeded." The mitigation measure also requires that the Valet Plan be subject to review and approval by the City. Thus, the mitigation measure would not allow for exceedance of the three-vehicle queue and has safeguards to ensure that outcome. Therefore, the mitigation measure complies with CEQA as a subsequent permitting requirement subject to specific standards.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-75

Please refer to Master Response 13, Valet Parking, Master Response 14, Hotel and Overlay Impacts on Parking, and Master Response 16, Effects of Street Closures and Special Events, in Section 2.1, Master Responses of this document. Please also refer to Response to SHUTE, MIHALY, & WEINBERGER, LLP-74.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-76

Please refer to Master Response 13, Valet Parking, Master Response 14, Hotel and Overlay Impacts on Parking, Master Response 15, Traffic Congestion, and Master Response 16, Street Closures and Special Events, in Section 2.1, Master Responses of this document.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-77

Please refer to Master Response 13, Valet Parking, in Section 2.1, Master Responses of this document.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-78

The commenter states that the hotel traffic impact study presents an incomplete analysis of collisions at intersections near the hotel, indicating that the collision analysis should have included additional details on the reported incidents. The purpose of a traffic impact study is to identify project-level impacts on traffic operations in the study area. To provide additional context, W-Trans provides a high-level view of collision rates for reference and information to the City (Appendix A of the Draft EIR). Collision rates are compared with statewide average rates to indicate which intersections might be encountering issues of concern. As evaluated, the proposed hotel project would not be considered to cause an adverse safety impact at the intersection, and the recommendations are not related to the project's impact to traffic operations, which constitute a less than two-second delay increase at this intersection. In addition, the proposed Hotel would not have an adverse project-level impact on these intersection operations or intersection safety. However, as a Condition of Approval, to enhance visibility at the intersection of Petaluma Boulevard and East Washington Street, prior to issuance of an occupancy permit, the applicant shall pay for and the City shall replace all 8-inch traffic signal heads at the intersection of Petaluma Boulevard and Washington Street with new 12-inch signal heads with yellow reflective backing.

See Master Response 15, Traffic Congestion, which explains that intersection operations are no longer considered under CEQA. Additionally, the City notes that CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR. (CEQA Guidelines § 15204).

Response to SHUTE, MIHALY, & WEINBERGER, LLP-79

The commenter opines that the Hotel TIS's recommendation to include reflective backing around the traffic signal indications at Petaluma Boulevard/Washington Streets is incomplete since the Draft EIR fails to provide evidence that the proposed recommendation would effectively address the hotel

project's added congestion. As discussed above for Comment SHUTE, MIHALY & WEINBERGER, LLP-78, funding of the reflective backing will be required as a Condition of Approval. The proposed hotel project would not be considered to cause an adverse safety impact at the intersection.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-80

The commenter asserts that the Draft EIR fails to include the hotel traffic impact study's recommendations as a mitigation measure for the hotel project. As discussed above in the responses to SHUTE, MIHALY & WEINBERGER, LLP comments 78 and 79, the recommendations in the traffic study to include reflective backing around the traffic signal indications are related to existing safety concerns, provided as suggestions for the City to address existing conditions. They are not related to the hotel project's impact on traffic operations and safety. Therefore, they were not identified as project mitigation measures.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-81

The commenter suggests that the Draft EIR fails to analyze the Overlay's impacts on traffic and transportation. Please see Master Response 15: Traffic Congestion for information pertaining to the analysis of congestion-based traffic impacts in CEQA. While traffic congestion impacts are not considered in CEQA, the City of Petaluma would require the preparation of a traffic impact study for each discretionary project occurring as a result of the Overlay, which would include analysis of project-level effects on traffic and identification of recommended improvements. The Overlay Project's potential effects on transportation have been assessed in the Draft EIR through the analysis of other transportation-based CEQA checklist items including Vehicle Miles Traveled (VMT).

Please also refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-82

Section 4.1.14, Transportation, of the Draft EIR quantitatively analyzes VMT impacts using the projection that the Overlay would result in an additional 387,444 square feet of nonresidential development. As such, analysis of VMT impacts is not deferred. With respect to design feature hazards and emergency access impacts result from the Overlay, please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-83

The parcels within the Overlay are already zoned to allow for the development of general retail uses exceeding 30,000 square feet, and the Overlay Ordinance would not alter or expand this permitted use. Therefore, the impacts associated with such development have already been analyzed in the prior General Plan EIR. The Overlay Ordinance Draft EIR is only required to address new environmental impacts directly caused by the Overlay Ordinance.

The Draft EIR evaluates the potential impacts on VMT associated with the additional project buildout envisioned under the Overlay, which is projected to include up to 387,444 square feet. Moreover, since the Overlay does not authorize or directly result in development, it is speculative to determine the specific type or scale of retail uses that may occur under the Overlay.

However, retail projects of 30,000 square feet or greater would be required to complete a VMT analysis and would not automatically be screened out. The VMT analysis for any future projects of 30,000 square feet or greater would determine whether the project meets the City's VMT threshold of 18.9 VMT or less per employee. However, it would be too speculative to analyze retail projects of 30,000 square feet or more in the Overlay, because there are none currently proposed. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

The City's CUP requirements ensure that traffic impacts are addressed for large retail projects during the entitlement process. For retail buildings over 30,000 square feet, compliance with CEQA is also required, and any potential VMT impacts would be analyzed as part of that process.

The Draft EIR did not include specific VMT analysis for retail uses larger than 30,000 square feet because the Overlay itself does not authorize development of specific projects. As discussed in the Draft EIR, the analysis is programmatic and focuses on overall impacts of the Overlay. For projects requiring a CUP or CEQA review, detailed VMT analysis would occur at the project level, ensuring that any potential impacts are identified and mitigated as necessary.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-84

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. Please also refer to Response to SHUTE, MIHALY, & WEINBERGER, LLP-83.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-85

Chapter 4, Additional Effects Evaluated in the Initial Study, Section 4.2.2, Air Quality, evaluates potential air quality impacts by assessing the Overlay's consistency with the current air quality plan, as recommended by the Bay Area Air quality Management District (BAAQMD). Sections 4.2.6 addresses construction-related greenhouse gas (GHG) emissions, quantifies them where feasible, and evaluates their contribution to cumulative climate change impacts. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications

in the Overlay Area. As stated, future development occurring within the proposed Overlay would be subject to independent discretionary review in accordance with CEQA, and would be evaluated on a project-by-project basis to determine potential air quality impacts at the time a development application is received.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-86

The comment mischaracterizes the Draft EIR. The proposed project relies on several building control measures, of which the City's all-electric code is only one example, to demonstrate consistency with the Clean Air Plan. Additional measures include, but are not limited to, Policy 4-P-15-D which requires future development within the Overlay Area to incorporate passive solar building design and landscaping for both residential and commercial uses and compliance with waste management regulations, including AB 341, which requires commercial properties that generate 4 cubic yards or more of solid waste per week to enroll in recycling service; AB 1826, which requires commercial properties generating 2 cubic yards or more of solid waste per week to enroll in compost service; AB 827, which requires commercial properties subject to AB 341 and AB 1826 to make recycling and compost receptacles available to customers; and SB 1383, which requires all businesses to divert organic materials (food waste, yard waste and, soiled paper products) from the landfill. Table 4-1: Overlay Consistency with Applicable Clean Air Plan Control Measures, in the Draft EIR provides a thorough discussion of the Overlay's consistency with each relevant control measure in the Clean Air Plan.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-87

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Furthermore, the commenter incorrectly states that the Draft EIR asserts that "because the Hotel and development of the Overlay would be similar to other uses in the immediate vicinity, this development would not result in a significant source of emissions affecting sensitive receptors." On the contrary, a Construction Health Risk Assessment (HRA) was prepared to assess impacts from the construction of the Hotel. The HRA estimated potential health risks to residents within 1,000 feet of the proposed Hotel from emissions and exposure associated with construction of the hotel, in combination with existing sources of air pollution including nearby roadways and a diesel generator. The HRA concluded that potential health risks would not exceed BAAQMD single- or cumulative source thresholds for cancer risks, annual PM_{2.5} concentrations, or HI. Furthermore, the Hotel would be required to implement best management practices (BMPs) to control fugitive dust emissions which would serve to further reduce emissions and potential exposure to nearby sensitive receptors during project construction.

With respect to the commenter's assertion that the Draft EIR defers analysis of the proposed Overlay's cumulative air impacts on sensitive receptors, note that the Overlay does not approve any development projects. The exact location, proposed uses and design of future projects is too

speculative to analyze in specific detail at this time. As development applications are filed, the City would review projects for consistency with the Overlay. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-88

The comment alleges that the proposed project is not consistent with the General Plan. However, the comment does not articulate any specific General Plan policies with which the proposed project is inconsistent.

Under State law, projects are not required to perfectly conform to every aspect of a general plan. As noted in *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 817, “The rule of general plan consistency is that the project must at least be compatible with the objectives and policies of the general plan.” California courts have further clarified that a project is consistent with a general plan if, when considering all aspects, it furthers the plan’s objectives and policies and does not hinder their attainment (*Naraghi Lakes Neighborhood Preservation Assn. v. City of Modesto* (2016) 1 Cal.App.5th 9, 17). This means that a project, such as the proposed Hotel and Overlay, does not need to comply with every individual policy in the General Plan. Instead, it must advance the overall objectives of the plan.

"[G]eneral and specific plans attempt to balance a range of competing interests. It follows that it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. It is enough that the proposed project would be compatible with the objectives, policies, general land uses and programs specified in the applicable plan." (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1510-1511.) It also follows then, that even though a project may -or likely will- deviate from some particular provisions of a plan, if it remains consistent with that plan on an overall basis, the Lead Agency is within its discretion to make a consistency finding and courts will defer to the Lead Agency’s determination. Here, City decision-makers are within their discretion to consider the whole of the record and find the proposed project generally consistent with the General Plan. The Draft EIR thoroughly considers General Plan consistency in Table 3.3-3, General Plan Consistency Analysis. This comment does not raise any specific issues regarding this analysis. No further comment regarding General Plan consistency is required. Please see Responses to SHUTE, MIHALY, & WEINBERGER, LLP-93 through 104, and Responses to RACUSEN-12 through RACUSEN-47 for further discussion of specific General Plan policies.

Additionally, compliance with established regulatory requirements and standards, such as those in a zoning ordinance or municipal code, is a legitimate basis for determining that the project would not have a significant environmental impact (*Tracy First v. City of Tracy* (2009) 177 CA4th 912.) A requirement that a project comply with specific laws or regulations may also serve as adequate mitigation of environmental impacts, if compliance with such standards can be reasonably expected

(CEQA Guidelines § 15126.4(a)(1)(B)). "[A] condition requiring compliance with regulations is a common and reasonable mitigation measure and may be proper where it is reasonable to expect compliance." (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 CA4th 884, 906.) For example, in *Oakland Heritage Alliance*, 195 CA4th at p. 906, the court upheld the City's reliance on standards in the building code and City building ordinances to mitigate seismic impacts.

The proposed Overlay has been developed to be largely self-mitigating in that the required findings are designed to protect, preserve and enhance the environment and environmental resources, including historical resources. The Overlay itself does not approve or propose any specific development. As a result, with the implementation of identified mitigation measures, and compliance with the processes laid out in the proposed Overlay, there are no significant and unavoidable impacts that would occur solely on the basis of implementation of the proposed Overlay. Additionally, consistency with the City's Municipal Code and Zoning Ordinance are required and development consistent with the Overlay would be reasonably expected to implement these policies and programs. Any future development proposed within the Overlay would have to be consistent with the Overlay provisions, General Plan, Municipal Code, and Zoning Ordinance in order to make the affirmative findings necessary to support issuance of a CUP.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-89

The comment alleges that the Draft EIR should engage in speculative assumptions regarding future development in the Overlay. The City disagrees. The Overlay does not grant approval for any specific development projects; however, it allows for flexibility in use and design in development applications. Moreover, the Overlay would not amend the uses allowed under the City's General Plan and Zoning Ordinance. The City cannot predict the specific users or project designs with any degree of specificity at this time as the specific users and uses are dependent on future development applications. Therefore, it is too speculative to identify future subcategories of use, or potential designs and their exact geographic locations at this time. As the City receives development applications for subsequent development under the Overlay, the applicants for these projects would provide site-specific information upon which a CEQA analysis at the project-level would be based. To the extent certain uses result in greater impacts, those impacts would be identified and evaluated at the time that project-specific applications are proposed. It is well established that CEQA does not require speculation (CEQA Guidelines § 15145). Accordingly, the Draft EIR provides an appropriate level of analysis for the Overlay. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that would be performed as the City receives specific development applications in the Overlay Area. Please refer to Response SHUTE, MIHALY, & WEINBERGER, LLP-88, regarding General Plan consistency.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-90

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and

consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project. Please refer to Response SHUTE, MIHALY, & WEINBERGER, LLP-88, which states there is substantial evidence in the record demonstrating consistency with the General Plan.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-91

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-92

As described on page 3.3-18 of the Draft EIR, development of the proposed project would result in a significant impact if it would conflict with applicable land use plans and policies of the General Plan or Municipal Code that were adopted for the purpose of avoiding or mitigating an environmental effect. A policy inconsistency is considered a significant adverse impact only if the inconsistency would result in a significant adverse physical impact based on the established significance criterion. Generally, given that land use plans reflect a range of competing interests, a project need not be in perfect conformity with every plan policy. A project would be deemed consistent if it was compatible with the plan's non-mandatory overall goals and objectives. Please refer to Response SHUTE, MIHALY, & WEINBERGER, LLP-88, which explains that there is substantial evidence in the record that the proposed project would overall be consistent with the General Plan.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-93

The City disagrees with this comment that the Hotel and Overlay is inconsistent with General Plan Policy 2-G-2. As explained in the Draft EIR, the Hotel would be developed according to the Petaluma Historic Commercial District Design Guidelines for new construction projects. This is a mandatory condition. See Draft EIR, p. 3.2-55. Additionally, the Historic Built Environment Impacts Assessment determined that while the proposed Hotel building would be taller than the immediately surrounding buildings, the use of multiple stories in the Petaluma Historic Commercial District is not without precedent. Specifically, the Draft EIR notes that the district nomination form prepared in 1994 stated that a variety of heights were present in the district. (Draft EIR, p. 3.2-55). The Draft EIR then explains that the "Historic Built Environment Impacts Assessment thus concluded that the proposed Hotel would not introduce incompatible massing and scale, and would be in general conformance with the Petaluma Historic Commercial District Design Guidelines." (Draft EIR, p. 3.2-55). Accordingly, the Hotel would be consistent with Policy 2-G-2.

With respect to the Overlay, it does not include any project-specific development and as such would not result in any direct impacts to consistency with the General Plan. Future development facilitated

by the proposed Overlay would be subject to independent discretionary review, including an independent CEQA analysis which would evaluate the specific project's consistency with relevant General Plan policies. As the City receives development applications for subsequent development under the proposed Overlay, those applications would be reviewed by the City for compliance with the goals and policies of the proposed Overlay, the General Plan, the Implementing Zoning Ordinance (IZO), etc., related to protection of historical resources. As described in Section 3.2, Cultural and Tribal Cultural Resources, future development under the Overlay would be required to undergo the CUP approval process, which includes a requirement that findings must be made to ensure that the additional height or lot coverage would not be a detriment to significant historical resources. Furthermore, MM Overlay CUL-1a requires that any individual development projects that propose to alter a building or structure greater than 45 years must undergo a Historic Resources Evaluation. When a development application is submitted and MM Overlay CUL-1b is applicable, it requires that properties identified as historically significant resources shall contain proper documentation meeting the Historic American Building Survey (HABS). MM Overlay CUL-1c requires the projects requiring the relocation, rehabilitation, or alteration of a historical resource must use the Secretary of Interior's Standards for the Treatments of Historic Properties shall be used to the maximum extent possible and a Historic Resource Evaluation (HRE) identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City for review and approval. MM Overlay CUL-1d requires that, for projects resulting in the significant alteration of historical resources, recordation in the form of HABS, Historic American Engineering Record, or Historic American Landscape Survey documentation shall be prepared.

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-94

The City disagrees with this comment that the Hotel and Overlay is inconsistent with General Plan Policy 2-P-18. Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-93 and Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that would be performed as the City receives specific development applications in the Overlay Area, and Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-95

The City disagrees with this comment that the Hotel and Overlay are inconsistent with General Plan Policy 2-P-122. The Draft EIR considers the impacts of construction waste in Section 4.1.15, Utilities and Service Systems, and concludes that while construction of the proposed Hotel would result in off-haul of soil and some vegetation associated with removal of existing street trees, the proposed Hotel would be required to prepare a Construction Waste Management Plan, which, as required by the City, would include that a minimum of 65 percent of construction/demolition waste is diverted to recycle or salvaged.

Any development within the City, including the Hotel, would be required to comply with this Policy, as well as CALGreen Section 4.408.1 Construction Waste Recycling Requirements, and prepare a Construction Waste Management Plan in order to obtain a building permit. However, since the Overlay itself does not directly result in development and no specific future development projects are currently identified, it is not feasible to prepare a Recycling Plan at this time for the Overlay. Such a plan would be developed in accordance with the Policy when individual development projects are proposed and more specific details are available. The Hotel component of the project would be required to submit a Construction Waste Management Plan to the City at the time of building permit application. The City would review and accept the Construction Waste Management Plan provided that it meets the minimum requirements of the CALGreen code. An acceptable Construction Waste Management Plan for the proposed Hotel shall be developed prior to issuance of a Building Permit. As such, the proposed Hotel and Overlay are consistent with General Plan Policy 2-P-122.

Please also refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-96

The City disagrees with this comment that the Hotel and Overlay is inconsistent with General Plan Policy 3-P-1. The comment generally alleges that the proposed project is inconsistent with the Historic District but provides no facts in support of the allegation. The historic resource assessment in the Draft EIR is based, in part, on archival research, surveys, and impacts analysis completed by a qualified architectural historian. The analysis is further supported by visual simulations. Please see Section 3.2, Cultural and Tribal Cultural Resources, question a, in the Draft EIR, as well as Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document.

In regard to the assertion that the Overlay is inconsistent with Policy 3-P-1, please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications

in the Overlay Area. Section 3.2, Cultural and Tribal Cultural Resources, of the Draft EIR outlines MM Overlay CUL-1a through MM Overlay CUL-1e, which are required for all future individual development projects under the proposed Overlay. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-97

The City disagrees with the comment's assertion that the Overlay is inconsistent with Policy 3-P-5. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. Please also refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-98

The City disagrees with this comment that the Hotel and Overlay is inconsistent with General Plan Policy 4-P-26. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-99

Per SB 743, an analysis of Level of Service (LOS) is no longer required under CEQA. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-100

The City disagrees with this comment that the Hotel and Overlay is inconsistent with General Plan Policy 5-P-24. The proposed Overlay encourages improvements to the pedestrian network in an amenity-rich area through its CUP criteria. The comment is also incorrect in asserting that the Draft EIR fails to analyze any development under the Overlay, as the Draft EIR does exactly that and this comment does not explain any specific inadequacies of environmental impacts not addressed. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or

Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-101

The City disagrees with this comment that the Hotel and Overlay is inconsistent with General Plan Policy 7-P-17. As explained in Section 4.1.11, Population and Housing, the proposed Overlay would not result in a population increase beyond what has already been projected because the proposed Overlay does not alter the permitted residential density in the Overlay Area. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-102

The City disagrees with this comment that the Hotel and Overlay is inconsistent with General Plan Policy 7-P-19. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-103

The City disagrees with this comment that the Hotel and Overlay is inconsistent with General Plan Policy 7-P-31. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-104

The City disagrees with this comment that the Hotel and Overlay is inconsistent with General Plan Policy 7-P-36. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-105

The City disagrees with this comment that the Hotel and Overlay is inconsistent with General Plan Policy 9-P-2. The City finds the proposed project to be generally consistent with General Plan Policy

9-P-2 as the proposed Hotel would introduce a high quality hotel and restaurant to the downtown core, which would bring visitors to support existing businesses, generate revenue for the City, provide jobs, and contribute to the downtown economy. Similarly, the provisions of the Overlay are intended to provide enhanced flexibility in development standards to encourage economic investment and housing, which would result in net positive impacts on the Petaluma economy.

Please also refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area; and refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-106

The City disagrees with this comment as it finds the proposed project to be generally consistent with General Plan Policy 9-P-7 as the proposed project includes the Downtown Housing and Economic Overlay, which jointly incentivizes economic development (by providing for increased flexibility in development standards on downtown parcels that have remained vacant, underutilized, or underdeveloped under the current development regulations) and housing (by providing for ground floor residential where current regulations preclude residential on the ground floor). The downtown street network is already well established and supports a variety of transportation options and is proximate to the City's Transit Center and the downtown Sonoma-Marín Area Rail Transit (SMART) station. Concentrating intensity within the downtown core proximate to goods and services is a well-established planning practice that promotes greater sustainability by focusing development at the city center.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-107

The City disagrees with this comment that the Hotel and Overlay is inconsistent with General Plan Policy 9-P-8. Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-105 and 106 above. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. Please also refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Responses to Written Comments

Response to SHUTE, MIHALY, & WEINBERGER, LLP-108

See Response to SHUTE, MIHALY, & WEINBERGER, LLP-88 and Response to Racusen 1 through 71.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-109

See Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application. Additionally, there is no guarantee that the potential policies stated in this comment will actually be adopted in the General Plan Update and CEQA does not require this analysis.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-110

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-26.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-111

The comment does not provide any specific information regarding any impacts to the physical environment related to either public services or utilities. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Consistent with the direction in *City of Hayward v. Board of Trustees of Cal. State Univ.* (2015) 242 CA4th 833, the public services discussion in the Draft EIR (Section 4.1.12) describes the existing fire protection, police protection, and schools that serve the project site and vicinity and evaluates the potential for implementation of the proposed project to result in an impact. This section of the EIR addresses whether there are physical environmental effects of new or expanded facilities that are necessary to maintain acceptable service levels related to fire, police, and school services. Because CEQA focuses on physical environmental effects, this section analyzes whether any physical changes resulting from an increase in service demands from development pursuant to the proposed project could result in significant adverse environmental effects. Thus, an increase in staffing associated with public services or an increase in calls for services, would not, by itself, be considered a physical change in the environment.

With respect to schools, State law significantly limits the application of CEQA. The fees set forth in Government Code Section 65996 constitute the exclusive means of both “considering” and “mitigating” a project’s impacts on school facilities and are “deemed to provide full and complete school facilities mitigation.” (Govt. Code § 65996(a-b)). Because the statute states that the statutory fees are the exclusive means of considering as well as mitigating impacts on school facilities, it limits not only the mitigation that may be required, but also the scope of impact review in a project’s EIR and the agency’s findings on those impacts. *See Chawanakee Unified Sch. Dist. v County of Madera* (2011) 196 CA4th 1016, in which the court held that because the methods in the statute are the

exclusive means of “considering” impacts on schools, an EIR need not describe and analyze a development’s impacts on school facilities.

Additionally, future development would be required to demonstrate consistency with the General Plan. Such development has already been planned for in the General Plan and analyzed in the General Plan EIR and impacts have been found to be less than significant.

The City’s development impact fees are established by the City Council through an extensive public process that requires the City to obtain public input prior to establishing fees (City Council Resolution R2024-156). Metrics regarding use of the fees are also identified and included in the City’s annual report. As the comment does not identify any specific issues with any particular development fee, a more specific response is not available.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-112

The Draft EIR explains that, because the proposed Overlay would not permit an increased residential density, the increased residential density would not be greater than what was already evaluated and disclosed in the General Plan Final EIR. This is discussed in the context of the provision of public services and utilities, which are typically affected primarily by population growth. Furthermore, on page 4-59 of the Draft EIR, it is explained that an increased permitted intensity of nonresidential development under the proposed Overlay could result in the introduction of new employment opportunities and may increase the workforce population, meaning additional people could relocate to the City to fill these new opportunities. While these provisions would allow for greater development intensity, as explained in Chapter 2, Project Description, actual development over the past 20 years has been less than what the City envisioned in the existing General Plan. Based on this trend, full buildout of nonresidential uses in the Overlay within a 20-year planning horizon is not expected. As shown in 2-5 in Chapter 2, Project Description, a 25 percent buildout scenario is assumed over the 20-year planning horizon, which would result in an additional 387,444 square feet of additional buildout, resulting in an additional 628 jobs. Any incremental increase facilitated by the Overlay would be well within the General Plan buildout potential, because workforce development has not occurred at the levels anticipated by the General Plan and is already analyzed under buildout conditions in the General Plan EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-113

The Petaluma Historic Commercial District Design Standards specifically allow for new construction within the Historic District and follow the NPS guidelines for new construction. The City’s adopted General Plan anticipates buildout at greater intensity than what has occurred and its EIR evaluates cumulative impacts from incremental development, including infill and redevelopment potential, within the downtown core and Overlay parcel. The General Plan EIR is a cumulative analysis of the City’s buildout potential including potential impacts on scenic and historic resources. The proposed Overlay would allow for applications proposing greater than 45 feet in height and/or greater FAR and lot coverage to be received and evaluated on a project-by-project basis. The Draft EIR includes a programmatic evaluation of cumulative impacts in Chapters 3 and 5. Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1,

Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area, as well as pages 45-46 of the December 12, 2024, EKN Response Letter. The EKN Letter is incorporated into the Final EIR (Appendix A). Please also refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-114

The General Plan Update has been initiated and is still in the planning stage (January 2025). The components of the General Plan Update have not been finalized and the General Plan Update has not been adopted. As such, it would be too speculative to include it as part of the cumulative analysis for the proposed project. Please refer to Master Responses 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document as well as pages 45-46 of the December 12, 2024, EKN Response Letter. The EKN Letter is incorporated into the Final EIR (Appendix A). Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area, and refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

The implementation of the Overlay is neither legally dependent on nor contingent upon the completion of the General Plan Update. The Overlay is designed to function independently and is being implemented as such. (See *Banning Ranch Conservancy v. City of Newport Beach*, 211 Cal.App.4th 1209, 1223.)

The City is not obligated to delay the implementation of the Overlay while awaiting the completion of the General Plan Update. Furthermore, the General Plan Updates are not finalized and remain subject to change, making any joint consideration with the Overlay premature and impractical. (See *Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266, 284.)

Response to SHUTE, MIHALY, & WEINBERGER, LLP-115

The comment provides a summary of CEQA requirements, and no changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-116

As stated in CEQA Guidelines Section 15126.6, an EIR need not consider every conceivable alternative to a project. The Draft EIR considers an Alternative for the Overlay Without Expanded Lot

Coverage. However, this alternative would restrict the City's ability to meet project objectives to increase housing opportunities on the ground floor and increase employment opportunities. Additionally, because this alternative would not reduce or avoid any significant impacts, would not meet City objectives, and is not substantially different from Alternatives already considered, it was rejected from further consideration. Additionally, the Draft EIR considers the Reduced Area C Alternative and Overlay in Area A Only, which both analyze reduced intensity. Accordingly, the Draft EIR evaluates a reasonable range of alternatives discussing reduced intensity. Moreover, as the proposed project does not have any significant and unavoidable impacts, none of these alternatives would reduce significant impacts compared to the proposed project. The comment does not identify any specific alternative that would meet project objectives and substantially reduce potential impacts that is not already addressed by the range of alternatives discussed in the Draft EIR. Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-117

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains that an evaluation of a Hotel-Only Alternative would not result in significantly different information from that already presented in the Draft EIR because the Draft EIR already distinguishes between the proposed Hotel and the proposed Overlay in each topical section.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-118

As stated in CEQA Guidelines Section 15126.6, an EIR need not consider every conceivable alternative to a project. As such, it is not required that the EIR address a reduced FAR alternative. The Draft EIR does include analysis of a Reduced Height Alternative (Alternative 3) for the proposed Hotel in Chapter 6, Alternatives to the Proposed Project.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-119

The commenter states that an alternative that would move the proposed Hotel outside of the downtown core is not analyzed in the EIR. As stated in CEQA Guidelines Section 15126.6, reasons for rejecting an alternative include: failure to meet most of the basic project objectives, infeasibility, or inability to avoid significant environmental effects. Alternative Locations for the proposed Hotel are considered but rejected because the project applicant does not own, nor can they reasonably acquire any of the suggested sites. This comment also does not provide a specific location for the City to assess, meaning it would be difficult to assess the full impacts without knowing the location.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-120

The purpose of the Alternatives analysis is to provide decision-makers and the general public with a reasonable range of feasible project alternatives that could attain most of the basic project objectives, while avoiding or reducing any of the proposed project's significant adverse environmental effects. The alternative suggested by the commenter that the Overlay might be developed beyond the 25 percent capacity would not achieve this purpose. Moreover, the comment appears to critique the City's estimated 25 percent buildout, rather than suggesting it as an alternative. Please see Draft EIR Chapter 2, Project Description for a justification of the City's estimated 25 % buildout scenario, and please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-

16-18 regarding the justification and substantial evidence for the City's estimation of the 25 percent buildout of the Overlay.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-121

The Alternatives analysis, presented in Chapter 6 of the Draft EIR, analyzes three Alternatives and considers but rejects four alternatives. This would be considered a reasonable range of alternatives. The alternatives suggested by the commenter in Comments SHUTE, MIHALY, & WEINBERGER, LLP 116 through 120 have either already been analyzed, considered but rejected, are similar to an alternative that has been analyzed, or would not achieve the purpose of the Alternatives analysis. Please also refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-122

In addition to the three project Alternatives analyzed, the Alternatives analysis contained within Chapter 6 of the Draft EIR considers but rejects four additional alternatives, due to issues of infeasibility, inability to achieve project objectives, and the fact that these considered but rejected alternatives would not reduce or avoid any significant impacts. Please also refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. This comment also does not provide specific alternatives for the City to assess.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-123

See Response to SHUTE, MIHALY, & WEINBERGER, LLP-116.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-124

The comment misinterprets the City's reasons for rejecting the Overlay without Expanded Lot Coverage alternative. As explained in Draft EIR Section 6.7.4, Overlay without Expanded Lot Coverage, this alternative was rejected from further consideration for several reasons. Potential impacts associated with maintaining existing standards are evaluated in the current General Plan EIR and in Alternative 1, No Project Alternative; accordingly, further analyzing this alternative would not provide a substantially different analysis. Additionally, maintaining the existing lot coverage requirements would restrict the City's ability to meet project objectives to increase housing opportunities on the ground floor and increase employment opportunities. Accordingly, the City is within its discretion to reject this alternative from further consideration.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-125

Please see Response to SHUTE, MIHALY, & WEINBERGER LLP-118.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-126

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-119. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR. Please also refer to Master Response 4,

Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-127

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-120.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-128

This comment asserts that the alternatives analysis is insufficient, but does not identify any specific issue related to the adequacy of the EIR analysis. Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-129 through -131 for additional information regarding alternatives. Accordingly, no further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1 and also refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-129

The Draft EIR states that Alternative 2 and Alternative 3 “would result in the same level of impacts as the proposed project,” but also that “there would be an incremental reduction” in the impacts relative to the proposed project” to explain that, while the impacts would still be “less than significant” under Alternative 2 and Alternative 3, each of these alternatives would result in a slightly reduced “less than significant impact” relative to the project as proposed. That is, the impact would be slightly less, but it would still be at the level of “less than significant.” Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-130

The discussion under Alternative 2, Reduced Area C, makes reference to the unbuilt development potential already allowed under the current General Plan. As estimated in Table 2-5 of the Draft EIR, there remains over 800,000 square feet of development that could potentially be built in the Overlay Area under current land use designations and zoning, which were analyzed in the General Plan EIR. Applying development trends in the City over the last two decades, the City estimates that to the extent the Overlay incentivizes development through flexibility in lot coverage, FAR, and building height, the resulting extent of construction over the time horizon studied in the Draft EIR would likely remain within the buildout potential already analyzed in the current General Plan. See this clarification throughout Chapter 6, Alternatives to the Proposed Project, in Volume 1 of the Final EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-131

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-129.

Responses to Written Comments

Response to SHUTE, MIHALY, & WEINBERGER, LLP-132

As evaluated in the Draft EIR, and discussed in detail in the above responses to this letter, the conclusions in the Draft EIR are supported by substantial evidence. See Master Response 1. The comment fails to demonstrate that no substantial evidence supports the conclusions in the Draft EIR or that the range of alternatives is unreasonable.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-133

This comment generally summarizes prior comments addressed in detail above in responses to this comment letter. The Draft EIR provides a thorough and complete analysis of the proposed project in compliance with CEQA. The Draft EIR considers the whole of the project and provides an appropriate level of analysis for both the Overlay and the Hotel component. See Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation. Generally, regarding recirculation, see Master Response 2, Recirculation Not Required. Regarding the General Plan Update process, see Master Response 12, Relation between the Proposed Overlay and Upcoming General Plan Update.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-134

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-135

For more information on the Rex Hardware building, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-136

For additional explanation for why the Rex Hardware building does not qualify as a historic resource under CEQA, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-137

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-138

For an explanation of why the height, massing, materials, and detailing of the reconstructed Rex Hardware do not make it a historic resource, Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-139

For an explanation on why the proposed height of the Hotel does not conflict with the 1999 Petaluma Historic Commercial District Design Guidelines, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-140

The existing building at 313 B Street is different from what was nominated for the National Register. The building that is included in the National Register is the previous building at 313 B Street, which burned down and no longer exists. There is a process to remove buildings which no longer exist from the National Register, and this process has not been completed for the previous building at 313 B Street.

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-141

For an explanation on why the proposed height of the Hotel does not conflict with the 1999 Petaluma Historic Commercial District Design Guidelines, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-142

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-143

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-144

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-145

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-146

A comprehensive update to the Downtown Historic District would be a separate project.

As described in the EIR, future projects under the Overlay that would alter a building or structure over 45 years in age would be required to adhere to MM Overlay CUL-1a, which requires a Historical Resources Evaluation.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-147

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-148

For an explanation on why the proposed Hotel does not conflict with the Secretary of the Interior's Standards or the 1999 Petaluma Historic Commercial District Guidelines, and of why the Rex Hardware building does not qualify as a historic resource under CEQA, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-149

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-150

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-151

The commenter's characterization is consistent with materials presented in the Draft EIR and supporting documentation and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis. No changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-152

The commenter's characterization is consistent with materials presented in the Draft EIR and supporting documentation and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis. No changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-153

The commenter's characterization is consistent with materials presented in the Draft EIR and supporting documentation and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis. No changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-154

The commenter's characterization is consistent with materials presented in the Draft EIR and supporting documentation and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis. No changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-155

The commenter's characterization is consistent with materials presented in the Draft EIR and supporting documentation and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis. No changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-156

The commenter's characterization is consistent with materials presented in the Draft EIR and supporting documentation and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis. No changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-157

The commenter's characterization is consistent with materials presented in the Draft EIR and supporting documentation and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis. No changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-158

The commenter's characterization is consistent with materials presented in the Draft EIR and supporting documentation and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis. No changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-159

The commenter's characterization is consistent with materials presented in the Draft EIR and supporting documentation and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis. No changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-160

The commenter's characterization is consistent with materials presented in the Draft EIR and supporting documentation and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis. No changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-161

The commenter's characterization is consistent with materials presented in the Draft EIR and supporting documentation and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis. No changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-162

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-163

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-164

The City's design guidelines for new construction do not limit the number of stories that are possible within the Historic District. The design guidelines do state that new development should be encouraged on vacant lots within the Historic District. Both the HBEA and the Draft EIR include an analysis of building heights within the District.

As described in the Draft EIR, future projects under the Overlay that would alter a building or structure over 45 years in age would be required to adhere to MM Overlay CUL-1a, which requires a Historical Resources Evaluation.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-165

The commenter's characterization is consistent with materials presented in the Draft EIR and supporting documentation and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis. No changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-166

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-167

The Secretary of the Interior Standard for the Treatment of Historic Properties, Rehabilitation Treatment, Standard 1, is the following, "A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships." The site has experienced a series of former uses, ranging from commercial, residential, and as gas station, and is now a vacant site. The standard does not require a vacant site to revert back to one of its former uses. There are no remnant structures of the former buildings on the project site. Therefore, this standard does not apply to the proposed Hotel.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-168

The Secretary of the Interior Standard for the Treatment of Historic Properties, Rehabilitation Treatment, Standard 2, is the following, "The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided." The project site is vacant and there are no remnant structures of the former buildings on the project site. Therefore, this standard does not apply to the proposed Hotel.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-169

The Secretary of the Interior Standard for the Treatment of Historic Properties, Rehabilitation Treatment, Standard 3, is the following, "Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken." The project site is vacant and there are no remnant structures of the former buildings on the project site. In addition, the proposed hotel would be new construction and would not recreate or duplicate an existing building in the Historic District. Therefore, the Hotel does not create a false sense of historic development and would comply with this standard.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-170

The Secretary of the Interior Standard for the Treatment of Historic Properties, Rehabilitation Treatment, Standard 4, is the following, "Changes to a property that have acquired historic significance in their own right will be retained and preserved." The project site is vacant and there are no remnant structures of the former buildings on the project site. Therefore, this standard does not apply to the proposed Hotel.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-171

The Secretary of the Interior Standard for the Treatment of Historic Properties, Rehabilitation Treatment, Standard 5, is the following, "Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved." The project site is vacant and there are no remnant structures of the former buildings on the project site. Therefore, this standard does not apply to the proposed Hotel.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-172

The Secretary of the Interior Standard for the Treatment of Historic Properties, Rehabilitation Treatment, Standard 6, is the following, "Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence." The project site is vacant and there are no remnant structures of the former buildings on the project site. Therefore, this standard does not apply to the proposed Hotel.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-173

The Secretary of the Interior Standard for the Treatment of Historic Properties, Rehabilitation Treatment, Standard 7, is the following, "Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used." The project site is vacant and there are no remnant structures of the former buildings on the project site. Therefore, this standard does not apply to the proposed Hotel.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-174

The Secretary of the Interior Standard for the Treatment of Historic Properties, Rehabilitation Treatment, Standard 8, is the following, “Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.” The Draft EIR imposes MM EKN CUL-2b and MM EKN CUL-2c, which would protect any undiscovered archaeological resources at the project site, and are required mitigation for the proposed Hotel. As such, with mitigation, the proposed Hotel complies with this standard.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-175

The Secretary of the Interior Standard for the Treatment of Historic Properties, Rehabilitation Treatment, Standard 9, is the following, “New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work would be differentiated from the old and would be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.” Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-176

The commenter states that the Hotel complies with Secretary of the Interior Standard for the Treatment of Historic Properties, Rehabilitation Treatment, Standard 10 and concludes previous points made. No response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-177

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-178

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-179

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-180

Petaluma’s Historic Commercial District Design Guidelines contain nine sections, of which Section 7 applies to new construction in the Historic District and accounts for proportions of the façade, composition, detailing, materials, colors, and building setback. In addition to the design guidelines, the proposed overlay also requires setbacks and use of a datum line to reduce a development

project's overall appearance in massing and height. The City disagrees with the commenter's assertion that the proposed Hotel does not comply with a majority of the design guidelines. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-181

The proposed Hotel design is in conformance with the Petaluma Historic Commercial District Design Guidelines as the proposed fenestration on the upper floors would be symmetrical and has a consistent rhythm above the ground floor bay area. This rhythm is consecutive and similar to historic buildings in the district and to recent developments across Petaluma Boulevard. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

The comment mentions recessed balconies which were included in the architectural set dated September 8, 2023. The EIR evaluates the latest proposed hotel design as depicted in the architectural set dated April 4, 2024.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-182

The proposed design would be in conformance with the Petaluma Historic Commercial District Design Guidelines as a banded detail is proposed at the top of the first level and the top of the fourth level, drawing inspiration from the cornice line detailing and belt courses seen on historic buildings throughout the Petaluma Historic Commercial District Design Guidelines.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-183

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

The Petaluma Historic Commercial District Design Guidelines state that the materials should be "complementary to the adjacent façades" and does not specify that materials need to be compatible with adjoining buildings. Further, the Rex Hardware building is not a historic age building with historic age materials that should be used for comparison or inspiration. While the Rex Hardware building was not used for materials inspiration, 5-25 Petaluma Boulevard South and 6 Petaluma Boulevard North (across the street from the proposed hotel), which have similar materials to other buildings in the Historic District were used for comparative materials analysis for the proposed hotel design. As shown by the materials presented in the project plans, similar to the 5-25 Petaluma Boulevard South building, the proposed hotel would utilize sections of stucco and decorative tiles to

mimic historic bulkheads seen in brick at 5-25 Petaluma Boulevard South and throughout the Historic District. 5-25 Petaluma Boulevard South and 6 Petaluma Boulevard North were also constructed like other buildings in the Historic District as masonry buildings with metal sash windows. As presented in the project plans, modern masonry and masonry like materials (like Porcelanosa) would be utilized as the primary exterior cladding materials. The first floor would feature a decorative concrete tile, while floors 2-5 would feature Porcelanosa (not ceramic panels or ceramic tiles), which has been used to mimic natural stone and concrete finishes like those seen in the Historic District. While the design is not proposing to build a brick building that is covered in stucco like 5-25 Petaluma Boulevard South, because the Secretary of the Interior's Standards state that new construction should not create conjecture, it is drawing inspiration from surrounding buildings and utilizing modern materials to achieve a complementary aesthetic.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-184

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-185

The Petaluma Historic Commercial District Design Guidelines state that the mass of the façade should be broken into a number of small bays, to maintain a rhythm similar to the surrounding buildings. The proposed building design is in conformance with this design guideline.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-186

The Hotel project is in compliance with the Secretary of the Interior Standard for the Treatment of Historic Properties, Treatment for Rehabilitation. Out of the 10 standards for Rehabilitation, six of the standards are not applicable for new construction on a vacant site. The Hotel project is also in compliance with the Petaluma Historic Commercial District design guidelines, which were established to minimize impacts to existing historic properties. In addition, the Hotel project site would have minimal impacts due to its location on a vacant site and at the edge of the Historic District.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-187

The commenter provides introductory remarks. No response is required.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-188

Please refer to Master Response 2, Recirculation Not Required, in Section 2.1, Master Responses, of this document. Master Response 2 discusses why the conditions established in the CEQA Guidelines under which the Draft EIR must be recirculated have not been met.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-189

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides

additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. Please also see Response to SHUTE, MIHALY, & WEINBERGER, LLP-111 regarding required impact fees.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-190

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-191

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-192

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-193

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-194

It would be speculative to assume the amount of development projects that would occur larger than 30,000 square feet. As such, it would be more appropriate to prepare a VMT analysis if required at the time a project is proposed within the Overlay Area.

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-195

Mitigation measures for VMT are generally based on the conditions of the specific project site. Identifying specific mitigation measures to apply to sites within the Overlay would be too speculative at this time.

Please also refer to Response to SHUTE, MIHALY, & WEINBERGER, LLP-194.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-196

Please refer to Master Response 13, Valet Parking, in Section 2.1, Master Responses of this document. Master Response 13 provides additional clarifying information on the location of the valet pickup and drop-off area, as well as the proposed circulation and operation of the valet parking system. Please also refer to Master Response 16, Street Closures and Special Events.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-197

Please refer to Master Response 13, Valet Parking, in Section 2.1, Master Responses of this document. Master Response 13 provides additional clarifying information on the location of the valet pickup and drop-off area, as well as the proposed circulation and operation of the valet parking system. Please also refer to Master Response 16, Street Closures and Special Events.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-198

Please refer to Master Response 13, Valet Parking, in Section 2.1, Master Responses of this document. Master Response 13 provides additional clarifying information on the location of the valet pickup and drop-off area, as well as the proposed circulation and operation of the valet parking system. Please also refer to Master Response 16, Street Closures and Special Events.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-199

Please refer to Master Response 13, Valet Parking, in Section 2.1, Master Responses of this document. Master Response 13 provides additional clarifying information on the location of the valet pickup and drop-off area, as well as the proposed circulation and operation of the valet parking system. Further, MM EKN TRA-1 has been augmented to specifically include parking provisions for special events. Please also refer to Master Response 16, Street Closures and Special Events. An EIR is not required to include an analysis of a worst-case scenario and need only evaluate impacts that are a reasonably foreseeable consequence of the project. (*East Oakland Stadium Alliance v. City of Oakland* (2023) 89 CA5th 1226, 1252-1253). This is because "it has been held that an EIR is not required to engage in speculation in order to analyze a 'worst-case scenario'." (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 373, citing *Toward Responsibility in Planning v. City Council* (1988) 200 Cal.App.3d 671).

Response to SHUTE, MIHALY, & WEINBERGER, LLP-200

MM EKN TRA-1 has been updated in Volume 1 of the Final EIR to reflect some of the Valet Plan recommendations made in this comment letter.

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Responses to Written Comments

Response to SHUTE, MIHALY, & WEINBERGER, LLP-201

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-78.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-202

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-78.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-203

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-78.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-204

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-78.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-205 through 14

MM EKN TRA-1 has been updated in Volume 1 of the Final EIR to reflect some of the Valet Plan recommendations made in this comment letter.

Response to SHUTE, MIHALY, & WEINBERGER, LLP-215

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

From: Ahmed Obaid <[REDACTED]>
Sent: Tuesday, September 24, 2024 5:36 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: public comment: 9/24/24 Planning Comm. meeting on Hotel changing zoning of our downtown

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Planning Commission,

Please do not approve the EIR for the hotel and the overlay. It has gone through multiple iterations trying to "somehow" work it in despite our rules that preclude it per National Historic Landmark downtown.

1

Further, do not change all General Plan references of our "Historic Downtown" to just "Downtown. That is deeply disrespectful to the many generations of different ethnicities that built our town, and our ag and River heritage.

I know just a year ago we finalized our Housing Element, which stated no housing developments in our Downtown. Building up downtown will impact our wellbeing and quality of life. Traffic causes heart stress due to noise, motion, and pollution. You must put Petalumans' wellbeing, safety, and health above your inclination to give preferential treatment to this hotel developer.

2

It is an exclusionary and unfair offence to discriminate against the needs and rights of Petalumans with regard to equity and health/safety/wellbeing, as the public has overwhelmingly expressed throughout the multiple attempts by city to shove this hotel down our throats — and even ruin our historic downtown to do so. This overlay will also have negative impact on downtown businesses, as traffic and parking will be so bad no one will want to go downtown.

3

4

Regard,
A.T. Obaid

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Individuals

Ahmed Obaid (A. OBAID)

Response to A. OBAID-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to A. OBAID-2

The comment is noted. Impacts related to air quality, noise, and transportation are analyzed in Chapter 4, Additional Effects Evaluated in the Initial Study, of the Draft EIR. As analyzed therein, the proposed project would have less than significant impacts related to air quality, noise, and transportation with the implementation of MM EKN AQ-1, MM EKN NOI-1, MM EKN NOI-2, and MM TRA-1. Please refer to Master Response 11, Traffic-Related Noise and Air Pollution, in Section 2.1, Master Responses, of this document. Master Response 11 explains that the proposed project's traffic-related noise and air quality impacts are sufficiently addressed in the Draft EIR.

Furthermore, the comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to A. OBAID-3

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to A. OBAID-4

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

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From: Anisa THOMSEN <[REDACTED]>
Sent: Tuesday, September 24, 2024 1:55 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>; Petaluma Planning <petalumaplanning@cityofpetaluma.org>; -- City Clerk <cityclerk@cityofpetaluma.org>
Subject: Public Comment: Draft EIR

You don't often get email from [REDACTED]. [Learn why this is important](#)
---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---
Good Afternoon,

Parking and traffic for the proposed hotel will be an issue. As it stands right now, even without the hotel, parking is an issue downtown. Most of the patrons of the proposed hotel will be coming from the San Francisco and the East and South Bay. They will be arriving by car. Where will they park?

From what I understand, parking is not required as the hotel will be within a half-mile of public transportation. Just because planners 'can' ignore parking does not mean they 'should.' It is very unlikely hotel patrons will be utilizing any type of public transportation with their luggage in tow, due to the complicated logistics of getting to Petaluma from other areas.

1

There are a few other things to point out. A total of 58 parking spaces for 150+ people? Where will the workers park? Is public transportation system really a viable option? Walking and riding bicycles are great - when the weather is nice and the sun is up. What happens when it is dark and/or in the event of inclement weather?

Patrons of the hotel will not want to fuss nor wait (nor tip) for a valet to park and retrieve their cars when street parking is readily available. Parking for the hotel will fill up nearby streets, limiting resident's access.

What if this draft EIR is approved and the overlay is not?

2

What will happen when the streets are closed for our long-standing traditional events and parades? How will hotel patrons come and go?

3

It will be interesting to see if the hotel wants to be a good neighbor by adhering to our current regulations and seriously addressing the traffic and parking impacts that will happen.

4

From what I'm seeing thus far is that the hotel does not want to be a good neighbor and wants what it wants - regardless of citizen input and the very real impacts it will have on Petaluma. Please prove me wrong.

Anisa Thomsen

[REDACTED]

Petaluma, CA 94952

[REDACTED] home

[REDACTED] cell/text

[REDACTED]

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Anisa Thomsen (A. THOMSEN)

Response to A. THOMSEN-1

Please refer to Master Response 14, Hotel and Overlay Impacts on Parking, in Section 2.1, Master Responses, of this document. Master Response 14 provides additional clarifying information on the requirements to analyze parking impacts under CEQA, the effects of parking on VMT, the City's parking requirements for the proposed use, and the estimates of parking demands generated by the project.

As explained in the Draft EIR, the proposed Hotel includes a below grade, 58-space parking garage and is partially located within the City's Parking Assessment District. The Draft EIR analyzes parking in Section 3.3-3, Land Use as it relates to a potential conflict with the City's established parking regulations (Impact LAND-2) and Chapter 4, Additional Effects Evaluated in the Initial Study. Therefore, parking has been adequately analyzed in accordance with CEQA and considered relative to the City's land use regulations for parking.

Response to A. THOMSEN-2

Completion of environmental review, such as the City Council's (Lead Agency) certification of an EIR, is a separate and distinct action from project approval. Certification of an EIR does not grant project entitlements, authorize development, or otherwise indicate approval of a proposed project. Rather, EIR certification is the Lead Agency's acknowledgment that provisions of CEQA have been met, that the analysis provides adequate disclosure of the project's environmental impacts, and that the Lead Agency has taken these into consideration prior to making a decision on the project.

The City Council may choose to certify the EIR, finding it adequate, and may then choose to deny the proposed Overlay. In such an event, the proposed project would be denied and the Overlay and the Hotel would not move forward.

Response to A. THOMSEN-3

Please see Master Response 16: Effects of Street Closures and Special Events.

Response to A. THOMSEN-4

Traffic impacts are addressed in Chapter 4, Additional Effects Evaluated in the Initial Study, of the Draft EIR. Please also see Response to A. Thomsen-1.

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From: [REDACTED]
To: -- City Clerk
Subject: comment on tonight planning meeting on hotel
Date: Tuesday, September 24, 2024 12:29:58 PM

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Planning Commission:

You must not change our city zoning for that hotel project. No one wants the hotel to ruin our city, and no one wants our city's history obliterated by high rises. I repeat, no one. You need to listen to the people and represent us like is your job, and protect our well being and safety from what we already have, let alone make traffic, parking, exhaust fumes and noise worse all because of this hotel no one wants.

Anthony

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Anthony (ANTHONY)

Response to ANTHONY-1

The comment is noted. Impacts related to air quality, noise, and transportation are analyzed in Chapter 4, Additional Effects Evaluated in the Initial Study, of the Draft EIR. As analyzed therein, the proposed project would have less than significant impacts related to air quality, noise, and transportation with the implementation of MM EKN AQ-1, MM EKN NOI-1, MM EKN NOI-2, and MM TRA-1. Please refer to Master Response 11, Traffic-Related Noise and Air Pollution, in Section 2.1, Master Responses, and Master Response 14, Hotel and Overlay Impacts on Parking of this document. Master Response 11 explains that the proposed project's traffic-related noise and air quality impacts are sufficiently addressed in the Draft EIR. Master Response 14 provides additional clarifying information on the requirements to analyze parking impacts under CEQA, the effects of parking on VMT, the City's parking requirements for the proposed use, and the estimates of parking demands generated by the project. Furthermore, the comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Please also refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

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From: [REDACTED] [REDACTED] >
Sent: Friday, September 20, 2024 4:48 PM
To: Olivia Ervin <oervin@cityofpetaluma.org>
Cc: Greg Powell <gpowell@cityofpetaluma.org>
Subject: PUBLIC COMMENTS / Draft EIR for the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Hi, Olivia and Greg,

Please include my attached public comments regarding the DEIR for the Hotel & Overlay. I wanted to get them on the record prior to next week's 9/24/24 Planning Commission Meeting, even though the 45-day Public Comment period does not technically end until 10/6 or 10/7.

Which leads me to the question of whether the Planning Commission should even be conducting a Public Hearing on this subject before the 45-day public comment period is up.

Regards,

Lydia Asselin

[REDACTED]
Petaluma, CA 94954
[REDACTED] (mobile)

Draft EIR Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel

Public Comment Submitted by Lydia Asselin

September 20, 2024

In deciding what to comment on regarding the 414-page DEIR for the Hotel and Overlay, I am struck by the lack of much new information since the October 2023 IS-MND. The content in the DEIR is just a reformatted and repackaged, repetitive version of information in the IS-MND. The only measurably new content in the DEIR consists of these three items.

- Higher quality visual simulations.
- A new Vehicle Miles Traveled assessment.
- A Historic Built Environment Impacts Assessment for the hotel by South Environmental, supplemental to Diana Painter's report. This information codifies why Rex Hardware and Bank of the West should not be considered as historic contributing buildings.

2

Still having a problem with the combined DEIR?

- Once again, we have a combined Hotel and Overlay document, which provides a “**nothing to see here**” programmatic approach to any Environmental Impact from the Overlay because there are no proposed buildings to evaluate. At times the proposed Hotel project is discussed as if the Overlay was a fait accompli.

3

Have a problem with Aesthetics? Pretty hard to quantify this topic, since a project's design is subjective, right? So, really **nothing to see here**.

4

- **In Aesthetics / AES-1**, CEQA asks if the proposed project infringes on scenic vistas. Not from the specific vantage points selected by the preparers of the DEIR, so **nothing to see here**. It may not block vistas of our surrounding hills, but the building's bulk and height dominate the neighborhood.
- **In Aesthetics AES-3**, CEQA asks if the project is in an urbanized area, would it conflict with applicable zoning and other regulations governing scenic quality? Well, yes, it does—in allowable building height, FAR, and lot coverage. But the Overlay, you say...?
- **Aesthetics “Mitigation Measures”** are the responsibility of HCPC and the Planning Commission to adjudicate with the discretionary HSPAR review process. *Have a Problem with Aesthetics?* Just register your concerns with the Planning Commission and HCPC. These two groups of citizens have already voiced their discomfort with the bulk, massing, and design of this hotel building. So have numerous Petaluma residents. Nobody seems to be listening.

5

6

7

Have a problem with shadows cast from a six-story building?

- Sorry, in **AES-5**, CEQA doesn't consider this an environmental impact. **Nothing to see here**.

8

Have a problem with Cultural & Historic Resources?

- **In Cultural & Historic Resources CUL-1** CEQA asks if the proposed project could cause a substantial adverse change in the significance of a historic resource. Does a historic resource need to abut the proposed project? The DEIR goes to great extents to prove that post-fire Rex Hardware and North Bay Savings & Loan (Bank of the West) are not considered

9

to be historically contributing buildings. Nothing to see here , despite Rex Hardware’s best attempts at recreating their pre-fire building.	9 CONT
<ul style="list-style-type: none"> Beyond just looking at buildings that are immediately adjacent to the proposed hotel, there is the issue that the Hotel parcel sits within the boundary of the National Register Downtown Commercial District. As such, this site acts as a gateway to Petaluma’s historic downtown, and any building erected there should be worthy of this location. We are offered the same Mitigation Measures—Planning Commission, HCPS, HSPAR can weigh in on the Conditional Use Permits and the merits of the design. 	10
<ul style="list-style-type: none"> In Cultural & Historic Resources CUL-2 and CUL-3 CEQA asks if the proposed project could cause a substantial adverse change in the significance of an archaeological resource. Or if the proposed project could disturb human remains, The DEIR indicates that any issues uncovered during excavation or via canine alerts can be mitigated via longstanding archaeological protocols. No issues here. 	11
Have an ongoing problem with Land Use and Planning? Now you’re talking. (Also see Aesthetics AES-3, above.) This building does not conform to existing zoning requirements, which is why the Overlay was created. Which came first, the chicken or the egg? The Hotel or the Overlay?	12
<ul style="list-style-type: none"> In Land Use and Planning LAND-2: CEQA asks if the proposed project could cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The DEIR (as did the IS-MND) says the Discretionary Review Process and the need for Conditional Use Permits to exceed the height limits are sufficient mitigators. 	13
<ul style="list-style-type: none"> These Mitigation Measures that are stipulated in the DEIR are taken word-for-word from the laundry list of possible public benefits that must be achieved to get a Conditional Use Permit (CUP)--first to go from 45 feet to 60 feet, then another CUP to go from 60 feet 75 feet, and a third CUP to go to 100% lot coverage from 80%. The developer worked with the Petaluma Planning Department in coming up with this laundry list of public benefits after the hotel had already been designed. Nothing to see here, folks—the developer is in the driver’s seat. 	14
<ul style="list-style-type: none"> The project doesn’t need to achieve compliance with everything from the laundry list nor meet full consistency with all General Plan Goals. <ul style="list-style-type: none"> Pick two out of three listed public benefits and you can move up to 60 feet! Pick one out of three more listed public benefits, and you can achieve 75 feet! But you’ll have to meet all five public benefits to achieve 100% lot coverage! For example, you don’t need to demonstrate “exceptional architecture and design” to meet the first 60-foot threshold. And if you have underground parking, you can automatically meet the second 75-foot threshold. Seriously! How were these metrics weighted? 	15
Do you have a problem with the Conditional Use Permit process being the Mitigation Measure for Aesthetics, Cultural and Historic Resources, and Land Use and Planning?	
<ul style="list-style-type: none"> Who gets to weigh in on whether the developer satisfactorily meets the laundry list’s requisite number of items? The members of the Planning Commission and HCPC. This would be done at the HSPAR Review. It puts an onerous load on a group of volunteers, none of whom are architects. 	16

- Is it possible to meet the requirements of the two CUP hurdles and still not be approved on the design merits of the project. Technically yes. This hotel's mass and bulk and generic design have always been contentious points of discussion. **Aesthetics Do Matter.**

17

Perhaps you have a problem with traffic or parking?

- Sorry, CEQA's "Vehicle Miles Traveled" methodology gives projects within a half mile of the SMART station a designation of no significant impact.
- Common sense might lead you to think that out-of-town tourists staying at a high end hotel will not be arriving to Petaluma via SMART train from the Santa Rosa Airport. Or San Franciscans looking for a weekend getaway will leave their Teslas home and Uber up 101. But CEQA sets the parameters. **Nothing to see here.**
- As a courtesy, the previous metric, "Level Of Service" (used in the current General Plan's EIR back in 2008) was briefly discussed in the DEIR. Back then, the Petaluma Boulevard/D Street intersection was problematic (LOS=D). The DEIR notes, however, *"...under future and future-plus-project scenarios, the Petaluma Boulevard/D Street intersection would degrade to LOS E. Furthermore, this intersection would operate unacceptably regardless of the proposed project. Since the proposed project would not further degrade the intersection to LOS F, there would be no conflict with General Plan Policy 5-P-10. But no matter; CEQA uses VMT as a metric. Nothing to see here."*

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Do you have problems with Cumulative Impact (or lack thereof)?

- The DEIR document tells us there is no significant environmental impact for this proposed hotel project. But what about taking into account those other "pipeline projects" like the nearby Oyster Cove (132 dwelling units; 2100 sq ft commercial), or the proposed Haystack Landing (182 dwelling units; 14,516 sq ft commercial) Adobe Winery (13,718 sq ft commercial)?
- Well, CEQA says since these projects were apparently designed to meet current zoning requirements, and the current land use maps would have foreseen this kind of development on vacant parcels, there would be no measurable impact. Adding the Hotel into the mix might have some cumulative impact, but that could be mitigated through the Conditional User Permit (CUP) process. **Nothing to see here.**
- As for the Hotel, the DEIR again uses the Conditional Use Permit process as the Mitigation Measure that would make this a project that conforms to the General Plan and zoning ordinances. Thus—less than significant cumulative impact. This is all dependent on simultaneously approving the Overlay, of course.

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In Conclusion

- The DEIR gives us a big dose of **Nothing to See Here** in terms of any environmental impact.
- So I for one will move on to the next step--reiterate and reframe the issues I have with the Hotel and talk about its inappropriate size, bulk, scale, height, and blandly uninspiring architectural design.
- And I will continue to argue in front of the Planning Commission and the members of the Historic and Cultural Preservation Committee that **THIS** hotel is wrong for **THIS** location.

23

Lydia Asselin (ASSELIN)

Response to ASSELIN-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

CEQA Guidelines do not require that any public hearings occur during the Draft EIR comment period. The City public review process on the Draft EIR provided for two public hearings, one before the Planning Commission and Historic and Cultural Preservation Committee (HCPC) on September 24, 2024, and the other before the City Council on October 7, 2024. There is no requirement that a public hearing on Draft EIR occur following the close of the public comment period. Please also refer to Master Response 5, Noticing and the Public Involvement process, in Section 2.1, Master Responses, of this document.

Response to ASSELIN-2

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Response to ASSELIN-3

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please also refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document.

Response to ASSELIN-4

The comment is noted. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Response to ASSELIN-5

The comment is noted. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to ASSELIN-6

As detailed in Section 3.1, Aesthetics, of the Draft EIR, the proposed Overlay would increase the allowable building height in the MU2 zone from 45 feet to 75 feet, the FAR from 2.5 to 6.0, and lot coverage from 80 percent to 100 percent. The potential impacts of these proposed changes are evaluated in the Draft EIR.

If the Overlay is not approved, then future projects would be evaluated against current zoning and development standards. However, if the Overlay is approved and the General Plan Amendment (GPA) and Zoning Text Amendment (ZTA) are implemented, future development projects within the Overlay Area would be required to obtain a CUP, which would include evaluation of each specific project's compatibility with surrounding development and consistency with the goals of the Overlay, the Overlay development standards, and the General Plan. Therefore, the project and future projects within the Overlay would not be in conflict with applicable zoning and regulations regarding scenic quality.

Response to ASSELIN-7

The comment is noted. As detailed in Section 3.1, Aesthetics, of the Draft EIR, the proposed Overlay would increase the allowable building height in the MU2 zone from 45 feet to 75 feet, the FAR from 2.5 to 6.0, and lot coverage from 80 percent to 100 percent. The potential impacts of these proposed changes are evaluated in the Draft EIR. Future development projects within the Overlay Area would be required to obtain a CUP, which would include evaluation of each specific project's compatibility with surrounding development and consistency with the goals of the Overlay, the Overlay development standards, and the General Plan. Therefore, the project and future projects within the Overlay would not be in conflict with applicable zoning and regulations regarding scenic quality.

As detailed in Section 3.3, Land Use and Planning, of the Draft EIR, the Hotel has already undergone one round of review and has been modified in line with HCPC recommendations. With approval of the proposed Overlay, a maximum building height of up to 75 feet, a FAR of 6.0, and up to 100 percent lot coverage would be allowed. As such, the Hotel project would be within the requirements of the proposed Overlay.

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to ASSELIN-8

The comment is noted. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. Please refer to Master Response 1, General Opposition Comments, in Section 2.1,

Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Additionally, the effects of shadow and shade are not identified by CEQA or the City as potential environmental impacts. Nonetheless, an analysis of the proposed Hotel's shadow was prepared and included in Impact AES-5 of Section 3.1, Aesthetics, of the Draft EIR. As detailed in the Draft EIR, the proposed Hotel would not result in a substantial new shadow of significant duration over any routinely usable outdoor space, historic resource, or other shadow-sensitive area.

Response to ASSELIN-9

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to ASSELIN-10

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR. Please also refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that would be performed as the City receives specific development applications in the Overlay Area.

Response to ASSELIN-11

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Response to ASSELIN-12

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Response to ASSELIN-6 above. Please also refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to ASSELIN-13

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Response to ASSELIN-6 above. Please also refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to ASSELIN-14 through ASSELIN-16

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project, and refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed Hotel project would undergo following certification of the EIR and approval of the proposed Overlay.

Response to ASSELIN-17

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval. Please also refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to ASSELIN-18

The commenter criticizes the use of VMT in CEQA. The use of VMT as a metric for evaluating in transportation in CEQA analyses became mandatory in 2020. See Master Response 15: Traffic Congestion. The comment is incorrect. The transportation analysis does not take any discounts for pedestrian activity or presume that employees and visitors would not drive; VMT is considered for these users in a manner that is consistent with the City of Petaluma's VMT Guidelines, including the use of screening parameters.

Response to ASSELIN-19

The commenter points out projected future LOS E conditions at Petaluma Boulevard/D Street, though acknowledges that CEQA Guidelines now direct the use of VMT rather than LOS. It should be noted that LOS was used in the Hotel TIS to determine whether there would be a potential conflict related to local City policies, including General Plan consistency. The intersection of Petaluma Boulevard/D Street is projected to operate at a LOS E in the future without the Hotel project and would be expected to experience an imperceptible increase in delay with the Hotel project, maintaining a LOS E at operation. Although LOS E is considered unacceptable per the City's current LOS policy, it was previously anticipated by the General Plan EIR that this intersection would operate at a LOS E following full Buildout pursuant to the General Plan, and a statement of overriding considerations was adopted by the City. Because the Hotel project would not further degrade operation of the intersection to LOS F, and impacts were already analyzed and disclosed in the General Plan EIR, no further analysis or improvement measures are warranted.

Response to ASSELIN-20

A cumulative analysis was prepared for each topical section in Chapters 3, Environmental Impact Analysis and 4, Additional Effects Evaluated in the Initial Study of the Draft EIR for both the proposed Overlay and Hotel. A cumulative project list was provided in Table 3-1 and was used to prepare the cumulative analysis.

Response to ASSELIN-21

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Response to ASSELIN-22

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-55. The comment does not raise any new environmental issues that would change the conclusions of the cumulative analysis. Therefore, no further analysis of cumulative impacts is required.

Response to ASSELIN-23

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Additionally, Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

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At the September 24, 2024 combined HCPC & Planning Commission meeting, attendees heard significant pushback from committee members on what was perceived as a seriously flawed and lacking Draft EIR. A comprehensive list of additional findings was requested by HCPC and PC to be addressed in the Final EIR. I was extremely disappointed that there was not enough courage beyond one member (or maybe too much confusion at 11 pm) to vote “NO” on promoting the DEIR, and instead to send it back for another round of improvements.

Unfortunately, Community Development and Planning Department staff browbeat HCPC and PC into keeping the process moving to a Final EIR, first by softening the language regarding multiple areas that committee members felt had gone unaddressed in the Draft EIR, and then by upselling the argument that the Overlay was completely harmonious with the direction that the as-yet approved General Plan Update is headed.

This disingenuous GPU argument is a slap in the face to those in the community that have voiced their views on both the Overlay and the General Plan Update! This position completely disavows ongoing community input into the General Plan Update / Land Use Framework discussion and puts a thumb on the scale regarding any decision about the Overlay. Plus the GPU is a year away from being finalized.

Here are the key zoning comparisons between the Overlay and the proposed General Plan Update’s Land Use Framework:

Zoning Changes Proposed	DHEO Overlay	GPU Land Use Framework Alternatives
Floor Area Ratio (FAR) = Bulk	Increase from 2.5 to 6.0	Increase from 2.5 to 3.5 (change from MU-2 to T6)
Building Height / # of stories	Increase from 4 stories & 45 feet to 6 stories and 75 feet with Conditional Use Permit	Minimum 4 stories / maximum 6 stories; Maximum height of 70 feet
Housing Density	No change from current 30 dwelling units per acre; six stories is not needed for housing	Increase from 30 DU’s per acre to: Min 55 / Max 90 dwelling units per acre
Lot Coverage	Increase from 80% to 100% with CUP	Not addressed

- **Note that the “Downtown Housing and Economic Opportunity” Overlay does not actually increase housing density Downtown beyond the current 30 dwelling units per acre.** Note also that if the EKN Hotel site were developed as housing, the lot size of 1/3 acre would only permit 10 dwelling units. This equates to 2 or 3 levels of multi-family housing over ground floor commercial use—so no more than 4 stories and 45 feet in height. Just like current zoning regulations. The 6 story Overlay is just to get the hotel approved.
- **Recent alternatives shown in the General Plan Update’s Land Use Framework are proposing a zoning change for Downtown areas to increase density from current “Mixed Use-2” to “T6 Urban Core”.** Please note that the GPU Land Use Framework has a chart on page 30 that indicates T6 mixed use structures can have a maximum FAR of 3.5. If the proposed Overlay is approved with an increase in FAR to 6.0, just what FAR takes precedence when the General Plan Update comes along in 2025?

There was significant pushback on the thin list of items in the Conditional Use Permit (CUP) language that need to be achieved to allow for increased building heights up to 75 feet. There was general agreement that the CUP language needed more “teeth” instead of seeming like it was written solely to get the EKN Hotel approved.

- The CUP process must successfully address the National Register’s seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association.
- Stronger language is also needed in the CUP to protect Historic Downtown.
- More detailed Design Standards are needed in the CUP language; we need to establish and publish design expectations to support discretionary SPAR hearing.
- Urban parks are required for residential uses in the Overlay.
- Planning Commission must have the ability to review and agree upon more robust CUP language and requirements prior to HSPAR & City Council approval.
- The use of the CUP process as an impact mitigation measure is an example of circular logic; The same mitigation measure, **MM Overlay CUL-1e** is used for the three distinct CEQA areas at issue in this DEIR—Aesthetics, Cultural Resources, and Land Use & Planning. It makes no sense to have a CUP process where the CUP menu itself is what mitigates environmental impacts.
- The CUP menu is subjective and lacks specificity; mitigation and enforcement are left open to interpretation.
- The CUP language regarding consistency with the current General Plan’s goals and policies has been cherry-picked for positive alignment examples. There are also multiple examples where the Hotel and Overlay are not consistent with current General Plan goals and policies.
- The CUP process should be based on the current General Plan since the proposed General Plan Update is still under community review, and will not be approved until 2025.
- See Planning Commissioner Darren Racusen’s 19-pages of DEIR comments dated 9/24/24.

5

The Planning Commission and the HCPC also took exception to these areas they felt were insufficiently addressed in the Draft EIR:

- EIR needs to have more discussion on project alternatives (alternate sites, environmentally superior alternates)
- Trash pickup plan
- Grease truck pickup plan (recycled grease)
- Construction traffic and parking plans
- Staff and customer parking quantities need closer study
- Secondary effects of increased traffic (greenhouse gas emissions)
- Hazardous waste / Hazardous materials mitigation (benzene in the soil; protections for “first floor” patrons and employees)
- The Draft EIR defers mitigation on downstream Overlay projects to the future, on a one-by-one basis. While CEQA allows this, it is not the most effective way to guarantee future impact mitigation.

6

And then there is the recent financial issue that has surfaced in local news outlets regarding EKN's Tahoe casino project.

SFGate noted on September 24, 2024 that the "blighted" Tahoe Biltmore Lodge and Casino, which developer EKN had planned to redevelop into a Waldorf Astoria, is in foreclosure and will be sold in a public auction tomorrow, October 8. EKN defaulted on its loan last Spring ; the "remaining principal on the loan, plus interest, fees, charges, and expenses, is over \$110 million." The article goes on to say, "Public records show that Nakhjavani has run into financial troubles before. In 2014, Nakhjavani filed for Chapter 11 bankruptcy. EKN Development Group, a Nevada LLC, was listed in the bankruptcy filing."

- What is Petaluma's risk in proceeding with EKN's hotel project?
- Is EKN just looking to obtain entitlements and will then turn around and sell the rights to another developer as a shovel-ready project?
- If another developer buys the entitlements, will they decide the project doesn't pencil out, and then propose a middle-market hotel chain with an even cheaper design and possibly further reduced parking?
- What if EKN decides to proceed, pending on a positive discretionary design review, then runs out of money after excavation of the basement garage? Then another default and foreclosure, except we have a big hole behind a chain link fence.

Please, please, please! Proceed with caution here. This flawed Draft EIR has been jammed through without enough substantive information or answers to questions posed by the Community, the Planning Commission, and HCPC. We all know the Overlay was designed solely to get the hotel approved, and this Draft EIR is a bare-minimum, mail-it-in effort that needs to be tossed back for further work. Or better yet, this whole Overlay charade needs to be put to bed so we as a Community can create a new Downtown zoning vision in a more thoughtful, systematic way.

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Lydia Asselin (ASSELIN 2)

Response to ASSELIN 2 1-4

Laurel Heights Improvement Assn. v. Regents of Univ. of Cal. [“*Laurel Heights*”] (1988) 47 Cal.3d. 376, 396 does not require the City to consider the project together with the City’s pending General Plan Update.

In *Laurel Heights*, the Supreme Court held that “an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. Absent these two circumstances, the future expansion need not be considered in the EIR for the proposed project.” (*Laurel Heights*, *supra*, 47 Cal.3d at p. 396).

Courts have found that agencies improperly piecemealed environmental review of projects in various situations when: (1) the purpose of the reviewed project is to be the first step toward future development; (2) the reviewed project legally compels or practically presumes completion of another action. (See discussion and cited cases in *Aptos Council v. County of Santa Cruz* [“*Aptos Council*”] (2017) 10 Cal.App.5th 266, 282).

There is no piecemealing, however, when “projects have different proponents, serve different purposes, or can be implemented independently.” (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1223).

In a recent similar case to the present Petaluma situation, the California Court of Appeal, applying the above two-part *Laurel Heights* test, held that a city’s contemplated changes to planning and zoning requirements as part of its ongoing regulatory reform and economic development initiatives are not reasonably foreseeable “consequences” of a particular zoning ordinance altering the density, height and parking requirements for hotels. (*Aptos Council*, *supra*, 10 Cal.App.5th at 282.) Thus, the County of Santa Cruz was not required to study or propose all of its contemplated reforms at one point although it could have done so by means of a comprehensive reform and programmatic EIR. (*Id.*). In rejecting a piecemealing claim, the court found that county’s approval of revisions to its zoning ordinances was not a single project because ordinances serve different purposes, operate independently of one another, and can be implemented separately. (*Id.* at 282, 286.)

Requiring the City to wait another year for the General Plan Update would unnecessarily restrict a local land use agency’s planning and zoning functions under their police powers by requiring them to wait months and possibly years to study and enact contemplated changes to its planning and zoning land use requirements until the completion of General Plan Update cycles when the updates become certain. The City should be free to act on General Plan and Zoning Code amendments for particular project proposals when the need, market timing, and financing exist so as not to miss critical windows of opportunity.

The position that the City must combine its General Plan Update with the Overlay is similar to the argument rejected by the California Court of Appeal in *Aptos Council*, stating: “Applying Aptos

Council's logic would require the County to wait to begin environmental review and implementation of any reform to Chapter 13.10 until the County has decided precisely what language to use and which ordinances to enact. The County's effort to modernize certain parts of the County Code is not fixed. Although there are certain codes and ordinances the County has researched and has determined it will amend, the County asserts that specific amendments are far from set in stone. Engaging in a single environmental review this early in the process would therefore be meaningless." (*Aptos Council, supra*, 10 Cal.App.5th at 284).

Similar to the ordinances in *Aptos Council*, the Overlay and the General Plan Update serve different purposes and can be evaluated and implemented separately. As such, the Project Description is accurate, does not piecemeal and no revisions are required to the Draft EIR.

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to ASSELIN 2-2

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to ASSELIN 2-3

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to ASSELIN 2-4

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application. Please also refer to Response to SHUTE, MIHALY, & WEINBERGER, LLP-19.

Response to ASSELIN 2-5

This comment raises specific questions regarding the CUP process and standards, which are planning and policy considerations and do not raise specific issues related to potential physical impacts on the

environment. As such, no further response is required with respect to the comments on the CUP process. CEQA specifically states that reliance on compliance with a regulatory process is sufficient mitigation if compliance with such standards can be reasonably expected. (CEQA Guidelines § 15126.4(a)(1)(B)). Here, a CUP would be mandatory for any project in the Overlay seeking to build above the permitted 45 feet, including findings that the project would not adversely impact historical resources and not be detrimental to public welfare. The required findings for a CUP establish the performance standards that must be achieved for receipt and implementation of the permit. Because the Overlay does not authorize any specific development, it is appropriate to address project-specific impacts as part of the CUP process when specific development proposals are advanced. Additionally, the comment objects to the use of MM CUL-1e for several potential impacts. There is nothing in CEQA that prohibits or restricts the application of a particular mitigation measure to multiple impacts.

Response to ASSELIN 2-6

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. With respect to the alternative sites discussion, please see Response to BEARDSWORTH 2-41. The comment does not identify a specific critique of the environmentally superior alternative discussion. The environmentally superior alternative is discussed in Section 6.6 of the Draft EIR.

Trash pickup for the Hotel would take place on B street. The applicant will be required to have a trash pickup plan with Recology prior to occupancy of the building. As with any dense urban area, trash pickup may create temporary traffic delays. However, this is characteristic of the City's downtown and not a project-specific issue. The collection and disposal of grease would adhere to the City's Municipal Code requirements and waste management collection plans.

With respect to concerns around construction traffic and parking, please refer to Master Response 10, Construction and Staging, in Section 2.1, Master Responses, of this document. Master Response 10 provides additional clarifying information related to the staging and construction of the proposed Hotel.

With respect to concerns regarding traffic-related greenhouse gas emissions, please refer to page 4-33 of the Draft EIR, in Chapter 4, Additional Effects Evaluated in the Initial Study.

With respect to concerns related to hazardous waste and hazardous materials mitigation, a comprehensive Risk Management Plan has been developed for the site to prevent unacceptable exposures to residual benzene and other fuel hydrocarbons in soil, soil gas and groundwater. These measures are described under MM-EKN-HAZ-2. Included in these measures are limiting uses on the first floor to commercial/industrial uses (i.e., no residential), and installing vapor mitigation measures to prevent benzene intrusion into the building.

Finally, with respect to the comment that the Draft EIR defers mitigation related to the proposed Overlay, please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and

the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to ASSELIN 2-7

Based on response provided by the applicant (see Appendix A hereto), the City understands that EKN's Tahoe project remains an active development project. The existing financing is currently being restructured to better align with the project's long-term goals and market conditions. This process is part of the applicant's continued efforts to ensure the Tahoe project's financial stability and successful completion.

From: [REDACTED] <[REDACTED]>
Sent: Friday, October 18, 2024 5:25 PM
To: Olivia Ervin <oervin@cityofpetaluma.org>; Greg Powell
<gpowell@cityofpetaluma.org>
Subject: Extension of Public Comments window for DEIR on the EKN-Appellation Hotel
and DHEOO

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

Olivia and Greg,

I've taken advantage of the extended window for public comments on the DEIR for the
Hotel and Overlay, and am submitting another document for the record prior to
preparation of the FEIR.

Thanks,
Lydia

Lydia Asselin

[REDACTED]
Petaluma, CA 94954
[REDACTED] (mobile)

EKN / Appellation Hotel and Overlay Draft EIR Public Comments / October 18, 2024
Submitted by Lydia Asselin

THIS DRAFT EIR REPRESENTS FALSE PREMISES REGARDING MITIGATION MEASURES:

CEQA's definition of a Mitigation Measure is a plan to reduce or avoid the negative environmental effects of a project.

- A Mitigation Measure is generated for a particular aspect of a proposed project that has been identified as having a potentially significant or significant environmental impact.
- Mitigation Measures then describe a plan to avoid, minimize, rectify, or compensate for this significant impact.

1

Prior to developing Mitigation Measures, however, the environmental impact(s) first must be analyzed and evaluated.

- This DEIR moves straight into Mitigation, without giving solid evidence, description, or analysis of the environmental impact behind the need for a Mitigation Measure.
- Without merit, the DEIR rolls impact and mitigation into a single discussion, which is made even more circular by the choice of using the CUP language as the Mitigation Measure.

2

There is no logical basis for the DEIR to utilize the language of the proposed Conditional Use Permit (CUP) process as evidence that the project has no significant impact.

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- The CUP is a tool used by the Planning Commission in the discretionary review process to determine if the project design meets certain thresholds.
- Unfortunately, these CUP thresholds are so laughably low that they appear to have been co-written by the Hotel & Overlay Applicant as an easy hurdle for the hotel design to clear.
- The justification put forth in the DEIR is simply a weakly constructed argument of how the project meets the CUP standards.

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The hotel project was certainly designed with the CUP thresholds in mind, yet the project still has potential environmental impacts.

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- So how can the CUP menu then be also used as a Mitigation Measure?
- As noted above, the DEIR does not in fact analyze and describe the potentially significant environmental impact, it just falls back on the CUP language. Furthermore, the applicant is merely stating how they believe the project complies with the proposed CUP thresholds.
- Bottom line: The CUP process should not be confused or equated with a CEQA Mitigation Measure. The CUP is concerned with “community benefit”, not environmental impact. The CUP process belongs with the Discretionary Review process, not CEQA.

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HOW EFFECTIVE IS THE JUSTIFICATION OF THE CUP THRESHOLDS, AS DESCRIBED IN THE DEIR, ANYWAY?

- **MM Overlay CUL-1e is used in this DEIR for the three distinct CEQA areas at issue** and having potentially significant environmental impact—Aesthetics, Cultural Resources, and Land Use & Planning. The compliance discussion regarding the hotel is completely unsupported with any evidence to bolster the conclusions, even if the CUP was a valid strategy for self-mitigating.

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Mitigation Measure CUL-1e	How the Hotel deems it has complied	PUBLIC COMMENT REBUTTAL:
Future developments within the Overlay that propose height above 45-feet or a lot coverage about 80 percent would be required to obtain a Conditional Use Permit (CUP) issued by the Planning Commission (PC) based on specific findings after a public hearing. A CUP can only be granted if the building height is 75-feet or below. Affirmative findings for each of the following criteria, supported by substantial evidence in the record, is required for approval of a CUP application for increased height up to 60 feet:		
The additional height is consistent with the applicable purposes of the proposed Overlay;	The additional height appears to be consistent with the Project Objectives in Chapter 2, Project Description, including providing opportunities for economic development by allowing for flexibility in building forms to accommodate a variety of commercial services to meet evolving demands.	<p>“Flexibility in building forms to meet involving demands”—is this just defined as the shape of the structure (CUP requires setbacks on the upper floors anyway), or might it mean the ability of the interior spaces to evolve into another use? Say, multi-family housing?</p> <p>The project conflicts with other City Objectives in Chapter 2, such as “Preserve the Integrity of the Commercial Historic District...” and “preserve the historic character of the City’s Downtown core...”</p> <p>The additional height and bulk also seems contrary to some of the current General Plan strategies such as using FAR as a means to control bulk.</p>

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<p>The additional height makes a positive contribution to the overall character of the area and that the building would be compatible with its surroundings. The “positive contribution” and “compatibility” will be assessed using a combination of visual studies, line-of-sight drawings, photo simulations, 3-D modeling, and view shed analysis.</p>	<p>The additional height appears to be consistent with this criterion. Visual simulations were prepared for the proposed Hotel and are included as Exhibits 3.3-1 through 3.3-1i. The proposed Hotel would be appropriately scaled to maintain the character of the site and would not result in a significant aesthetic impact. The additional height encourages flexibility in building form consistent with General Plan Policy 1-P-7. Specifically, the increased height (to approximately 69 feet) facilitates development of retail and restaurant uses on the ground-floor and commercial hotel and event space uses on the upper floors, including a 901-square-foot ground-floor seating area, an 898-square-foot second floor terrace, and a 5,585-square-foot rooftop terrace.</p>	<p>Where is the evidence to assess the “positive contribution” to the overall character? Or Compatibility with surroundings? Or appropriate scale?</p> <p>How does the additional height encourage flexibility in building form? What about a video depicting what one sees as an approaching pedestrian or driver? Visual simulation viewpoints have been cherry-picked to show the hotel in the best light.</p> <p>There is simply a lack of analysis here.</p>	<p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p>
<p>The additional height would not adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship in terms of harmony and appropriateness with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural, or aesthetic interest or value of the district;</p>	<p>The additional height appears to be consistent with this criterion. As shown in the visual simulations included as Exhibits 3.3-1 through 3.3-1i, the Hotel would not result in a significant aesthetic impact. Furthermore, as described in Section 3.2, Cultural Resources and Tribal Cultural Resources, and in the Historic Built Environment Assessment (HBEA) prepared by South Environmental (Appendix B), the proposed Hotel would not have an adverse effect on the significance or integrity of a historical resources that is on-site or adjacent to the site.</p>	<p>The visual simulations do not in fact give evidence that the hotel as shown does not result in a significant aesthetic impact! The DEIR is attempting to register with the State that neither Rex Hardware nor Great Western Bank have historical significance or integrity. But the height and bulk impact to the Historic District as a whole is waved away.</p> <p>It should be noted that the Rex Hardware building has never been removed from the National Register listing, despite the fire and closely-adherent rebuild.</p>	<p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p>The additional height would not result in unreasonable restrictions of light and air from adjacent properties or the public right-of-way, or otherwise be detrimental to the public health, safety, or welfare</p>	<p>The additional height appears to be consistent with this criterion. As described in Section 3.1, Aesthetics, the proposed Hotel would not have a significant impact resulting from shade or shadow. The height would not be detrimental to public health, safety, or welfare or block a public right-of-way.</p>	<p>Shadows cast are not likely to be detrimental to public health, safety, or welfare; also, any conforming 45-foot building would likely still cast shadows on the park across B Street.</p>	<p>23</p>

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The building design expresses a relationship to an existing datum line or lines of the street wall or adjacent historic resource, if any.	The additional height appears to be consistent with this criterion. As described in Section 3.2, Cultural Resources and Tribal Cultural Resources, the proposed Hotel would be consistent with design Guidelines for New Construction in the Historic Commercial District, including pedestrian-oriented design, fenestration on the upper floors, setbacks, materials, colors, etc.	While the hotel does propose a datum line at 45 feet (current height limit), it completely ignores and overpowers the 20-foot tall adjacent Rex Hardware, which remains a contributing building on the National Register Downtown Historic Commercial District.
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Additional findings must be made for buildings that are between 60 and 75 feet. A proposed project must include at least two of the of the community benefits described in 1, 2, and 3 below and one of the community benefits described in 4,5, and 6 below:		PUBLIC COMMENT REBUTTAL:
1. Improves the existing streetscape by providing widened sidewalks, additional street trees, new mid-block walkways/paseos, public plazas, parks. etc. For a project that would widen the sidewalk by increasing the ground floor building setback, a public outdoor amenity space shall be included in the design, and this space shall be designed and configured to provide adequate space for pedestrian movement and activity.		While the ground floor has been set back from the property line, the resulting open space is devoted to hotel al fresco dining, and is walled off from casual public use through a series of planters. NOT A COMMUNITY BENEFIT.

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<p>2. Provides publicly accessible private open space, such as a street-level park or rooftop open space that is open to the public at least 8 hours per day and at least 120 days per year;</p>	<p>The additional height appears consistent with community benefit 2 because it includes a rooftop restaurant and 6th floor terrace, which is a publicly accessible private open space. Landscaping on the sixth floor includes four 15-gallon, medium water use trees (Chilean myrtle), and various 1- and 5-gallon shrub species. The total landscaped area, including trees, shrubs, and green roof areas would be 1,523 square feet.</p>	<p>PAPOS need to have clear signage posted as far as public access and what hours the space is open. This is meant to provide outdoor open space for the community to access for eating lunch, reading a book, or other pursuits that could take place on a public plaza. If this is more of an amenity for hotel guests, it misses the intent. 8 hours a day for a third of the year does not really meet the intent, either. POSSIBLE COMMUNITY BENEFIT—OR NOT</p>	<p>26</p>
<p>3. Demonstrates exceptional architecture/design. “Exceptional” architecture/design may be demonstrated by any of the following:</p> <ul style="list-style-type: none"> a. The use of innovative, creative, or original architectural concepts, materials, or building techniques; b. The use of visual elements that contribute positively to the built environment, such as well-proportioned facades, pleasing materials, and unique features; c. The use of innovative building systems or forms and/or the use of creative design, to increase building efficiency and to reduce energy consumption; 	<p>Additionally, the Hotel would include architecture and design elements consistent with community benefit 3. The design includes innovative architectural concepts and high-quality building materials, such as laser-cut metal panels and curvilinear patterns in the windows, as described in Section 2.2.2, EKN Appellation Hotel.</p>	<p>“Exceptional design” is very weakly defined here, and completely subjective. Well proportioned facades? Innovative concepts? Pleasing materials? Unique features? I do not see any of these. This is not an iconic building.</p> <p>As far as architectural materials, the perforated metal panels and curvilinear patterns in the windows have disappeared in the current re-design. The hotel no longer has balconies or decorative metal railings, either. This building does not represent exceptional design by any standard.</p> <p>NOT A COMMUNITY BENEFIT.</p>	<p>27</p> <p>28</p>

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d. The use of low impact development and green infrastructure features in sustainable design and landscaping; or e. The use of high-quality building materials that contribute to long-term durability and visual quality.		Not enough information or specification of sustainable materials; not enough planter “landscaping” to make an impact. MINIMAL COMMUNITY BENEFIT	29
4. Respects and/or preserve cultural, historical, or archaeological resources that exist or occur on-site or within the Overlay;	The Hotel was evaluated in the Historic Built Environment Assessment (HBEA) prepared by South Environmental on June 24, 2024 (Appendix B). The analysis demonstrates that the Hotel would not have an impact on the Historic Commercial District.	Appendix B only discusses Rex Hardware and the vacant bank building. The DEIR does not take into consideration or respect for the wider boundaries of the Historic Commercial District. It also discounts the fact that Rex Hardware was reconstructed to replicate the old historic pre-fire building, and in fact still remains as a “contributing building” in the Historic Commercial District. NOT A COMMUNITY BENEFIT	30 31
5. Exceeds the minimum number of Inclusionary Dwelling units required by IZO Section 3.040; or	n/a	n/a	
6. Provides all required parking below grade.	The additional height appears consistent with community benefit 6. The proposed project would provide all required parking below grade.	What is actually defined as “all required parking” for a commercial use within a half mile of a transit hub? Doesn’t CEQA say zero? Should providing an insufficient number of underground parking spaces be a sufficient enough reward to build above 60 feet? WEAK COMMUNITY BENEFIT	32

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Lydia Asselin (ASSELIN 3)

Response to ASSELIN 3-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to ASSELIN 3-2

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-55.

Response to ASSELIN 3-3

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-10, and 55.

Response to ASSELIN 3-4

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-67.

Response to ASSELIN 3-5

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-55.

Response to ASSELIN 3-6

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Response to ASSELIN 3-7

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP- 10, 55, and 67.

Response to ASSELIN 3-8

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-55.

Response to ASSELIN 3-9

Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-55.

Response to ASSELIN 3-10

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please also see Response to SHUTE, MIHALY, & WEINBERGER, LLP-55 and 67.

Response to ASSELIN 3-11

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. Flexibility in form relates to the height and massing; it does not relate to modification of the proposed hotel. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1.

Response to ASSELIN 3-12

Draft EIR Section 3.2 provides an evaluation of the proposed Hotel's potential impacts on historic and cultural resources. As discussed on page 3.2-54, the Historic Built Environment Impacts Assessment prepared for the project did not identify any historical resources on the proposed Hotel site or eligible federal, State, or local designated properties adjacent to the Hotel site. Further, the proposed Hotel would be developed according to the Petaluma Historic Commercial District Design Guidelines. The proposed Hotel would also comply with MM CUL-1e which requires the project to demonstrate that no adverse change in significance or integrity of historic resources on-site or adjacent to the site would occur, and that the proposed design would make a positive contribution to the overall character of the surrounding area. Therefore, the project would not conflict with City Objectives related to the Historic District and Downtown Core, as provided in Draft EIR Chapter 2.0. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to ASSELIN 3-13

Draft EIR Table 3.3-3 provides an evaluation of the proposed project's consistency with relevant General Plan policies, including policies related to FAR and development intensity within the Downtown core. Specifically, the project would be consistent with Policy 1-P-1 which aims to promote a range of land use densities and intensities to serve the community's needs. The Overlay would increase the maximum FAR, thus promoting greater infill development to serve the community's needs and the Hotel would utilize the increased FAR to that end. Additionally, as described in Draft EIR Section 3.2, future projects within the Overlay and the Hotel project would be required to comply with Mitigation Measure Overlay CUL-1e, which would ensure compliance with City policies and programs and development and design standards.

Response to ASSELIN 3-14

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts of Visual Character, and Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information related to aesthetics and visual character, including responses to concerns related to the visual character of the Downtown area and the Hotel component of the proposed project. Master Response 6 provide

additional clarifying information regarding the City Design Review Process and considerations when reviewing applications for development.

Response to ASSELIN 3-15

Please refer to Master Response 7, Density Bonus and Building Height, and Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on the proposed density bonuses and building height requirements/limitations. Master Response 6 provide additional clarifying information regarding the City Design Review Process and considerations when reviewing applications for development.

Response to ASSELIN 3-16

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to ASSELIN 3-17

The comment is noted. A range of visual simulations viewpoints were selected for the Draft EIR in order to show how the proposed Hotel would look from various viewpoints. The viewpoints identified in the Draft EIR were selected in collaboration with City staff based on a range of on the ground photographs taken from different publicly accessible locations surrounding the hotel to show the hotel in relation to its context in the downtown area. The viewpoints were selected to provide accurate depictions of the Hotel component from locations where the project's visual characteristics would be most apparent. Several of the visual simulations, including Exhibit 3.1-3b, Visual Simulation 2, Exhibit 3.1-3c, Visual Simulation Viewpoint 3, Exhibit 3.2-3d, Visual Simulation Viewpoint 4, and Exhibit 3.1-3g, Visual Simulation Viewpoint 7, show the proposed Hotel with very minimal coverage from existing street trees. Furthermore, all photos used for the simulations were taken during the winter, on February 22, 2024, when the deciduous trees have the least amount of foliage to show the proposed hotel as clearly as possible.

Response to ASSELIN 3-18

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to ASSELIN 3-19

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and

consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Additionally, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to ASSELIN 3-20

Impacts to the Historic District were analyzed per CEQA in the Historic Built Environment Impacts Assessment pages 21-26 as well as in Section 3.2, Cultural and Tribal Cultural Resources, question a, of the Draft EIR. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to ASSELIN 3-21

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR. Please also see Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document.

Response to ASSELIN 3-22

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to ASSELIN 3-23

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please also refer to Response to BEARDSWORTH 2-16 regarding the shadow analysis provided in the Draft EIR.

Response to ASSELIN 3-24

As provided on page 3.3-4 of the Draft EIR, Rex Hardware no longer retains the requisite integrity to convey significance as an individual property or a contributor to the Historic Commercial District, following a fire in 2006 that destroyed the building. Further, as stated on Draft EIR page 3.3-29, the Hotel would undergo HSPAR review by the HCPC, as well as Planning Commission review, for compatibility with the character of eligible historic and cultural resources in the project area. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to ASSELIN 3-25

Draft EIR Table 3.3-5 evaluates the proposed Hotel's consistency with CUP Height Criteria for buildings 60-75 feet. The Hotel would be required to include at least two community benefits. The evaluation provided in Table 3.5 demonstrates the Hotel's consistency with community benefit criteria 2 and 3 to meet the CUP criteria requirement. Therefore, the Hotel project does not rely on consistency with criteria 1 to demonstrate compliance with CUP criteria for buildings 60-75 feet.

Response to ASSELIN 3-26

Draft EIR Table 3.3-5 evaluates the proposed Hotel's consistency with CUP Height Criteria for buildings 60-75 feet. The proposed Hotel would provide publicly accessible private open space on the 6th floor terrace that would be accessible 8 hours per day for at least 120 days per year and would therefore be consistent with the required CUP criteria for community benefits.

Response to ASSELIN 3-27

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which would govern all development associated with the implementation of the proposed project.

Response to ASSELIN 3-28

As provided in Draft EIR Table 3.3-5, the proposed Hotel is required to demonstrate exceptional architecture/design through any, not all, of the outlined criteria. Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which would govern all development associated with the implementation of the proposed project.

Response to ASSELIN 3-29

As provided in Draft EIR Table 3.3-5, the proposed Hotel is required to demonstrate exceptional architecture/design through any, not all, of the outlined criteria. The Hotel includes architecture and

design elements to meet the requirements of the CUP Height Criteria for buildings 60-75 feet. The Hotel does not rely on criteria related to landscaping to meet the requirements; therefore, evaluation of this criterion is not included in the Draft EIR.

Notwithstanding, please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which would govern all development associated with the implementation of the proposed project.

Response to ASSELIN 3-30

The Draft EIR does evaluate the proposed project relative to the Historic Commercial District. Please refer to Master Response 9, Historic Built Environment Impacts Assessment, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024.

Response to ASSELIN 3-31

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to ASSELIN 3-32

As stated on Draft EIR page 4-69, the proposed Hotel site is partially located within the Parking Assessment District, and, as such, would be required to provide fewer parking spaces than would be required if the site were located outside of the Parking Assessment District.

The City's Implementing Zoning Ordinance, Chapter 11, Parking and Facilities, Off Street, would require a total of 48 spaces for the project. As noted in the Project Description, the Hotel would provide 58 underground parking spaces and would therefore be in compliance with the City's parking requirements, as well as CUP Criteria 6, as demonstrated within Table 3.3-5 of the Draft EIR.

Response to ASSELIN 3-33

The comment objects to the Draft EIR's conclusion that the proposed project appears consistent with CUP criteria. Consistency with the City's standards for granting a CUP are not environmental issues related to potential impacts on the physical environment. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to

comments received during the public review period, including comments that express general opposition to the proposed project.

Response to ASSELIN 3-34

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. With respect to trash services, the Hotel component has been designed with dedicated areas for trash management. No environmental issues related to waste collection have been identified. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to ASSELIN 3-35

As provided in Table 3.3-6 of the Draft EIR, CUP Lot Coverage Criteria requires that additional lot coverage would reflect the prevailing development pattern for the abutting and adjacent parcels. While the adjacent bank building is set back on two sides, the majority of developments in the project vicinity are not set back, as analyzed in Table 3.3-6. Therefore, the proposed Hotel would be consistent with the prevailing development pattern.

Response to ASSELIN 3-36

Table 3.3-6 of the Draft EIR does not identify the proposed recycling and solid waste facilities as a mitigation measure or CUP criteria, but rather states that the proposed Hotel design would be consistent with CUP Lot Coverage Criteria.

However, the City does have standard conditions of approval regarding recycling and solid waste. As a standard Condition of Approval, in accordance with CALGreen Section 5.410.1, on-site recycling shall be provided in readily accessible areas for the depositing, storage and collection of non-hazardous materials including at a minimum paper, cardboard, glass, plastics, organic waste, and metals. Furthermore, the applicant is required to coordinate with Recology to appropriately size trash enclosures and ensure that maximum waste stream diversion occurs by providing on-site pre-sorting for recyclables and green waste for compostable and organic material.

Response to ASSELIN 3-37

Table 3.3-6 of the Draft EIR does not identify the proposed Hotel's removal and replacement of street trees as a mitigation measure or CUP requirement, but rather states how the proposed Hotel design would be consistent with requirements.

Response to ASSELIN 3-38

Table 3.3-6 of the Draft EIR does not identify the construction of a new bus stop as a mitigation measure or CUP requirement, but rather as a Condition of Approval.

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From: Bill Rinehart <[REDACTED]>

Sent: Thursday, October 17, 2024 9:56 AM

To: -- City Clerk <cityclerk@cityofpetaluma.org>; Caitlin Corley <ccorley@cityofpetaluma.org>

Cc: Olivia Ervin <oervin@cityofpetaluma.org>; Greg Powell <GPOWELL@cityofpetaluma.org>; Isabel Castellano <icastellano@cityofpetaluma.org>

Subject: Public Comment: EOO + EKN DEIR

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear Petaluma City Clerk,

Please accept the attached comment, for the record, and kindly send a reply to acknowledge receipt.

Thank You,
Bill Rinehart

Date: 10/17/24

To: Caitlin Corley, City Clerk

Cc: Olivia Ervin, Principal Environmental Planner;
Greg Powell, Principal Planner
Isabel Castellano, Preservation Specialist

From: Bill Rinehart

Subject: Draft EIR, Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel

Dear City Clerk and Planning Team,

Please accept this comment even though the public hearings on the DEIR have passed. If the DEIR had not been circulated at exactly the same time as the General Plan Update's draft Land Use Policy Framework, I would have submitted this prior to the hearings. I understand the comment period has been extended through 10/21/24 and submit the following, for the record:

1

Petaluma's historic character is an asset that creates unique economic opportunity in its own right, and our economic vitality as a community depends on its preservation and protection. While I support downtown housing, increased density, taller buildings, and re-development of several parcels, I strongly believe the analysis provided in the Draft EIR, is not adequate to fully understand or evaluate the overlay's potential impacts on Petaluma's historic resources. Furthermore, the mitigation measures are insufficient to adequately protect the integrity of the historic districts as a whole, or the individual properties which are recognized either as significant, or potentially significant.

2

The U.S. Secretary of the Interior and The California State Office of Historic Preservation recommended that analysis for this level of planning within or around historic districts needs to include a "Historic Context Statement" and a detailed "Historic Resources Inventory" (including survey, evaluation of potential significance, and designation of significant resources). The Historic Resources Specialist who prepared the HCRR for the study area (Painter Preservation Planning), and the professional consultants retained for Petaluma's General Plan Update (Page and Turnbull) have also made this specific recommendation. For more information on the value, purpose, and standards for these analyses, follow this link: https://ohp.parks.ca.gov/?page_id=23317

3

Not only is this level of evaluation necessary to understand potential impacts, it will also provide prospective developers with important background information needed to invest with confidence. It may also streamline their entitlement process if the analysis has already been completed, and significant resources are identified. Since this zoning overlay is intended to be a creator of "Economic Opportunity", a Context Statement and Historic Resources Inventory should be considered critical path toward facilitating downtown economic growth, and should be integral to this EIR.

4

The "Historic Built Environment Impacts Assessment", which was conducted for the hotel site only, concludes that the proposed hotel will have "less than significant impact" on the surrounding district, but does not evaluate the hotel in its context as the gateway to two designated historic districts. How can this conclusion possibly be drawn without a Historic Context Statement. Similarly, the "Cultural Resources Data Tables" included in Appendix B are inadequate. In addition to many errors and the lack

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6

of a “key” to interpret the data, this is just the first step in creating the inventory needed to properly plan for such development intensification within and surrounding a nationally registered historic district.	6 CONT
The EIR and proposed mitigation measures rely heavily on the CUP and HSPAR processes to be applied to specific project proposals, as they are submitted. Without a Historic Context Statement and Design Guidelines, the HSPAR and CUP processes are not equipped to evaluate proposals of this scale. It’s further stated that Historic Resources Evaluations would be conducted on specific parcels which might be directly impacted by the proposal. This piece-meal approach is inadequate to evaluate the potential impacts of this level of up-zoning on a district. No consideration or mitigation measures are provided to protect the overall district from the indirect long-term impact and degradation from potential build-out of multiple opportunity sites within and surrounding the historic districts.	7 8
There is some mis-information and implication that “The General Plan will take care of this”. This is not true. As you know, the General Plan only sets goals and policies, and recommends actions supporting these goals and policies. It requires an initiative to actually execute the recommended action. This up-zoning proposal constitutes just such an initiative and there is absolutely a nexus supporting this level of analysis. Our existing General Plan policy 3-P-1-d calls for conducting “...a comprehensive, city-wide survey...for the purposes of creating an historic resource inventory”. Certification of the EIR without adequate survey would be in conflict with this policy as well as policies 3-P-5 and 3-P-6. Additionally, this survey along with a Historic Context Statement, has again been recommended by the current general plan specialist. Any rationalization that kicks this important analysis down the road, or ignores these policies and recommendations indicates that this proposal is not really intended to serve the city, but instead just to pave the way for a single application (EKN Appellation Hotel).	9 10 11
A Historic Context Statement and a detailed Historic Resources Inventory (including survey, evaluation of potential significance, and designation of significant resources) need to be developed in accordance with State and Federal guidelines, and approved by the HCPC prior to certification of the EIR. If this timeline is not feasible, additional mitigation measures need to be added stating this will be completed, along with an update of Petaluma’s “Historic Commercial District Design Guidelines”, prior to consideration of any application for a proposed building taller than 45’ or with lot coverage greater than 80%	12 13
Thank you for your consideration of this matter, and for taking the necessary steps to adequately protect Petaluma’s priceless historic character and integrity.	14

Regards,

Bill Rinehart

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Bill Rinehart (B. RINEHART)

Response to B. RINEHART-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Response to B. RINEHART-2

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to B. RINEHART-3

The mitigation measures included in the Draft EIR for properties within the Overlay Area are consistent with CEQA best practices when looking at historic age properties at a programmatic level. The mitigation measures establish a process for future individual development projects within the Overlay Area to be evaluated on a project-specific basis. The current Historic Context Statement, Design Guidelines, and Historic District documentation is sufficient in understanding the historical context of properties within the Overlay and evaluating the potential effects of the proposed Hotel on historic resources at the project-specific level and the proposed Overlay at a programmatic level.

Response to B. RINEHART-4

Please see Response to B. RINEHART-3.

Response to B. RINEHART-5

Impacts to the Historic District were analyzed per CEQA in the Historic Built Environment Impacts Assessment at pages 21-26, and are summarized in Section 3.2.7 of the Draft EIR. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to B. RINEHART-6

The comment indicated that the tables were inadequate and contained errors. The information in those tables was taken directly from the California Built Environment Resource Directory (BERD) list, and the specific errors were not provided. The key for OTIS ID is included in the Draft EIR as Exhibit 3.2-3.

Response to B. RINEHART-7

Please see Response to B. RINEHART-3.

Responses to Written Comments

Response to B. RINEHART-8

Please see Response to B. RINEHART-3 and 10. Furthermore, MMs Overlay CUL-1a through Overlay CUL-1e would reduce impacts to the Historic Commercial District.

Response to B. RINEHART-9

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Please also refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, and Master Response 12, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to B. RINEHART-10

While General Plan Policy 3-P-1- calls for conducting a citywide historic resources inventory, the policy does not require this to take place prior to new General Plan or Zoning Code amendments or new development projects. The policy does not preclude the City from considering new development proposals. As such, certification of the EIR without this survey would not be in conflict with this policy.

General Plan Policy 3-P-5A requires that historic resource reports and similar background materials are submitted to HSPAR during preliminary review of projects. MM Overlay CUL-1a requires that individual development projects which propose to alter a building or structure greater than 45 years of age shall be subject to a Historical Resources Evaluation.

General Plan Policy 3-P-5B requires that future plans, ordinances, and City programs be complementary to the historic preservation goals and policies contained within the General Plan. General Plan Policy 3-P-6 requires that new development adjacent to eligible historic and cultural resources be compatible with the character of those resources. Table 3.3-3, General Plan Consistency Analysis, within Section 3.3, Land Use, of the Draft EIR, evaluates the proposed Overlay for consistency with several historic preservation Goals and Policies and determined the proposed Overlay and Hotel to be generally consistent with these policies.

Response to B. RINEHART-11

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and

the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to B. RINEHART-12

Please see Response to B. RINEHART-10.

Response to B. RINEHART-13

An update of the City's Historic Commercial District Design Guidelines would be a separate project from the proposed project. Whether or not the City updates the Historic Commercial District Design Guidelines is at the City's discretion. However, the City would not be able to impose a moratorium on applications for proposed projects until the Historic Commercial District Design Guidelines are updated. (California Govt. Code § 66300(b)). Should the City decide to update the Historic Commercial District Design Guidelines, they would take effect after going through their own separate and independent review and approval process. Please refer to Master Response 9 regarding impacts on Historical Resources.

As outlined in the Draft EIR and addressed in Master Response 9, the Hotel project is already in compliance with the Historical District Design Guidelines. Therefore, there is no need to amend the Guidelines to ensure consistency with this project. Additionally, any changes to the Guidelines would require a separate CEQA review and formal adoption process. Furthermore, the mitigation measure suggested by the commenter would not be proportional to the potential impact; accordingly, there is no nexus as any revisions to the Guidelines would apply to the entire Historic District, not just the Overlay Area or Hotel site. The City's discussion in the EIR properly focuses on potentially significant impacts and is not required to evaluate mitigation for less than significant impacts. (Cal. Pub. Res. Code §21100(b)(3); CEQA Guidelines § 15126.4(a)(3)). *See e.g., San Franciscans for Reasonable Growth v. City & County of San Francisco* (1989) 209 CA3d 1502, 1517 (holding that an exaction for open space and parks was not required under CEQA, because the EIR concluded that the impacts that would trigger a need for such mitigation were not significant); *North Coast Rivers Alliance v. Marin Mun. Water Dist.* (2013) 216 CA4th 614, 649 (holding that an EIR was not required to discuss green energy credits as a mitigation measure for energy impacts when the EIR had determined that the project's energy impacts would be less than significant); *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 CA4th 316, 336, (holding that an EIR was not required to evaluate expanding a road as a mitigation measure where EIR determined that traffic impacts would be less than significant).

Response to B. RINEHART-14

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

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From: Sue Bates-Pintar <[REDACTED]>
Sent: Tuesday, October 8, 2024 9:37 PM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: Proposed 'overlay' to change permitted height of buildings.

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

I am strongly opposed to the overlay. It appears to be an end run around historically set height limits.

1

One of the inviting charms of the Historic District in Petaluma is that it doesn't have tall modern, stark, buildings.

Allowing the height limit to be extended in the historical district will set a precedent to allow more than the proposed hotel. One by one new buildings will change the downtown forever to be a terrible mishmash of lovely old historic buildings and tall, cold too tall buildings that are not compatible.

2

Brian Barnacle is wrong. The overlay would not solve economic problems for the City. It would not solve our homeless problems. It would not provide adequate parking. It might draw some tourists, but what is there about it that serves the residents?

3

4

5

Sue B-P
Petaluma

Sent from my iPhone

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Sue Bates-Pintar (BATES-PINTAR)

Response to BATES-PINTAR-1

Please refer to Master Response 1, General Opposition Comments, and Master Response 7, Density Bonus and Building Height in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project. Master Response 7 provides additional clarifying information on the proposed density bonuses and building height requirements/limitations.

Response to BATES-PINTAR-2

Please refer to Master Response 7, Density Bonus and Building Height, and Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on the proposed density bonuses and building height requirements/limitations. Master Response 9 provides additional clarifying information related to aesthetics and visual character, including responses to concerns related to the visual character of the Downtown area and the Hotel component of the proposed project.

Response to BATES-PINTAR-3

Please see Response to BATES-PINTAR-5.

Response to BATES-PINTAR-4

Please refer to Master Response 14, Hotel and Overlay Impacts on Parking of this document. Master Response 14 provides additional clarifying information on the requirements to analyze parking impacts under CEQA, the effects of parking on VMT, the City's parking requirements for the proposed use, and the estimates of parking demands generated by the project. Also see Response to ASSELIN 3-32.

Response to BATES-PINTAR-5

The comment is noted. As discussed in Section 2.3, Project Objectives, of the Draft EIR, the City's objectives for the proposed project include, but are not limited to, creating a desirable location for visitors and the community, promoting a diversity of housing products, providing opportunities for economic development, and incentivizing investment to support local businesses, the community, and preserving the historic character of the City's Downtown core. No further response is required.

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From: Sue Bates-Pintar <[REDACTED]>
Date: October 19, 2024 at 7:36:19 AM PDT
To: Planning@cityofpetaluma.org
Subject: Proposed overlay and Appellation Hotel

I am adamantly opposed to granting the overlay for the following reasons:

1. The 45 ' height limit in the commercial district is plenty. 75' feet would dwarf existing historic buildings and cut off sun in its huge shadow. | 1
2. The underground parking for 58 vehicles is insufficient for over 100 rooms. Access for that parking will very negatively affect the area traffic and safety. Many of the anticipated visitors will not want to use the valet system, but will park on the street, further impacting available space for businesses. | 2
3. The proposed modern architecture is not compatible with our Historic District. It's stark and out of place. | 3
4. No setbacks from sidewalks- no grace, no plantings, nothing for pedestrians. | 4
5. The great increase in water use would negatively affect our community during drought years. | 5

PLEASE do NOT approve the overlay- it would negatively affect our beautiful, historic town forever. | 6

Sue Bates-Pintar
Petaluma

Sent from my iPhone

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Sue Bates-Pintar (BATES-PINTAR 2)

Response to BATES-PINTAR 2-1

Please refer to Master Response 1, General Opposition Comments, and Master Response 7, Density Bonus and Building Height in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project. Master Response 7 provides additional clarifying information on the proposed density bonuses and building height requirements/limitations. An analysis of the proposed Hotel's shadow was prepared and included in Impact AES-5 of Section 3.1, Aesthetics, of the Draft EIR. As detailed in the Draft EIR, the proposed Hotel would not result in a substantial new shadow of significant duration over any routinely usable outdoor space, historic resource, or other shadow-sensitive area.

Response to BATES-PINTAR 2-2

The commenter asserts that hotel traffic accessing parking would negatively affect traffic and safety. Traffic and access conditions were analyzed in the Traffic Impact Study for the Petaluma Appellation Hotel Project, W-Trans, 2023, which was reviewed by the City's Public Works department. It is noted that prior development plans for the hotel were found to have potential safety concerns at the garage access on B Street for drivers and pedestrians, but these issues were resolved to the City's satisfaction in the current Hotel project's site plan, which includes below grade parking on-site. The commenter also opines that hotel visitors would not want to use the valet system and would instead park on the street. It is unclear why the commenter believes this would be the case; regardless, even if drivers chose to park in public spaces instead of the garage, the resulting effects would not constitute a CEQA impact. For additional information please see Master Response 14: Hotel and Overlay Impacts on Parking.

Response to BATES-PINTAR 2-3

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to BATES-PINTAR 2-4

Please refer to Master Response 1, General Opposition Comments, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to BATES-PINTAR 2-5

The comment is noted. As detailed in Section 4.1.15, Utilities and Service Systems, of the Draft EIR, the permitted residential density would not increase as a result of the proposed Overlay, and as

such, a substantial increase in population beyond what has already been considered in the General Plan EIR is not anticipated. Future development within the Overlay Area would occur incrementally over time, would be subject independent discretionary review including an independent CEQA analysis and determination, and would be subject to payment of applicable development impact fees, including water and wastewater capacity fees that require developers to pay their fair share of the cost of needed water and wastewater improvements to serve new customers. It should also be noted that new buildings would be required to comply with current building codes, which include measures to increase water efficiency.

As detailed in Section 4.1.15, Utilities and Service Systems, of the Draft EIR (page 4.73), the City's average per capita water use rate is within the target identified in the Urban Water Management Plan (UWMP). Existing water supplies, including supplies available during low water years, would be sufficient to meet demands projected by the UWMP including the proposed Hotel.

According to the UWMP, the City anticipates having adequate water supplies in normal year, single dry year, and multiple dry year scenarios to meet demands through 2045, given water conservation efforts and groundwater use during dry year scenarios.

Nevertheless, the UWMP establishes Demand Management Measures and a Water Shortage Contingency Plan, which provide a means for water conservation and planning for periods of drought. Individual development projects are required to comply with the City's Water Conservation Ordinance for interior and exterior water usage, thereby minimizing water demands generated by new development. As noted above, although the proposed Overlay may result in greater building intensity as compared to existing regulations, the City's routine monitoring of water supplies against actual use and evaluation of new development projects through the development review process would ensure that water and wastewater demand does not exceed capacity. Furthermore, as noted above, all new development would be subject to payment of water and wastewater capacity fees. There would be sufficient water supplies available to serve reasonably foreseeable future development under the proposed Overlay component of the project including during normal, dry, and multiple dry years, and there would be adequate capacity to serve wastewater treatment demands of future projects. As such, impacts would be less than significant. No further response is required.

Response to BATES-PINTAR 2-6

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

From: Constance Bay <[REDACTED]>
Sent: Tuesday, October 8, 2024 3:01 PM
To: Petaluma Planning <petalumapanning@cityofpetaluma.org>
Subject: Hotel and overlays

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---
Hi All,

Please add me to the long list of all of the other Petaluma residents who are not in favor of the hotel and overlays. I won't go into detail regarding my concerns as many of them have already been addressed at numerous city Council meetings, and planning commission meetings.	1
I do have a few questions:	
Why is it suddenly possible to consider the hotel overlay by itself when before it had to be combined with the two other areas?	2
Why was the developer responsible for all of the environmental impact report fees however, the city of Petaluma has paid \$161,000?	3
Could you please describe the process that the city of Petaluma goes through when a developer comes into town and submits a plan which is against our current general plan Guidelines?	4
Why do we spend so much time and effort on general plan guidelines if they are not followed?	5
I hope to hear back from you with a better understanding of how all of this works. Thanks in advance.	6

Constance Bay

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Constance Bay (BAY)

Response to BAY-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to BAY-2

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains that an evaluation of a Hotel-Only Alternative would not result in significantly different information from that already presented in the Draft EIR because the Draft EIR already distinguishes between the proposed Hotel and the proposed Overlay in each topical section. There are no new or more significant impacts associated with a Hotel-Only Alternative that have not been discussed in the Draft EIR. Master Response 3 also discusses why the Draft EIR stated that the Hotel-Only Alternative would not meet the proposed project's objectives but that the City Council may in fact find that the preferred objectives are substantially met and choose to accept a Hotel-Only Alternative. Additionally, this comment does not raise specific environmental impacts and no further comment is needed. CEQA requires that comments on a Draft EIR identify substantial evidence of environmental impacts or inadequacies in the analysis. Generalized assertions or conclusory statements, without supporting evidence or specific examples, do not demonstrate that the Draft EIR is inadequate or noncompliant. (CEQA Guidelines §§ 15088(c), 15132(d) and *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549).

Response to BAY-3

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record.

Response to BAY-4

General Plan Section i.5—The Planning Process provides the opportunity to amend the General Plan. It states that:

“...the General Plan is the heart of the planning process. It is intended to be a living document, and as such, will be subject to more site-specific and comprehensive amendments. Amendments may also be needed from time to time...to eliminate or modify policies that may become obsolete or unrealistic due to changed conditions (such as completion of a task or project, development on a site, or adoption of an ordinance or plan).” (p. i-13)

Responses to Written Comments

When considering a General Plan Amendment, the City Council reviews evidence contained in the project record to determine whether the proposed amendment addresses Key Issues and Guiding Principles included in the General Plan and if it furthers implementation of specific General Plan goals and policies.

Similarly, IZO Chapter 25 sets forth the procedures to amend the Zoning Ordinance or Zoning Map, and within IZO Section 25.020, an “amendment may be initiated by the City Council, the Planning Commission, the Zoning Administrator (Director) or by an application of one or more owners of property affected by the proposed amendment.” Under IZO Section 25.040, staff is required to “make an investigation of the proposed amendment and shall prepare a report thereon which shall be submitted to the City body or bodies with jurisdiction over the proposed amendment.” This report will first be presented to the Planning Commission and if the Planning Commission makes the required findings for amendments to the General Plan and Zoning Ordinance, the proposed amendments will go to City Council for their potential adoption. These amendments are discretionary and if the Planning Commission and City Council cannot make the requisite findings, such as furthering the City’s goals and being in the City’s interest, then the reviewing bodies may choose to not make the amendments.

Response to BAY-5

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record.

Response to BAY-6

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

From: [Constance Bay](#)
To: [-- City Clerk; -- City Council](#)
Subject: Hotel and Overlay
Date: Tuesday, October 8, 2024 2:52:20 PM

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Hi City Council Members,

What the heck is going on with communication related to the hotel and overlays? We were told the hotel needed to be considered only with the other overlays. We were also informed there was no cost for the EIR's as the developer was paying for everything. Now that the city of Petaluma has paid \$161,000, how did we get the incorrect information previously? Will the city of Petaluma be paying an additional amount to answer the questions the City Council had when moving the EIR forward at last night's meeting?

Why can the hotel now be considered by itself?

Is there anything currently going on to hire our own staff to take the place of at least some of the M group employees? I was at a recent event to get more information regarding the general plan for the future. I met an M group employee. It was extremely disturbing to say the least, when she informed me it is best to have planners who do not live in the city, so there is no emotional component to any of their decisions as the city is not their home. But this is our home! I do want people who live here and have an emotional attachment to our town. What are your thoughts on this?

I am hoping that you can provide some additional information to help me understand how all of this happened? If the city council had voted not to move the EIR ahead, Would that have saved the City of Petaluma some money? I hope to hear some information back regarding all of these questions and thank you so much in advance.

Constance Bay

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Constance Bay (BAY 2)

Response to BAY 2-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to BAY 2-2

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains that an evaluation of a Hotel-Only Alternative would not result in significantly different information from that already presented in the Draft EIR because the Draft EIR already distinguishes between the proposed Hotel and the proposed Overlay in each topical section. It also discusses why a Hotel-Only Alternative would not meet the proposed project's objectives and would not disclose any new significant impacts or reduce any identified significant environmental impacts of the proposed project.

Response to BAY 2-3

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to BAY 2-4

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record.

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From: Isabelle M Beardsworth <[REDACTED]>
Sent: Monday, October 7, 2024 4:36 PM
To: Olivia Ervin <oervin@cityofpetaluma.org>
Subject: Comments on the Draft EIR City Council Meeting Oct 7

You don't often get email from [REDACTED] [Learn why this is important](#)

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Draft EIR Downtown Overlay EKN Hotel EIR comments to CC

The “Draft EIR” is a complete sham when it represents to “evaluate the California Environmental Quality Act”. The 414 pages essentially only address the EKN Hotel and not the broader aspects of rezoning a huge portion of the town, the proposed “Overlay” to the detriment of local residents.

1

This “Analysis” is the agenda pushed forward by the “M” group and supported by the majority of City Council. There is no rush to expedite any changes at this time. The exceptions are under the guise and on the coattails of the 2025 General Plan and prior to the November City Council elections and probable change in council members. The “less than significant cumulative impact” in the majority of categories was a foregone conclusion and a green light.

2

Citizens were promised to have a full EIR completed taking into consideration a full build out based on the parameters including height and density as proposed. There is no current need for retail business in the downtown area as outlined in the separate City of Petaluma Report. Information I and other citizens have requested from the “M” Group and the City Managers’ office relative to the existing vacant site downtown have not been provided. Per “Applicant Objectives” #1 ES-3 there is no current need for a hotel in Petaluma when hotel occupancy is 60%. No decisions should be made at this time pending completion of the public comment period of October 21.

3

4

The refrain for analyzing the proposed Overlay is only the vague terminology with no analysis there may be “Cumulative Impact reasonably foreseeable in the future development under the proposed Overlay”. This is not a full EIR. We should be ‘analyzing’ in its entirety anticipating a re-zoning within this area will, in fact, be built out if eligible to do so in the future. The City has expended \$161,000 of taxpayer monies undisclosed to the public for a report that does not complete its purpose.

5

The Downtown “Housing” and Economic Opportunity Overlay was only ever a ruse to obtain planning permission for the EKN Hotel and to garner support for additional housing. There is no need for housing and not in the downtown area because the Housing Element has already been completed for the General Plan 2025. In the event there are projects put forward in the future these can be evaluated on their own merits.

6

The “M” Group should understand planning regulations and the applicable regulatory compliance. It is willfully negligent by withholding key information to the public. The City of Petaluma and First Carbon Solutions have a duty to disclose applicable rules and regulations that will directly impact any proposed development. This includes SB35 Affordable Housing, SB330 Housing Crisis Act, SB2097 eliminates local parking requirements, 65915 (d) 2(D) Density Bonus Laws. Essentially these, and many more, can change any decisions made locally and imposed by the State of California. The limitations of building height, occupancy density shown in this report will be eliminated. Any future development within the “Overlay” will not be “subject to CUP and SPAR” locally and local citizens will not have their interests represented. The City Attorney has refused to provide a legal opinion on the impact of these laws to affirm or deny to the public that

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there are changes which can be affected by other entities and not within the control of the City of Petaluma and its Council on the Overlay.

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CONT

This is the first time citizens have been made aware of the "Parking Assessment District" which essentially does not require any property owners (in the District aka the Overlay) to provide on-site parking. Coincidentally, the City has never completed their analysis of parking in the downtown area. This significantly impacts local residents and businesses whose customers rely on their own transportation for their retail purchases.

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The only issue to consider at this time is the EKN Hotel. The bulk of the "EIR" involves significant redundancies, multiple duplications of information already contained within the NOP and all prior documents. It is incomplete, contains many inaccuracies with generic and vague terminology all to "fit the criteria

11

The extensive public feedback, inaccurately summarized on pages 1-3 to 1-10 are only a fraction of the negative feedback clearly outlining this is not a desirable project. Two of the key issues were Aesthetics and Historical Preservation

Impact AES-3: Page 129 Code 3.1.22 *Historic Commercial District Zoning Plan* outlines that any buildings should be "harmonious with the surrounding area, appropriately scaled, and maintains and enhances the unique cultural and historic resources of the City". This EKN Hotel clearly does not. The photographs reflecting the proposed building from different vantage points clearly indicate the structure is incompatible with the surrounding buildings. It dwarfs the commercial historical buildings downtown and will overlook the "A" street Residential District behind it towering over the 1 and two storey structures. The aerial view of the Historical Structures higher than the proposed hotel are, in fact, historical and should be preserved. They cannot be compared to a square box objective/ The Hotel would also, more importantly be "imposing on the surroundings."

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Similarly, the report does not provide any objective standard for the "Preservation of the Cultural and Historic Environment". The Hotel would definitely "impact the Historic District's ability to convey its significance." By its shape and size and clearly demonstrated by the photographs.

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Isabelle Beardsworth
October 7 2024

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Isabelle Beardsworth (BEARDSWORTH)

Response to BEARDSWORTH-1

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. The comment also does not address specific impacts. Accordingly, no further response is required.

Response to BEARDSWORTH-2

The portion of the comment addressing the timing of the Draft EIR does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Please also refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that would be performed as the City receives specific development applications in the Overlay Area.

One portion of the comment critiques that the Draft EIR is not a full EIR. While Chapter 3 of the Draft EIR does not contain all of the individual topical sections in Appendix G, the Draft EIR does address all Appendix G topical sections in Chapter 4, Additional Effects evaluated in the Initial Study. Chapter 4 contains information from the Initial Study and expands on this information based on comments received during the Notice of Preparation (NOP) Scoping period.

The comment also states that the City has not provided information related to vacant lots. This comment does not address specific environmental impacts of the proposed project and no further response is provided. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR. (CEQA Guidelines § 15204).

Response to BEARDSWORTH-3

This comment states that the hotel is not necessary as current hotel occupancy in Petaluma is at 60 percent. This is a conclusory statement that is not supported by any specific references and therefore does not require a response. (CEQA Guidelines § 15088) Furthermore, this comment does not raise specific legal issues, nor does it address the adequacy of the EIR. However, this comment speaks to the need for the project and is noted for the record and will be provided to City Council for their consideration.

Response to BEARDSWORTH-4

The decisions of whether to certify the EIR and whether to approve the proposed project will be made at the discretion of the City Council after the Final EIR is published. The portion of the comment addressing the timing of the Draft EIR does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to BEARDSWORTH-5

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. Also see Response to BEARDSWORTH-2 and Response to SHUTE, MIHALY, & WEINBERGER, LLC-16.

Response to BEARDSWORTH-6

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

The Overlay is intended to incentivize downtown commercial development and economic revitalization and only allows ground floor residential housing, but not in excess of already permitted density.

Response to BEARDSWORTH-7

This comment does not raise any environmental impact concerns, and no additional response is required. CEQA does not mandate a Draft EIR to evaluate the potential application of State housing laws that a developer may or may not choose to invoke. CEQA requires analysis of reasonably foreseeable impacts rather than speculative scenarios (CEQA Guidelines § 15145). Since the Overlay itself does not directly result in development, and there is no evidence to suggest that any future developer within the Overlay would apply State housing laws, the Draft EIR is not required to analyze this possibility.

However, please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to BEARDSWORTH-8

Contrary to the commenter's assertion, development projects within the Overlay Area would be required obtain a CUP, which would include evaluation of each specific project's compatibility with

surrounding development and consistency with the goals of the Overlay, the Overlay development standards, and the General Plan. Furthermore, development applications within the Overlay would be subject to Site Plan and Architectural Review (SPAR), or Historic SPAR (HSPAR) in accordance with Chapter 24.050 of the City's Implementing Zoning Ordinance, as stated in the Draft EIR. Detailed information regarding the processes related to applications for HSPAR, as well as the SPAR and CUP approvals, is provided in Appendix D to the Draft EIR.

Response to BEARDSWORTH-9

Please see Response to BEARDSWORTH-8. This comment does not contain specific environmental impacts and no further comment is needed. CEQA requires the analysis of reasonably foreseeable impacts, not speculative scenarios (CEQA Guidelines § 15145). As the Overlay does not directly result in development and there is no evidence indicating that future developers within the Overlay would apply State housing laws, the Draft EIR is not obligated to evaluate this possibility. Speculating on current laws that a developer may not assert and future laws or how those laws might apply to hypothetical developments under the Overlay would extend beyond CEQA's requirement to analyze reasonably foreseeable impacts.

Please also refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to BEARDSWORTH-10

The Parking Assessment District was established in 1984, and has been referenced in the zoning code and included on City zoning maps since that time. Section 11.035 of the IZO provides that sites and structures within the Parking Assessment District are exempt from the requirement to provide off-street parking facilities.

Please also refer to Master Response 14, Hotel and Overlay Impacts on Parking of this document. Master Response 14 provides additional clarifying information on the requirements to analyze parking impacts under CEQA, the effects of parking on VMT, the City's parking requirements for the proposed use, and the estimates of parking demands generated by the project. Also see Response to ASSELIN 3-32. The comment is also conclusory by stating the Parking Assessment District and lack of a parking study, "significantly impacts local residents and businesses" and does not provide empirical information or explanatory information. The proposed Hotel meets the City's established requirements for off-street parking.

Response to BEARDSWORTH-11

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Responses to Written Comments

Response to BEARDSWORTH-12

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to BEARDSWORTH-13

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to BEARDSWORTH-14

The commenter states that there are no objective standards included in the Draft EIR for the “Preservation of the Cultural and Historic Environment.” It is assumed that the commenter is referring to Chapter 15 of the IZO, which is called “Preservation of the Cultural and Historic Environment.” This is a portion of the IZO and is made up of many policies which are described in the Draft EIR. These include guidelines for HSPAR review by the City and HCPC. This process is outlined further in Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City’s Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel’s design and the City’s design review process, which the proposed Hotel project would undergo following certification of the EIR and approval of the proposed Overlay Ordinance. See also Master Response 9 which addresses Hotel impacts on visual character.

From: Isabelle M Beardsworth <[REDACTED]>
Sent: Sunday, October 13, 2024 10:49 PM
To: Olivia Ervin <oervin@cityofpetaluma.org>
Subject: Public Comments for Draft EIR EKN/Overlay Due by Oct 21 2024

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

Draft EIR Downtown Overlay EKN Hotel EIR comments to CC2 October 14 2024

The “Draft EIR” is a complete sham when it represents to “evaluate the California Environmental Quality Act”. The 414 pages essentially only address the EKN Hotel and not the broader aspects of rezoning a huge portion of the town, the proposed “Overlay” to the detriment of local residents.

1

This “Analysis” is the agenda pushed forward by the “M” group and supported by the majority of City Council. There is no rush to expedite any changes at this time. The exceptions are under the guise and on the coattails of the 2025 General Plan and prior to the November City Council elections and probable change in council members. The “less than significant cumulative impact” in the majority of categories was a foregone conclusion and a green light to proceed with the “Overlay” and the “EKN Hotel”.

2

Citizens were promised to have a full EIR completed taking into consideration a full build out based on the parameters including height and density as proposed. There is no current need for retail business in the downtown area as outlined in the separate City of Petaluma Report. Information I and other citizens have requested from the “M” Group and the City Managers’ office relative to the existing vacant sites downtown have not been provided. No analysis of the “need” for a hotel has been analyzed by this report. Per “Applicant Objectives” #1 ES-3 there is no current need for a hotel in Petaluma when hotel occupancy is 60%. Again, the City has access to this information. No decisions should be made at this time pending a complete response by “FirstCarbon Solutions” and the “M” Group on the voluminous critique of the “EIR” and opposition by the public and the clarifications required by the Planning Commission before any further action is taken.

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The refrain for analyzing the proposed Overlay is only the vague terminology with no analysis there may be “Cumulative Impact reasonably foreseeable in the future development under the proposed Overlay”. This is not a full EIR. We should be ‘analyzing” in its entirety anticipating a re-zoning within this area will, in fact, be built out if eligible to do so in the future. The City has expended \$161,000 of taxpayer monies undisclosed to the public for a report that does not complete its purpose. The public was informed during multiple meetings taxpayer monies would **not be spent** to put forward this planning permission and all costs would be borne by EKN.

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The Downtown “Housing” and Economic Opportunity Overlay was only ever a ruse to obtain planning permission for the EKN Hotel and to garner support for the Hotel based on additional housing. There is no need for housing and not in the downtown area because the Housing Element has already been completed for the General Plan 2025. Further, the City has completed their own analysis indicating that multi-story housing and current construction costs are too expensive. In the event there are projects put forward in the future these can be evaluated on their own merits. There is no need to rezone huge portions of downtown.

7

The “M” Group should understand planning regulations and the applicable regulatory compliance. It is willfully negligent by withholding key information to the public. The City of Petaluma and FirstCarbon Solutions have a duty to disclose applicable rules and regulations that will directly impact any proposed development. This includes SB35 Affordable Housing, SB330 Housing Crisis Act, SB2097 eliminates local parking requirements, 65915 (d) 2(D) Density Bonus Laws. Essentially these, and many more, can change any decisions made locally and imposed by the State of California. The limitations of building height, occupancy density shown in this report will be eliminated. Any future development within the “Overlay” will not be “subject to CUP and SPAR” locally and local citizens will not have their interests represented. The City Attorney has refused to provide a legal opinion on the impact of these laws to affirm or deny to the public that there are changes which can be affected by other entities and not within the control of the City of Petaluma and its Council on the Overlay.

8

This is the first time citizens have been made aware of the “Parking Assessment District” which essentially does not require any property owners (in the “District” aka the “Overlay”) to provide on-site parking. Coincidentally, the City has never completed their analysis of parking in the downtown area. This significantly impacts local residents and businesses whose customers rely on their own transportation for their retail purchases. The only issue to consider at this time is the EKN Hotel. The bulk of the “EIR” involves significant redundancies, multiple duplications of information already contained within the NOP and all prior documents. It does not **substantiate objectively** many of the assertions. It is **incomplete**, contains many inaccuracies with **generic and vague** terminology all to “fit the criteria”.

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The extensive public feedback, inaccurately summarized on pages 1-3 to 1-10 are only a fraction of the negative feedback clearly outlining this is not a desirable project. Two of the key issues were Aesthetics and Historical Preservation

11

Impact AES-3: Page 129 Code 3.1.22 *Historic Commercial District Zoning Plan* outlines that any buildings should be “harmonious with the surrounding area, appropriately scaled, and maintains and enhances the unique cultural and historic resources of the City”. This EKN Hotel clearly does not. The photographs reflecting the proposed building from different vantage points clearly indicate the structure is incompatible with the surrounding buildings. It dwarfs the commercial historical buildings downtown and will overlook the “A” street Residential District behind it towering over the 1 and two storey structures. The aerial view of the Historical Structures higher than the proposed hotel are, in fact, historical and should be preserved. They cannot be compared to a square box. The Hotel would also, more importantly be “imposing on the surroundings.” The “Grain Tower is a crucial historic visual component of Petaluman farming history. The “Petaluma Hotel” reflects the civic history of the town not merely an historic building. Many of the other buildings have a particular local history beyond age

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Similarly, the report does not provide any objective standard for the “Preservation of the Cultural and Historic Environment”. The Hotel would definitely “impact the Historic

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District's ability to convey its significance." By its incongruous box shape and size as clearly demonstrated by the photographs. The photographs are clearly designed to minimize the visual effects of the "Box". Incorporating a photograph from across the river from site and not visible supports this fact. Interestingly, there are no photographs from the "Museum" on the corner of "B" Street and 4th across "B" street to the site which would reflect the comparable size of "EKN". The angle of the photograph from McNear's, Petaluma Blvd, is not at eye level is clearly designed to show the EKN as smaller. The view from the top of "B" street looking towards downtown clearly shows EKN would dwarf the surrounding historical buildings.

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The "Visual Simulation Analysis" clearly identifies EKN is "visible from and taller than the surrounding development." That is the point. The point is, EKN would clearly impact the historical significance and impact both the designated historic buildings and the historic "District". The refusal to allow "storey poles" reflecting the height of the proposed hotel clearly indicates the lengths people would go to not allow the public to physically see the scope and impact. The assertion and I quote from the "EIR", "increased distance from the project site, the proposed Hotel would be **largely** or **entirely** obstructed by intervening development". This is not an objective or scientific analysis which is required by the "EIR", it is merely a matter of opinion for the purpose of swaying the city council and the public to approve the plan. The "EIR" was purportedly written to address the full environmental impacts of the "Overlay", however, another opinion put forward states additional permitting would "not have significant environmental impacts". My question is where is the evidence put forward for this assertion? There is no data included in the entire document which is what I thought the EIR was designed to do!

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Impact AES-4: Light and Glare states the plan cannot "unduly restrict access to light and air from adjacent properties". This is definitely not the case with the Theater District building across the street - Petaluma Blvd south including the residential occupancies on the second and third floor. Any reasonable line of sight established, not the ones contemplated to (re) "fit" the definition in the document, will establish. The one and two storey historic buildings on Fifth and Sixth streets will be particularly affected. Large portions of the open sky will not be visible from the backyards during the day and the lights from the rooftop bar open at night will significantly cause glare. Any additional structures in this "Overlay" would cumulatively increase this. Based on the lack of analysis here we have no confidence any of that will change with "CUP" and "SPAR" in Planning for the future!

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Impact AES-5: Shadow substantial net new shadow over shadow sensitive spaces associated with residential shadow B Street are shown as "not considered potential environmental issues" but why not? The existing businesses including outdoor dining at McNears, and Sugos 5 Petaluma Boulevard will be substantially impacted at different times of the day in which business will be operated. Shadow 3.1.4 (j), (k), (l) have been selectively used to present, not all times, but limit the amount of shadow by design. It

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has been shown conclusively by other members of the public if the entire time of day/year impacts are shown the shadows from EKN would reach a significant part of the Boulevard and impact other adjacent retail and restaurant locations including Sugo's and McNears.

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The "EIR" does not take into consideration the larger perspective the EKN/Overlay would have on area. This includes the hills to the west and south of the City, vistas of Sonoma Mountain and the Petaluma River Corridor which are identified scenic and visual resources in the General Plan. The City of Petaluma, not just the state resources, have continuously reinforced the necessity of seeing the vistas of the ridgeline and surrounds which will be significantly impacted by this hotel and potential new development.

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Citizens have not been apprised by a representative from the "Historic Commercial District Guidelines" "Historical District A: nor the Secretary of the Interior's Standards for the Treatment of Historic Buildings compliance and for retaining the historical designations by anyone within the City, City Manager/Attorney or designated official. I do not believe an Historic Resources Survey has yet been completed in conjunction with this proposal.

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The section designated 3.2 - Cultural Resources and Tribal Cultural Resources asserts the report is "not intended to be a comprehensive review" however the public my questions why if not why are taxpayers paying for this report? The report by Diana J. Painter was performed on behalf of EKN which raises the potential conflict of interest and questioned by historical experts on credibility. The "hotel site" has a high potential/sensitivity for buried pre-contact archaeological resources. One queries whether, given this report, whether the public has any confidence that if remains are found the activities will in fact stop during the excavation/construction period?

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3.2- There is in fact, significant potential to contain buried resources in this area given the nature of the site and proximity to the river. Given the nature of the economic driver to this development do we have confidence that the project will be halted and there will be appropriate oversight by a third party.

The EKN/Overlay does not "Develop floor area ratio and other design standards that relate overall building size and bulk to site area" for Downtown, the Oak Hill-Brewster Historic District, and "A" Street neighborhoods." It is entirely out of keeping with the neighborhoods and introduces a very different element. It is the antithesis to the scale of the community.

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The "community benefits" including "widened sidewalks, additional street trees, building setback, rooftop open space" are antithetical to the community environment. The

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existing sidewalks are entirely appropriate for the community. Any widening is solely for the benefit of the proposed commercial enterprise which will, in fact, require additional sidewalk space for the purpose of incoming and outgoing guests and luggage. There will be no “additional” street trees!. The existing trees will be removed and replaced by trees in “planter boxes”. The “set back” is a methodology for attempting to alleviate citizens concerns for the visual impact of 6 stories of building height (minimal). The “rooftop open space” is a place holder for planners wish-list to obtain concessions “for” the community. Who, in the community, can afford these inflated prices for drinks and food. This project is for the ultra-rich at the expense of the community in all regards.

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I contend that **Goal 1-G-1** Land Use: “Maintain a balanced land use program that meets the long-term residential, employment, retail, institutional, education, recreation, and open space needs of the community” does not fit in this plan. We cannot create low income employment (hotel) and expect you will not have to build more low income housing (not existing in downtown Petaluma & unaffordable to build in the foreseeable future-at taxpayers’ expense). This includes, according to the City of Petaluma documents, ASSuming workers will utilize SMART and public transportation, even if it is at no cost to riders.

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The goal of **1-P-3** is to “Preserve the overall scale and character of established residential neighborhoods. A. In addition to density standards, establish building intensity (floor area ratio) standards for residential development in the Diverse Low and Medium Density Residential districts, to prevent development out of scale with existing neighborhood context”. This plainly does not work in the “Historic A Street District” of 1-2 storey single family dwellings. This is particularly appropriate to new developments on the east side of Petaluma with multi-storey, high density housing with large lots on major connectors.

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With respect to the “Zone ordinance” requirement to “protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents” this is totally inappropriate for the downtown Petaluma area. The downtown, westside geographic area is predominantly senior citizens. Additional limitations on vehicular traffic and parking will significantly impact the quality of life for seniors. The inability to park outside the residence, for goods, services and transportation to be provided for the residents will be life-impacting.

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The assertion the environmental impact will “not be expected to substantially alter the established circulation network within Downtown” is an anathema. The result of “EKN” and the “Overlay” would absolutely result in not only congested traffic but gridlock. For citizens, visitors and more importantly emergency response. Wealthy patrons paying \$300-\$500 per night are not going to be utilizing public transportation, city council imposed “bike lane” and new bus stops. They will be using valet parking which will stall traffic in a 4 block radius of the proposed “Hotel”.

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<p>The elimination of pedestrian walkway on “B” Street will be a significant impediment to foot traffic for predominantly local pedestrian access to ACE neighborhood Hardware store. It will also be a significant safety issue for potential injury by local pedestrians to other local retail and restaurant venues. The access to hotel valet parking entrance is a peculiar safety issue.</p>	30
<p>The concept of a “positive contribution” and “compatibility” of the EKN Hotel is not based on any objective criteria. As noted previously, based on the “Historical Resources” of this area it cannot contribute (generic 21st Century design) in any significant way. It is not a “positive contribution” “to the overall character of the area” and the “building would not be compatible with its surroundings” as noted above.</p>	31
<p>The “EKN” as a hotel is the most Wasteful, Inefficient, or Unnecessary Consumption of Energy” in any occupancy. It is the most inefficient waste of resources in water, electricity and energy. It is in fact, the most irresponsible use of resources of a community. Tax payers are already funding increased sewer capacity aka new property development and water rates in the likely event of a drought and ongoing water rationing at considerable additional expense.</p>	32
<p>4.1.8 - Hydrology and Water Quality Federal Emergency Management Agency (FEMA) has provided information in this area designated “Areas of Minimal Flood and a500 year flood zone”. However, given the Army Corps of Engineers studied, developed a plan and construction program implanted simply resulted in flooding upstream North of town in lieu of eliminating flooding of the Petaluma River. In addition, the “Climate Change” and projected 2050 sea level rise conditions seem to have been eliminated from the calculations.</p>	33
<p>4.1.10 – Noise the report states“ Construction and operation of uses at sites within the proposed Overlay could result in increases in the ambient noise environment during construction and at operation as well as result in ground borne vibration and noise during construction”. An estimated 19 months period of construction is not temporary and will most likely involve at least two years. This is the case for example of the extended and ongoing construction of Adobe Winery on the Petaluma River. However, this is not on a thoroughfare in the downtown area with heavy traffic, adjacent to historic buildings and the district. This “plan” involved extensive excavation to 30 feet which will impact the whole of the area. Further the “7:00 a.m. and 10:00 p.m., Monday through Friday and 9:00 a.m. to 10:00 p.m. on Saturday, Sunday, and State, federal, or local Holidays” would be entirely inappropriate for businesses and local residents. This is not commensurate with current construction activities.</p>	34
<p>4.1.11 - Population and Housing The report also incorporates the following statements “However, future development would be subject to existing density requirements, including the City’s zoning regulation and Density Bonus Ordinance and the State Density Bonus Law, such that the Overlay would not result in an increase in population beyond what is already projected as part of General Plan buildout, what was already</p>	35

evaluated and disclosed in the General Plan EIR, and what is allowed by State regulation including the Housing Accountability Act. This is completely untrue. It is a misrepresentation of the facts which these references can absolutely **over rule** anything that the City of Petaluma establishes. The opening of the “Overlay” creates a precedence for increased development way beyond what is currently contemplated. As noted earlier, there is no necessity for a blanket “housing” requirement in this specific area.

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Traffic Impact Study prepared for the proposed Hotel purports the four study intersections (Petaluma Boulevard North/East Washington Street, Petaluma Boulevard North/Western Avenue, Petaluma Boulevard South/B Steet, and Petaluma Boulevard South/D Street) currently operate at LOS D or better. We already know the latter has been highlighted as not meeting the City of Petaluma criteria. It is already excessive in vehicles travelled and time not including the impact of ongoing and planned construction. The “analysis” contemplates bicycle use, public transportation (bus & train) and pedestrian traffic. There is NO objective data to substantiate these ASSumes. The recent “bike lanes” and “no left turns on “D” Street, “bike throughways” have simply increased the delays. The data utilized in this analysis has not been made public i.e. the dates/times/# recorded events analysis to formulate this report as much as the data utilized by the city engineer for the D Street bike lanes. The “Traffic Impact Study” includes a queueing analysis assuming 4 valets one car every 7.5 minutes, for a total of 32 cars. This defies logic and assumes a perfect world. Vehicles will be circling the block creating traffic and pollution by idling engines particularly during check-in periods conflicting with local resident traffic.

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6.1.1 - Significant Unavoidable Impacts The proposed project was analyzed for potentially significant impacts related to each of the environmental topic areas discussed in Chapter 3, Environmental Impact Analysis, and Chapter 4, Additional Effects Evaluated in the Initial Study. The results of the analysis demonstrate that the proposed project would not result in any significant and unavoidable impacts (e.g., impacts to the environment resulting from the proposed project would be reduced to less than significant levels with implementation of identified mitigation measures and compliance with local, regional, State, and federal regulation). **Section 3.1: Aesthetics:** The proposed Overlay and Hotel would result in a potentially significant impact related to scenic resources, which would be mitigated to a less than significant level with incorporation of Mitigation Measure (MM) Overlay CUL-1e. • **Section 3.2 Cultural Resources:** The proposed Overlay and Hotel would result in a potentially significant impact related to historic resources, archaeological resources, human remains, and **Tribal Cultural Resources**, which would be mitigated to a less than significant level with incorporation of MM Overlay CUL-1a through MM Overlay CUL-1e, MM Overlay CUL-2, MM EKN CUL-2, and MM EKN CUL-3. • **Section 3.3 Land Use and Planning:** The proposed Overlay and Hotel would result in a potentially significant impact related to a conflict with a land use regulation, which would be mitigated to a less than significant level with incorporation of MM Overlay CUL-1e.

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Section 4.1.2 Air Quality: The proposed Hotel would result in a potentially significant impact related to fugitive dust, which would be mitigated to a less than significant level with incorporation of MM EKN AIR-1. • **Section 4.1.3 Biological Resources:** The proposed Hotel would result in a potentially significant impact related to nesting birds and migrating birds, which would be mitigated to a less than significant level with implementation of MM EKN BIO-1 and MM EKN BIO-2. • **Section 4.1.4 Energy:** The proposed Hotel would result in a potentially significant impact to energy, which would be mitigated to a less than significant level with implementation of MM EKN GHG-1 and MM EKN GHG-2. • **Section 4.1.5 Geology, Soils, and Seismicity:** The proposed Hotel would result in a potentially significant impact related to ground shaking, liquefaction, erosion, an unstable geologic unit, expansive soils, and paleontological resources, which would be mitigated to a less than significant level with implementation of MM EKN GEO-1, MM EKN GEO-2, MM EKN GEO-3, and MM EKN GEO-4. • **Section 4.1.6 Greenhouse Gas Emissions:** The proposed Hotel would result in a potentially significant impact related to greenhouse gas emissions and GHG Plan consistency, which would be mitigated to a less than significant level with implementation of MM EKN GHG-1 and MM EKN GHG-2. • **Section 4.1.7 Hazards and Hazardous Materials:** The proposed Hotel would result in a potentially significant impact related to **potentially contaminated soils and groundwater**, which would be mitigated to a less than significant level with implementation of MM EKN HAZ-1 and MM EKN HAZ-2. • **Section 4.1.8 Hydrology and Water Quality:** The proposed Hotel would result in a potentially significant impact related to hydrology and water quality, which would be mitigated to a less than significant level with implement

• **Section 4.1.8 Hydrology and Water Quality:** The proposed Hotel would result in a potentially significant impact related to hydrology and water quality, which would be mitigated to a less than significant level with implementation of MM EKN HAZ-1 and MM EKN HAZ-2. • **Section 4.1.10 Noise:** The proposed Hotel would result in a potentially significant impact related to construction noise, which would be mitigated to a less than significant level with implementation of MM EKN NOI-1 and MM EKN NOI-2. • **Section 4.1.14 Transportation:** The proposed Hotel would result in a potentially significant impact related to **circulation**, which would be mitigated to a less than significant level with implementation of MM EKN TRA-1.

The extensive notation of “mitigated” is lacking in every aspect for the above items. There is no way to mitigate these exposures given the location of the site; its proximity to the historic downtown, the retail business area and the river. It clearly conflicts with the stated purpose for the City of Petaluma to ensure a quality of life for its residents. Effectively, it will shut downtown for 2 years all the economic and social activities in the area during “construction”. It will impact existing locally owned businesses already suffering after a Covid and now a recession.

The long-term effects may be devastating. There is significant exposure given the nature of the excavations and foundations to damage the surrounding buildings. It is

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reasonably anticipated to expect significant water intrusion on a downhill slope from “B” street and proximity to the river as experienced by many local residences and businesses. We are continuously assured the site has been subject to clearance of pollutants, however, the depth and scope are likely to result in issues and further remediation such as the “Theater District” site incurring significant unforeseen remediation costs. It is reasonably foreseeable, given the site location, there will in fact be located burial sites and cultural artifacts. Both of these would delay construction considerably and incur additional costs if allowed to proceed.

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In short, the reasonable alternative to the “EKN” is to explore and obtain an alternative site in the City of Petaluma. This would merely require research and investigation given the multiplicity of vacant land on the East side of Petaluma shortly to be accessible by SMART train to the downtown. The “Overlay” can die the natural death of the Dodo.

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Isabelle Beardsworth

Isabelle Beardsworth (BEARDSWORTH 2)

Response to BEARDSWORTH 2-1

This comment is noted. The comment does not specify in what ways the Draft EIR does not sufficiently evaluate the proposed Overlay. The Draft EIR includes separate headings for the Overlay analysis for all topical areas. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project, and refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to BEARDSWORTH 2-2

This comment is noted and is included in the record provided to the Lead Agency for their review and consideration of the proposed project as a whole. The portion of the comment regarding the agenda of “M” group and the City Council does not relate to the content and findings of the Draft EIR and will not be responded to in the Final EIR.

Although the commenter takes issue with the cumulative analysis, it does not identify a specific critique of the cumulative analysis. Cumulative impacts are discussed in Section 3.1.7 of Aesthetics, 3.2.8 of Cultural and Tribal Cultural Resources, 3.3.6 of Land Use and Planning, for each topical area in Section 4, Additional Effects Evaluated in the Initial Study, and Section 5.4, Mandatory Findings of Significance. No further response is required.

Response to BEARDSWORTH 2-3

Please see Response to BEARDSWORTH-3.

The proposed hotel would not only meet a broad range of community needs but would also introduce new amenities that enhance Petaluma's appeal as a destination. A standout feature of the development would be its rooftop bar, offering panoramic views of the surrounding area. The rooftop bar and groundfloor restaurant would serve as a gathering space for both hotel guests and local residents, providing a unique downtown setting for dining, events, and casual gatherings. The rooftop venue is designed to attract both regional visitors and residents. As a Condition of Approval, the proposed Hotel would be required to provide publicly accessible space for at least 8 hours a day and at least 120 days a year. For the space to be considered publicly accessible, it would not be required to make a purchase to occupy the space during the chosen hours. The applicant has elected to make a portion of the rooftop public accessible per this condition. This clarification is reflected in Volume 1, Chapter 2, Project Description, of the Final EIR, on page 2-33 and 2-34.

Additionally, the hotel would include flexible community meeting spaces for events, conferences, and gatherings, supporting local organizations and businesses by providing a venue for a variety of

functions. On-site retail and dining options would further enrich the local economy, offering amenities for both hotel guests and residents, while drawing more visitors to the area.

The hotel would also generate a significant increase in transient occupancy taxes (TOT), contributing a sustainable revenue stream to the City. These funds can be reinvested in local infrastructure, public services, and community development projects, further enhancing the City's long-term growth and quality of life. In this way, the hotel would not only contribute to Petaluma's current needs but would also help drive its future economic and cultural momentum.

Response to BEARDSWORTH 2-4

See Response to BEARDSWORTH-4.

Response to BEARDSWORTH 2-5

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. Also see Response to BEARDSWORTH-5.

Response to BEARDSWORTH 2-6

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to BEARDSWORTH 2-7

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration. Please refer to Master Response 1. No Environmental Issues Raised. Also see Response to BEARDSWORTH-7.

Response to BEARDSWORTH 2-8

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus law would or would not impact building height maximums and other development standards within the proposed Overlay. Also see Response to BEARDSWORTH-8.

Response to BEARDSWORTH 2-9

Please see Response to BEARDSWORTH-8 and -9.

Response to BEARDSWORTH 2-10

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Please refer to Master Response 2, Recirculation Not Required, in Section 2.1, Master Responses, of this document. Master Response 2 discusses why the conditions established in the CEQA Guidelines under which the Draft EIR must be recirculated have not been met.

Response to BEARDSWORTH 2-11

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to BEARDSWORTH 2-12

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to BEARDSWORTH 2-13

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to BEARDSWORTH 2-14

Please see Response to BEARDSWORTH-14. The commenter does not provide evidence to support their claim that the Hotel would “impact the Historic District’s ability to convey its significance.”

Furthermore, Viewpoints 8 and 9, represented in Exhibits 3.1-3h and Exhibits 3.1-3i, were selected in order to demonstrate what the proposed Hotel would look like for pedestrians crossing the Petaluma River into Downtown Petaluma and for pedestrians walking along the riverfront. Locations were selected by the City using an aerial view map of the area as well as photographs taken on a field survey around the downtown area, and the visual simulations prepared ultimately revealed that the proposed Hotel would not be visible from the viewpoints selected.

The commenter states that a visual simulation was not prepared from B Street and 4th Street. In fact, photographs taken for Viewpoint 7, represented in Exhibit 3.1-3g, are from B Street and 4th Street.

The commenter states that photos taken near the McNears Building, Viewpoints 1 and 2, Exhibit 3.1-3a and 3.1-3b are not taken at eye level and therefore show the proposed Hotel inaccurately. The commenter is incorrect. All photos taken for visual simulations were taken at eye level.

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to BEARDSWORTH 2-15

This comment is noted and is included in the record provided to the Lead Agency for their review and consideration of the proposed project as a whole. The fact that the hotel would be visible from, and taller than surrounding development, does not in and of itself indicate an adverse impact on the historical significance of historic buildings or the District. The visual simulations, together with the historic building assessment, development standards associated with MU2 zone district, and CUP requirements and findings associated with the proposed Overlay were all considered in the analysis of potential aesthetic impacts.

Note that the photos were taken on February 22, during the winter season when deciduous trees do not have foliage. As such, the photos can be considered “worst-case scenario.” The proposed Hotel would be more concealed from Viewpoints 5 and 6 during other seasons.

As discussed in Section 3.1, Aesthetics, compliance with all of the City’s existing and proposed standards and consideration by the City via the discretionary review processes for SPAR, HSPAR, and CUP would ensure the project would not result in a significant aesthetic impact.

The Discretionary Review Processes, summarized in Appendix D of the Draft EIR, provides further information related to the requirements of the existing and proposed City processes that ensure applications for development are appropriately reviewed and refined (and recommended for denial or approval) to confirm that potential impacts are avoided or reduced to a less than significant level and that the City’s development standards are being followed.

Please also refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Under CEQA, the City has the responsibility and discretion to decide the appropriate methodology to evaluate significant environmental impacts. Courts will generally defer to a lead agency's discretion to determine how environmental issues should be studied, and requests for additional studies or assertions that topics might be analyzed a different way or that other methods might provide additional data, do not provide a basis for challenging the EIR. (*Laurel Heights Improvement Ass'n. v. Regents of Univ. of Cal.* (1988) 47 C3d 376, 410, 415; *Tiburon Open Space Comm. v. County of Marin* (2022) 78 CA5th 700, 754–55; *Save Panoche Valley v. San Benito County* (2013) 217 CA4th 503, 524). Accordingly, with respect to the request for “story poles,” CEQA does not require this investigation and this issue is not related to the content and findings of the Draft EIR; no further response is required.

Response to BEARDSWORTH 2-16

This comment is noted and is included in the record provided to the Lead Agency for their review and consideration of the proposed project as a whole.

The shadow studies were prepared with the aid of “Sketchup,” a 3D modeling computer program. In order to prepare the shadow studies, FCS digitally modeled the proposed project and surrounding buildings in the downtown study area. The model was then “geo-located” into real-world coordinates, since shadow lengths vary based on the location on earth relative to the sun. Sketchup automatically calculates real-world shade and shadow conditions based on user inputs: location (longitude, latitude) and time of day.

Shadows were analyzed on four days of the year (spring equinox, summer solstice, fall equinox, and winter solstice) and at three times throughout each day. These days and times are generally accepted as standard in the industry, as they demonstrate the longest and shortest shadows of the year (solstices) and an “average” shadow length (equinoxes).

As shown in Exhibits 3.1-4a through 4l, the proposed project would not impact buildings located on 5th and 6th Street.

As described in the Draft EIR and shown in Exhibit 3.1-4d, at 9:00 a.m. on the summer solstice, the proposed Hotel would cast a shadow onto the northeastern portion of the adjacent commercial building to the south, the Rex Ace Hardware building. However, this would only occur in the morning hours during the summer. This would not constitute an undue restriction of access to light. Furthermore, as explained in Section 3.2, Cultural and Tribal Cultural Resources, of the Draft EIR, the Rex Ace Hardware Building is not considered historic, so this temporary shadow would not impact a historic building.

As described in the Draft EIR and shown in Exhibits 3.1-4a and 3.1-4d, at 9:00 a.m. during both the spring and fall equinox, the proposed Hotel would cast a shadow over a small portion of the building located across B Street. However, this would only occur in the morning hours during the fall and spring and would not constitute an undue restriction of access to light. Furthermore, as shown in Exhibit 3.2-2, the building is not a historic resource.

As described in the Draft EIR and shown in Exhibit 3.1-4j, at 9:00 a.m. during the winter solstice, the proposed project Hotel would cast a shadow over Center Park. However, morning shadows during one season of the year would not constitute a substantial new shadow over any routinely usable outdoor space. As shown in Exhibit 3.1-4k, at 12:00 p.m. during the winter solstice, the proposed Hotel's shadow would cover a very small portion of the building located at 5 Petaluma Boulevard. As shown in Exhibit 3.1-4l, at 3:00 p.m. during the winter solstice, the proposed Hotel's shadow would cover more of the building located at 5 Petaluma Boulevard. As shown in Exhibit 3.1-2, this building is considered to be contributing to historic buildings. However, this would only occur in the mid-day and afternoon hours during the winter solstice. During the mid-day hours, only a small corner of the building would be covered by a shadow. This would not constitute an undue restriction of access to light. No further response is required.

Regarding the portion of the comment that states the proposed Overlay would increase shade and shadow, please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to BEARDSWORTH 2-17

Please refer to Response to BEARDSWORTH 2-16. This comment is noted and is included in the record provided to the Lead Agency for their review and consideration of the proposed project as a whole.

As explained in the Draft EIR, neither the City nor the Public Resources Code identify the effects of shadow and shade as potential environmental impacts. However, buildings above 45 feet would require a CUP and discretionary review by the Planning Commission, including a finding, "that the additional height would not unduly restrict access to light and air from adjacent properties or the public right-of way."

The City recognizes that some public spaces may be considered sensitive to shade and shadow effects if they require or are otherwise dependent on sunlight for regular function (such as buildings with solar panels). Land uses and operations sensitive to the effects of shading may include, but are not necessarily limited to, residential, recreational, and institutional (e.g., schools, nursing homes, etc.), as well as some public outdoor spaces, such as parks. However, the effects of shadow are not necessarily environmentally adverse and there is no evidence in the comment supporting the presence of an adverse environmental impact. Moreover, the consequences of shadows on land uses may be positive, including cooling effects during warm weather, or negative, such as shading of exterior patios. The City does not have any specific thresholds related to the evaluation of shadow impacts.

As described in BEARDSWORTH 2-16, industry standard times were used for all four seasons for the shade and shadow study. The range of times where shadows would be cast do not represent an undue restriction of access to light or otherwise significantly impair any land uses or operations. The

commenter does not specify how the limited duration of shadows from the project would adversely impact public spaces or identify what other times of the day and year demonstrate an undue restriction of access to light. Shadows over retail and restaurant buildings do not constitute an environmental impact.

The commenter states that other times of the day show shadows over the McNear building, which is a contributing building for the Historic District. Shade and shadow may adversely affect a historic resource if it interferes with its historic integrity or its ability to convey its historic significance. However, the McNear building is not dependent on sunlight for any of its functions and there is no evidence that a partial shadow reaching the McNear building for part of the day would have any adverse impact on its historic integrity, accordingly, this does not constitute a significant impact. No further response is required.

Response to BEARDSWORTH 2-18

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to BEARDSWORTH 2-19

For the portion of the comment regarding a Historic Resources Survey, it is presumed that commenter is referring to a Historic Resources Survey for the Overlay Area. For this portion of the comment please refer to Response to B. RINEHART-10.

The remainder of the comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to BEARDSWORTH 2-20

There is no regulation barring applicants of development projects from contracting qualified specialists to prepare technical reports, so long as those reports also go through the City and public review process, as was the report prepared by Diana J. Painter.

The Draft EIR provides mitigation to protect archaeological resources as well as human remains at the project site on pages 3.2-60 through 3.2-63. These include Archaeological Auger Testing prior to ground-disturbing activities, which was conducted by a qualified archaeologist in collaboration with a Tribal Monitor from the Federated Indians of Graton Rancheria; archaeological monitoring during all project construction conducted by a Secretary of Interior-qualified Archaeologist; as well as other procedures required by State and federal law. The Secretary of Interior Qualified Archaeologist has the authority and both a professional and legal obligation to halt construction in the event of an inadvertent discovery when legally required, in a manner consistent with professional standards.

Response to BEARDSWORTH 2-21

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, and Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information related to the existing and proposed discretionary actions that ensure potential impacts are avoided or reduced to a less than significant level and that the City's development standards are being followed. These processes are also summarized in Appendix D of the Draft EIR. Master Response 9 provides additional clarifying information related to aesthetics and visual character, including responses to concerns related to the visual character of the Downtown area and the Hotel component of the proposed project.

Response to BEARDSWORTH 2-22

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to BEARDSWORTH 2-23

This comment is noted and is included in the record and provided to the Lead Agency for review and consideration of the proposed project as a whole.

One of the CUP lot coverage criterion lists several ways in which a project could improve the existing streetscape, including "widened sidewalks, additional street trees, new midblock walkways/paseos, public plazas parks, etc." although it is not required that all of the elements listed be incorporated into the proposed project in order for the criterion to be met. The consistency evaluation for the proposed Hotel for this criterion does not mention that additional street trees are provided, but states other ways in which the proposed Hotel appears to be consistent with the criterion.

Another CUP lot coverage criterion mentions "adequate space for street trees." The proposed Hotel appears to be consistent with this criterion given there would be four street trees at the project site. No further response is required.

Response to BEARDSWORTH 2-24

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to BEARDSWORTH 2-25

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record.

Response to BEARDSWORTH 2-26

As discussed in Table 3.3-3 of the Draft EIR, the parcels contained within the proposed Overlay would maintain their current Land Use designations. The proposed Overlay would allow for an increased intensity of retail and commercial uses that would support General Plan Goal 1-G-1.

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to BEARDSWORTH 2-27

As discussed in Table 3.3-3 of the Draft EIR, future development within the Overlay that is located adjacent to residential uses would be required to go through project-specific review for compliance with General Plan policies regarding scenic quality and neighborhood character. Project-specific review would address potential conflicts with General Plan Policy 1-P-3.

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to BEARDSWORTH 2-28

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Please also refer to Master Response 14, Hotel and Overlay Impacts on Parking of this document. Master Response 14 provides additional clarifying information on the requirements to analyze parking impacts under CEQA, the effects of parking on VMT, the City's parking requirements for the proposed use, and the estimates of parking demands generated by the project.

Response to BEARDSWORTH 2-29

The commenter asserts that the Hotel project would result in traffic congestion and gridlock and impact emergency response. Additionally, the commenter states that patrons would not use public transit and bike lanes, and that patrons would utilize valet parking which would stall traffic.

The Hotel TIS determined that the key study intersections near the project (with the exception of Petaluma Boulevard/D Street) would operate with a LOS D in the future with or without the Hotel project with no more than a 2-second increase in delay as a result of the Hotel project traffic. LOS D is considered acceptable according to the General Plan policy 5-P-10 and is quite common in most downtown districts. The intersection of Petaluma Boulevard/D Street is projected to operate at a LOS E in the future without the Hotel project and would be expected to experience an imperceptible increase in delay with the project, maintaining a LOS E operation. Although LOS E is considered unacceptable by the General Plan, it was previously anticipated by the General Plan EIR that this intersection would operate at a LOS E following Buildout pursuant to the General Plan, and the City adopted a statement of overriding consideration as part of the General Plan EIR certification.

The Hotel TIS did not discount the calculation of vehicle trip generation by assuming more than average use of transit and bicycle use by patrons and employees of the hotel. Not only were standard trip generation rates used, but the trip generation estimate also reflects the following conservative assumptions:

- The vehicle trip generation estimate does not take deductions for travel by the nearby SMART train or other transit services.
- The vehicle trip generation estimate does not take any deduction for “linked trips” with other uses in the downtown area.
- Restaurant trips were calculated and added separately to the hotel trips even though the hotel trip generation rate inherently includes trips related to an associated restaurant.

In regard to emergency response impacts, emergency responders rely on lights and sirens during responses as needed, and the California Vehicle Code requires drivers to provide clearance in times of emergency. It should also be noted that the nearest fire station is 1.5 blocks from the Hotel on D Street and local fire departments have plans and strategies, which are regularly reviewed and updated, to address emergency response, particularly in more congested areas such as downtowns.

Regarding the suggestion that valet parking would stall traffic, it should be noted that the traffic operation of valet activity was taken into account in the Hotel TIS. As discussed above, additional trips related to valet activity were added to the project trip generation which is included in the intersection analysis. Also, the queueing of valet vehicles at on-street spaces at the project frontage on Petaluma Boulevard South for vehicle pickup/drop-off was included in the analysis. A queueing evaluation was completed to determine whether the capacity of the three on-street valet spaces would be adequate given the anticipated number of guests dropping-off or picking-up vehicles at the site. It was determined that the proposed valet service would be adequate to accommodate the assumed peak valet demand. The analysis found that there is a 5.7 percent probability that the

vehicle queue in valet spaces on Petaluma Boulevard South would exceed three spaces, and the report recommended that the applicant develop a valet service plan and monitor ongoing activities once the service is operational to ensure the on-street queue does not exceed three vehicles.

Response to BEARDSWORTH 2-30

The commenter alleges that the elimination of a pedestrian walkway on B Street would be a significant impediment to foot traffic for access to Rex Hardware and would also impact the safety of pedestrians to other local retail and restaurant venues. The safety of the hotel valet parking entrance is also mentioned as a concerning issue.

As indicated in the Hotel TIS, the existing midblock crosswalk is proposed to be removed on B Street. The planned hotel driveway to the parking garage on B Street would be below street level and its ramp would be in proximity to the existing B Street crosswalk, which is approximately 75 feet from Petaluma Boulevard. The traffic study recommended that the crosswalk be removed to avoid potential conflicts between vehicles accessing the parking garage and pedestrians using the crosswalk. The project proposed to improve the crosswalks at the intersection of Petaluma Boulevard and B Street. Pedestrians bound for Rex Hardware could either cross B Street at the signalized crossing at the Petaluma Boulevard traffic signal, which is approximately 150 feet from the front door of the store, or cross B street at the stop-controlled crossing at 4th Street which is approximately 60 feet from the front door of the store. Neither of these alternatives appear to be inconvenient, nor would they impact safety as the flanking crosswalks have either a traffic signal or stop sign assisting pedestrians with the crossing. The same holds true for other local retail and restaurant venues.

Regarding the safety of the hotel valet parking, the activity would occur in parking spaces that meet design guidelines along the Petaluma Boulevard frontage and would be managed by valet staff. This type of activity is not unusual in a downtown area and would not require traffic or patrons to be present in the vehicle travel lane.

Response to BEARDSWORTH 2-31

The commenter raises questions regarding the Hotel's consistency with CUP criteria. As explained in the Draft EIR, the "positive contribution" and "compatibility" would be assessed by City decision-makers using a combination of visual studies, line-of-sight drawings, photo simulations, 3-D modeling, and viewshed analysis. The Draft EIR contains a consistency analysis in Table 3.3-4, to aid decision-makers in evaluating CUP criteria with respect to potential impacts to the physical environment; however, the Planning Commission has the ultimate responsibility for approving CUPs.

Please also refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to BEARDSWORTH 2-32

This comment is noted and is included in the record and provided to the Lead Agency for review and consideration of the proposed project as a whole.

As described in Chapter 4, Additional Effects Evaluated in the Initial Study, Section 4.1.4 Energy, the proposed Hotel would be required to implement MM EKN GHG-1, which includes the most recently adopted BAAQMD BMPs that would minimize the inefficient, wasteful, and unnecessary consumption of energy during construction in a variety of ways, including by limiting idling times, requiring that all construction equipment be maintained and properly tuned in accordance with manufacturer's specifications, encouraging and providing carpools, shuttle vans, and transit passes for construction personnel, and developing a plan to efficiently use water for dust control to reduce the amount of energy expended for pumping water. During project operation, the City requires that all new developments demonstrate compliance with CALGreen Tier 1 building standards, which generally achieve energy efficiency approximately 30 percent beyond Title 24 as well as a construction waste reduction rate of 45 percent. Furthermore, Sonoma Clean Power is the default provider in the City of Petaluma and would provide clean energy from renewable resources. The proposed Hotel would be a new commercial use proximate to existing goods, services, and alternative transportation options, and in turn reducing energy consumption. As such, it was determined that construction and operation of the proposed Hotel would not result in the wasteful, inefficient, or unnecessary consumption of energy.

As described in Chapter 4, Additional Effects Evaluated in the Initial Study, Section 4.1.15 Utilities and Service Systems, there are water supplies sufficient to meet demand projected by the UWMP, including the proposed Hotel as well as existing and planned developments through 2035. The proposed Hotel would be required to comply with the California Building Standards Code (CBC) water efficiency standards and the City's Water Conservation Ordinance.

The proposed Hotel would be required to pay all applicable wastewater capacity fees to fund the project's fair share for use of existing facilities and planned improvements. No further response is required.

Response to BEARDSWORTH 2-33

As shown in Exhibit 4-1, no portion of the Overlay or the Hotel project site is located within a 100-year flood hazard area nor is it located within any other special flood hazard area. However, as noted in the comment, a small portion of the project site is in an area designated by Federal Emergency Management Agency (FEMA) as an Area of Minimal Flood Hazard, Zone X, as delineated on map 06097C0982G. Areas with this designation are subject to 500-year flooding and have a 0.2 percent chance of flooding in a given year. As outlined in Section 6.080 of the Zoning Code, the Hotel component and all development constructed under the Overlay would be reviewed by the City to assure permit requirements have been satisfied. Furthermore, all project applicants would be required to disclose elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all structures, as well as elevation to which any structure has been floodproofed. Applicants would also be required to provide certification by a registered professional engineer that

the floodproofing methods for any nonresidential structure meet the floodproofing requirements as stated in Zoning Code Section 6.070I. Lastly, parcels within the Overlay were already analyzed under the existing General Plan EIR for potential impacts associated with flooding. Through compliance with Municipal Code Section 6.080, as well as all other federal, State, and local regulations regarding flood hazards, neither the Hotel component nor reasonably foreseeable development under the Overlay would be significantly impacted by flooding.

Furthermore, sea level rise conditions were considered and discussed throughout the Draft EIR. As shown in Exhibit 4-2, a portion of the Hotel component project site would potentially be affected by 0–2 feet of flooding under projected 2100 sea level rise conditions. However, as explained in the Draft EIR, the proposed project would be compliant with Section 6.070(c) and Section 6.080 of the Municipal Code, which would protect the project site from flooding and sea level rise and reduce potential impacts to below a level of significance. Additionally, it is important to note that neither the Overlay nor the Hotel component of the project would exacerbate any environmental effects associated with sea level rise. Because the purpose of CEQA is to protect the physical environment, environmental documents are appropriately focused on the adverse changes to the environment that may be brought about by approval of a proposed project. (Cal. Pub. Res. Code §§ 21065, 21068).

Please refer to Master Response 8, CEQA in Reverse, in Section 2.1, Master Responses, of this document. Master Response 8 explains that CEQA does not require lead agencies to analyze the impact of existing environmental conditions on a project's future residents or users.

Response to BEARDSWORTH 2-34

The comment claims that the duration of construction for the proposed hotel and its excavation “will impact the whole of the area.” It adds that the City’s allowable construction hours “would be entirely inappropriate for businesses and local residents.” The comment does not provide substantial evidence demonstrating how construction of the proposed hotel would result in significant impacts, as measured via the Lead Agency’s adopted thresholds of significance. The Draft EIR demonstrates that construction of the proposed hotel would not result in exceedances of the City’s noise standards and other thresholds of significance.

Response to BEARDSWORTH 2-35

This comment is noted and is included in the record and provided to the Lead Agency for review and consideration of the proposed project as a whole.

While the proposed Overlay allows for residential uses on the ground floor, it does not allow for a greater density in housing beyond what is currently permitted (30 dwelling units/acre). As such, the currently permitted density of residential units would not be impacted by the proposed Overlay. No further response is required.

Response to BEARDSWORTH 2-36

The commenter discusses the LOS projections contained in the hotel traffic study. While it is true that the intersection of Petaluma Boulevard/D Street is expected to operate at a LOS E in the future,

which would not meet the City's current LOS standards, this condition was previously anticipated by the General Plan EIR. The City Council adopted a statement of overriding considerations acknowledging the condition. Because the project does not further degrade operation of the intersection to LOS F, and impacts were already analyzed in the General Plan EIR, no further analysis or mitigation measures are warranted. The comment also states, "It is already excessive in vehicles traveled and time not including the impact of ongoing and planned construction." While the intended message of this comment is unclear, it is noted that the other three study intersections analyzed in the hotel's traffic study are projected to operate at LOS D or better with or without the project in the future, which meets City guidelines and standards.

Response to BEARDSWORTH 2-37

The commenter states that the hotel traffic impact study "contemplates bicycle use, public transportation (bus and train) and pedestrian traffic," and that "there is no objective data to substantiate these." The commenter continues by stating that recent bike lanes and no left turns at select intersections on D street that have been implemented by the City have simply increased the delays.

This comment appears to suggest that the use of these alternative transportation modes impacted the determination of the amount of vehicle traffic generated by the project. This is incorrect. The traffic analysis stated, "Given the proximity of the downtown surrounding the site, it is reasonable to assume that some project patrons and employees will want to walk, bicycle, and/or use transit between the project site and the surrounding area." Because these are possible transportation activities with the project, it is the traffic impact study's duty to analyze these modes to determine whether there are any impacts or mitigation measures necessary related to them. See Master Response 14 Hotel and Overlay Impacts on Parking for further information.

Regarding the comment that the recent bike lanes and turn restrictions implemented by the City on D Street have increased delays, this is a subjective comment on traffic operations. The traffic study calculates the delays at the intersections based on data such as collected traffic volumes, intersection geometry and signal phasing. The recent improvements made by the City do not materially affect operation at the study intersections analyzed in the hotel traffic impact study, and have been implemented to support enhanced safety for non-auto users.

Response to BEARDSWORTH 2-38

The commenter mentions that that data utilized in the traffic analysis has not been made public. The comment also criticizes the valet queueing analysis assumptions.

The data used in the traffic study is discussed in the report under "Existing Conditions: discussing specific dates of counts, comparison of old vs. new counts, and explanation of the data used." The data itself is contained in the appendices of the Hotel TIS and was made publicly available along with the Draft EIR. Regarding the valet queueing calculations, the arrival rates and service rates presented are reasonable based on the assumptions in the Hotel TIS. Like intersection operations, these conditions represent conditions during a typical peak activity hour. See Master Response 14 Hotel and Overlay Impacts on Parking for further information.

Response to BEARDSWORTH 2-39

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Please refer to Master Response 10, Construction and Staging, in Section 2.1, Master Responses, of this document. Master Response 10 provides additional clarifying information related to the staging and construction of the proposed Hotel.

Please also refer to Draft EIR Chapter 4, Additional Effects Evaluated in the Initial Study. The Draft EIR provides disclosure regarding potential impacts associated with construction and operation of the project and appropriately identified project-specific mitigation for the Hotel and programmatic mitigation for the Overlay. The mitigation measures identify feasible and implemental means to avoid, offset, and reduce potential impacts. The Draft EIR concludes that with mitigation the project impacts would be reduced to levels below significance. The commenter's opinion that there's "no way to mitigate these exposures given the location of the site" and that "it clearly conflicts with the stated purpose for the City of Petaluma to ensure a quality of life for its residents" is noted for the record.

Response to BEARDSWORTH 2-40

This comment is noted and is included in the record and provided to the Lead Agency for review and consideration of the proposed project as a whole.

Regarding the clearance of pollutants from the site, please refer to Master Response 17, Hazardous Materials for the proposed EKN Hotel.

As explained in the Draft EIR, Ground-Penetrating Radar (GPR) and a canine investigation were conducted at the project site in consultation with the Federated Indians of Graton Rancheria (FIGR). The GPR survey identified several buried features on the site associated with prior uses. It also identified an area of the site having potential to contain buried resources.

Because there is potential for the presence of buried historic era archaeological resources as well as pre-contact archaeological resources, which may include tribal cultural resources, several mitigation measures are required in order to protect any potential resources during construction of the proposed Hotel. These included MM EKN CUL-2a, which requires preparation of an Archaeological Monitoring Plan and ongoing archaeological monitoring during project construction, MM EKN CUL-2b, requires exploratory hand-auger excavation, and MM EKN CUL-2c, which requires, in the event that archaeological resources are uncovered, that all work within 50 feet of the discovery stop until such time as its historical significance can be assessed. Furthermore, in the event of the discovery of human remains MM EKN CUL-3 requires that the County Coroner is notified, that the Coroner determine whether the remains are Native American, that procedures are followed to notify the

Native American Heritage Commission (NAHC) and Most Likely Descendant (MLD) of the remains, and that the remains are handled accounting to the law.

In conclusion, while there could potentially be cultural resources found during project construction, preventative measures have been taken to locate potential resources, such as the GPR and canine investigations as well as hand-auger excavations, and mitigation imposed to protect buried resources if encountered during construction activities. No further response is required.

Response to BEARDSWORTH 2-41

This comment is noted and is included in the record and provided to the Lead Agency for review and consideration of the proposed project as a whole.

As explained in Section 6.7, Alternatives Rejected From Further Consideration, several alternative sites were considered, but none would avoid or substantially lessen a significant and unavoidable impact. Furthermore, the project applicant does not own, nor can they reasonably acquire any of the suggested sites. Because the CEQA Guidelines establish that only locations that would accomplish the objective of avoiding or lessening significant impacts should be considered as alternative locations for the proposed project, and none of these sites accomplish that objective, these locations are rejected from further consideration. Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of the Draft EIR. No further response is required.

From: Morgan Bellinger <[REDACTED]>
Sent: Tuesday, September 24, 2024 12:24 PM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>; Orozco, Uriel <uorozco@cityofpetaluma.org>; Greg Powell <gpowell@cityofpetaluma.org>; Isabel Castellano <icastellano@cityofpetaluma.org>
Subject: Draft EIR Public Comment

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Please include the following comment for tonight's meeting.

I generally support the overlay and the hotel project, but I think any parking requirements the city might put on the hotel developers and within the proposed overlay zone are unfair as long as there's free public street parking in the area.

1

It's absurd to think that hotel guests arriving on Saturday after 4pm wouldn't just park on the street near the hotel, within 2 hour zones that aren't enforced on Sundays. If they just parked on the street, they wouldn't have to deal with the valet or wait to pick up their car.

2

So how does that fact fit into an EIR? I'm not sure, but I think a good starting point would be to recognize that resident parking permits and meters are inevitable in Petaluma, that those systems are expensive, and to maybe require developers to pay a fee towards the implementation of a permit/meter system in lieu of required off street spaces. The only alternative is to keep increasing the required parking space count for development, when those spaces may well go unused given the other spaces available.

3

The other massive real-world oversight captured in this document is that bicycles regularly get stolen from street bicycle parking all over the Bay Area, and that the result is an environmental impact from folks choosing to drive instead of risk bike theft. Can we please require developers to partner with BikeLink to have lockers installed to mitigate this impact? Or at least publicly-accessible secure bike rooms? Lockers take up more space than simple metal racks but several can fit in a single street parking space.

4

Thanks.

Morgan Bellinger

[REDACTED]
[REDACTED]
[REDACTED]

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Morgan Bellinger (BELLINGER)

Response to BELLINGER-1

Please refer to Master Response 14, Hotel and Overlay Impacts on Parking of this document. Master Response 14 provides additional clarifying information on the requirements to analyze parking impacts under CEQA, the effects of parking on VMT, the City's parking requirements for the proposed use, and the estimates of parking demands generated by the project.

Please also refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to BELLINGER-2

Please refer to Master Response 13, Valet Parking, in Section 2.1, Master Responses of this document. Master Response 13 provides additional clarifying information on the location of the valet pickup and drop-off area, as well as the proposed circulation and operation of the valet parking system.

Response to BELLINGER-3

Please refer to Master Response 14, Hotel and Overlay Impacts on Parking of this document. Master Response 14 provides additional clarifying information on the requirements to analyze parking impacts under CEQA, the effects of parking on VMT, the City's parking requirements for the proposed use, and the estimates of parking demands generated by the project.

Response to BELLINGER-4

The Traffic Impact Study for the Petaluma Appellation Hotel Project discusses "Bicycle Parking." Guests and employees would have convenient access to bicycles and secure storage within the hotel garage. Additionally, publicly accessible bike racks would be installed on B Street for community use.

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From: Suzanne Biaggi <[REDACTED]>
Sent: Tuesday, September 24, 2024 4:09 PM
To: -- City Clerk <CityClerk@cityofpetaluma.org>
Cc: [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; Janice Cader-Thompson <jcaderthompson@cityofpetaluma.org>;
[REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]
Subject: FW: Public Comment on the DEIR for Downtown Housing and Economic Opportunity Overlay Project

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear Commission Members,

I am writing to go on the record in opposition to the approval of the Draft Environmental Impact Report for the EKN hotel and accompanying overlay for the following reasons:

1. This DEIR states that the hotel conforms to a zoning law that doesn't even exist. The overlay has not been approved
2. The impact of the additional parking has not been addressed adequately
3. It seems unbelievable that the reason no other sites were considered (I have written numerous times suggesting other sites that are much more appropriate and designs that are four stories that would fit into this site). because "There are no significant and unavoidable impacts associated with the proposed project" I have not spoken to one person that feels the design and height are appropriate for the selected location
4. The Overlay Project does not take into consideration the possibility of state-mandated "Density-Bonuses" that the city may be subject to if we approve 6-story housing developments in our historic downtown. This could lead to the real possibility of 9-story buildings being erected in our downtown.

I have read the rebuttal to this by our planning department – I will not reiterate it here, but suffice it to say if that reasoning were true the proposal for this hotel would not have gotten so far.

My understanding is that is not a FULL EIR report. I request that before any further action is taken that we do a full and proper EIR report that will addresses, air quality, traffic circulation etc. issues that have only be partially or not addressed at all in this report.

Suzanne biaggi,
[REDACTED].
Petaluma, Ca 94952



Landscape Design + Sculpture

SUZANNE BIAGGI
susanna@sbiaggi.com
707.483.5314

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Suzanne Biaggi (BIAGGI)

Response to BIAGGI-1

As stated in Chapter 2.0, Project Description, the Draft EIR considers the whole of the proposed project, including the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project, to fully analyze potential environmental effects. Therefore, the analysis provided in the Draft EIR evaluates the proposed Zoning Map Amendment and Zoning Text Amendment.

Please also refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to BIAGGI-2

Please refer to Master Response 14, Hotel and Overlay Impacts on Parking of this document. Master Response 14 provides additional clarifying information on the requirements to analyze parking impacts under CEQA, the effects of parking on VMT, the City's parking requirements for the proposed use, and the estimates of parking demands generated by the project.

Response to BIAGGI-3

This comment is noted and is included in the record and provided to the Lead Agency for review and consideration of the proposed project as a whole.

As explained in Section 6.7, Alternatives Rejected From Further Consideration, several alternative sites were considered, but none would avoid or substantially lessen a significant and unavoidable impact. Furthermore, the project applicant does not own nor can they reasonably acquire any of the suggested sites. Because the CEQA Guidelines establish that only locations that would accomplish the objective of avoiding or lessening significant impacts should be considered as alternative locations for the proposed project, and none of these sites accomplish that objective, these locations are rejected from further consideration. Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of the Draft EIR. No further response is required.

Response to BIAGGI-4

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to BIAGGI-5

While the Draft EIR does not contain all of the individual topical sections in Appendix G, it does address all Appendix G topical sections in Chapter 4, Additional Effects evaluated in the Initial Study, including air quality and traffic. Chapter 4 contains information from the Initial Study and expands on this information based on comments received during the NOP Scoping period.

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From: [REDACTED]
To: -- City Clerk
Subject: comments re: proposed OVERLAY
Date: Sunday, October 6, 2024 5:44:02 PM
Attachments: [Challenge to EKN Financial Impact Study.pdf](#)
[image001.png](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Please pass this along to all the city council members,

Since the Overlay and EKN are hotel connected . I will address both. The current proposed overlay is a result of the 6 story hotel that could not be built without it.

- It's a fact also verified by planning depart that a state mandated law states that low income housing within 1/2mile of a public transit center can be 33' over the current zoning with no oversight by the city including parking, architectural review, etc.
- The current overlay allows 6-7 story buildings in our historic center the reason being that we need the money, and it will revitalize our down town, and solve some of our housing problems.
- Addressing the money estimate for Proposed hotel– I have sent an analysis to all the city council members and some of our planning dept members by qualified architects and economics which demonstrates it is over inflated, chances of it bringing \$700,000.00 are not demonstrably proven. **See attachment of this analysis.**
- An example of this over estimation is demonstrated by the current filing for bankruptcy by one of EKN developments in Lake Tahoe. The project is up for auction now. This could happen here
- Regarding revitalizing downtown -Petaluma historic center is our main asset at the head of the river. We have been told that 4 story buildings (our current code) don't pencil out. Sebastopol and Healdsburg with property values the same or higher have no problem penciling out 4 story buildings. If the current Hotel being proposed is an example of what we can expect with this overlay. I don't see this protecting our asset and revitalizing downtown.
- Regarding housing. We are overbuilt on above average income housing. We need low income/affordable housing which will not be built in this overlay zone unless it is affordable housing at 9-10 stories under the state mandate with no oversight, which could easily be filled with 300sq ft. apartments, which with the state mandate, I'm sure developers will find a way to make a "buck"
- The cart is before the horse – the overlay is hastily put together to accommodate the hotel without enough public input or awareness, no story poles etc. to educate the public.
- With a change as significant as this a full EIR report is not even required for the hotel, which would address among other topics Conservation, housing, land use, open space, noise, safety and circulation (includes traffic and parking), and historic preservation.

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- I am not against housing that is affordable or infill but it must be in appropriate areas. . | 9
- I think the corner of the Blvd. south and B is a great location for an appropriately designed 4 story hotel. I have sent many examples of this to the stake holders. If Sebastopol and Healdsburg can do, so can we. They don't even have the high water level problem. | 10

Thank you for taking my comments into consideration before making a final decision | 11

Suzanne biaggi



APPELLATION HOTEL / FINANCIAL QUESTIONS

The developers have submitted an Economic Impact Study to Petaluma's Planning Department that outlines 1) temporary economic impacts and job creation during construction, 2) ongoing economic impacts and job creation once the hotel is up and running, and 3) Projected tax revenue streams. This document attempts to analyze the veracity of EKN's numbers.

The tax revenue impacts are quite rosy and presumably are eye-catching to Petaluma's elected officials. However, they don't stand up to scrutiny—the city needs to be asking the developers to “show your work, please.” The supposed tax windfall of \$3.94M annually is going to be significantly less coming to Petaluma's general coffers.

EKN'S KEY TAX REVENUE ASSUMPTIONS:

Developer's Tax impact summary provides a 25-year total tax revenue picture.

For simplicity, dividing by 25 gives an average annual tax revenue benchmark:

However, not all of this tax revenue will go directly to Petaluma.

Tax revenue from:	PROJECTED BY EKN:		MORE REALISTIC:
	total over 25 yrs	avg per year	avg per year
Transient Occupancy Tax	\$37.1 M	\$1.48 M	\$650K - \$750K
Sales Tax	\$36.5 M	\$1.46 M	\$308K
Property Tax	\$24.9 M	\$1.0 M	\$130K
Total:	\$98.5 M	\$3.94 M	\$1.08 M - \$1.18 M

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WHERE DO THESE TAXES GO ONCE THEY ARE COLLECTED?

Transient Occupancy Tax (TOT) is calculated at 10% of the hotel room rate, and goes directly to the local jurisdiction.

Sales Tax (9.5%) is split between state, county, and local. Petaluma's portion is 2%.

Property Taxes are collected by the county; 13% of each dollar goes to Petaluma

WHAT ARE PEOPLE WILLING TO PAY PER NIGHT FOR A HOTEL IN PETALUMA?

Hotel Petaluma	\$203 - \$223
Hampton Inn	\$148 - \$167
Sheraton	\$145 - \$159
Courtyard by Marriott	\$131 - \$149
Home 2 Suites	\$151 - \$178
Appellation Hotel	???

TOT TAXES ARE CALCULATED AT 10% OF THE GUESTROOM RATE:

EKN's TOT revenue projection is \$1,480,000 annually, so the guestroom revenue would be \$14,800,000.

What is EKN proposing for an average guestroom rate?

Doing the basic math, it seems inconceivable that a TOT revenue of \$1.48M is possible:

If all 93 rooms were occupied 365 days a year, this would mean an average room rate of **\$436/night**.

If all 93 rooms are occupied for only 60% of the nights/year, the average room rate jumps to **\$727/night**.

If all 93 rooms are occupied for only 50% of the nights/year, the average room rate jumps to **\$872/night**.

APPELLATION HOTEL / FINANCIAL QUESTIONS

WHAT IS A REALISTIC APPELLATION HOTEL ROOM RATE, AND WHAT TOT REVENUE WILL THAT BRING?
HERE ARE SOME ASSUMPTIONS, BASED ON THE BREAKDOWN OF ROOM TYPES AND POSSIBLE ROOM RATES:

Room Type	Number of rooms	Nightly Room Rate	Nightly Revenue 100% full	All rooms full 100% occ. 365 nights	All rooms full 60% occ. 219 nights	All rooms full 50% occ. 183 nights
King	69	\$400	\$27,600	\$10,074,000	\$6,044,400	\$5,037,000
Queen	15	\$400	\$6,000	\$2,190,000	\$1,314,000	\$1,095,000
Corner Suite 2,3,4	3	\$800	\$2,400	\$876,000	\$525,600	\$438,000
Exec Suite	4	\$1,000	\$4,000	\$1,460,000	\$876,000	\$730,000
Deluxe Suite	1	\$1,500	\$1,500	\$547,500	\$328,500	\$273,750
Bridal Suite	1	\$1,500	\$1,500	\$547,500	\$328,500	\$273,750
Totals:	93	avg \$462	\$43,000	\$15,695,000	\$9,417,000	\$7,847,500
Annual TOT:				\$1,569,500	\$941,700	\$784,750

For this group of room rates before tax = \$7.85M, adding sales, TOT, and other taxes would come close to EKN's proposed hotel revenue of \$9.5M.

Room Type	Number of rooms	Nightly Room Rate	Nightly Revenue 100% full	All rooms full 100% occ. 365 nights	All rooms full 60% occ. 219 nights	All rooms full 50% occ. 183 nights
King	69	\$300	\$20,700	\$7,555,500	\$4,533,300	\$3,777,750
Queen	15	\$300	\$4,500	\$1,642,500	\$985,500	\$821,250
Corner Suite 2,3,4	3	\$800	\$2,400	\$876,000	\$525,600	\$438,000
Exec Suite	4	\$1,000	\$4,000	\$1,460,000	\$876,000	\$730,000
Deluxe Suite	1	\$1,500	\$1,500	\$547,500	\$328,500	\$273,750
Bridal Suite	1	\$1,500	\$1,500	\$547,500	\$328,500	\$273,750
Totals:	93	avg \$372	\$34,600	\$12,629,000	\$7,577,400	\$6,314,500
Annual TOT:				\$1,262,900	\$757,740	\$631,450

Room Type	Number of rooms	Nightly Room Rate	Nightly Revenue 100% full	K&Q + Corner full 100% occ. 365 nights	K&Q + Corner full 60% occ. 219 nights	K&Q + Corner full 50% occ. 183 nights
King	69	\$400	\$27,600	\$10,074,000	\$6,044,400	\$5,037,000
Queen	15	\$400	\$6,000	\$2,190,000	\$1,314,000	\$1,095,000
Corner Suite 2,3,4	3	\$800	\$2,400	\$876,000	\$525,600	\$438,000
Exec Suite	4	\$1,000	\$4,000			
Deluxe Suite	1	\$1,500	\$1,500			
Bridal Suite	1	\$1,500	\$1,500			
Totals:	93		\$43,000	\$13,140,000	\$7,884,000	\$6,570,000
Annual TOT:				\$1,314,000	\$788,400	\$657,000

At an average room rate of \$372-\$462/night the TOT revenue would likely be in the range of \$650,000-\$750,000 annually. This is half of the revenue EKN has projected.

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CONT

APPELLATION HOTEL / FINANCIAL QUESTIONS

PROJECT EXPENSES DURING PRE-CONSTRUCTION AND CONSTRUCTION / FROM EKN'S ECONOMIC IMPACT STUDY:

Construction of New Commercial Structures	\$40,000,000 *	78,000 gross sq ft =
PLUS:		\$512 /sq ft
Architecture & Engineering Services	\$3,000,000	
Other Local Government Enterprises	\$3,250,000	
Legal Services	\$1,250,000	
Management Company Services	\$2,000,000	
Wholesale-other durable merchant wholesalers	\$8,000,000	
Other Real Estate	\$2,000,000	
TOTAL:	\$59,500,000 **	

*Construction cost figure at \$512/sq ft seems low; **\$600/sq ft** in this location may be more likely.

This would increase the construction cost to ***\$46,800,000** and total to ****\$66,300,000**

KEY PROJECT REVENUE ASSUMPTIONS:

Anticipated annual hotel revenue:	\$9.5M	<i>*stabilized revenue projection (year 3) \$\$</i>
Anticipated annual restaurant revenue:	\$8.5M	<i>*stabilized revenue projection (year 3) \$\$</i>
Total:	\$18M	Assumed to be gross revenue

HOTEL REVENUE:

EKN's projected Annual Hotel Revenue is \$9,500,000. Let's assume this is a GROSS figure.

Hotel vacancy factor 50%

Hotel operating expense factor 50%

NET Annual Hotel Revenue would be \$4,750,000

RESTAURANT REVENUE:

EKN's projected Annual Restaurant Revenue is \$8,500,000. Again, we assume this is a GROSS figure.

If restaurant & rooftop bar (3680 sq ft) are leased to an operator at \$4/sf/month Triple Net, lease income = \$176,640

NET Annual Restaurant Lease Revenue would be \$176,640

Let's assume NET Hotel + Restaurant operating income = \$4,750,000 + \$176,640 = \$4,926,640 annually

Construction expenses / LOW: \$59.5M

Construction expenses / HIGH: \$66.3M

\$5M annual revenue with a 1.25% debt service coverage ratio means \$4M available for debt servicing

A project operating revenue of approximately \$5M annually could likely support a \$38.4M loan at 8.5%.

That would require the developer/owner to fund somewhere between \$21.1M and \$27.9M in equity to build the project.

THOUGHTS:

Transient Operating Tax (TOT) revenue of \$1.48M annually seems highly overstated without astronomical room rates.

Revised annual estimate for TOT + Sales + Property taxes is likely to be closer to \$1.08M - \$1.18M annually for Petaluma.

Does EKN have \$27M in capital lined up on top of a \$38M+ loan in order to finance 40% of this project?

Is Appellation Hotels all in on this venture? Their portfolio doesn't have any open and operating venues.

12
CONT

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Suzanne Biaggi (BIAGGI 2)

Response to BIAGGI 2-1

Please see Master Response 1. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Response to BIAGGI 2-2

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to BIAGGI 2-3

This comment states some but not all of the Overlay's anticipated benefits; however, it does not identify any specific environmental issues or comment on the Draft EIR. No further response is necessary.

Response to BIAGGI 2-4

This comment does not address an environmental issue. Please refer to Master Response 1.

EKN has significant experience in accurately projecting returns from hotel projects. The attachment referenced in the commenter's letter provides no foundation that it is prepared by experts in hotel projects of this type.

The comment also raises concern about the applicant's proposed development in Tahoe. It is understood that EKN's Tahoe project remains an active development, and that the existing financing is currently being restructured to better align with the Tahoe project's long-term goals and market conditions. The applicant's finances are not an environmental impact and the Draft EIR for the subject project does not need to evaluate finances or otherwise take into consideration the finances of the applicant's project in Tahoe. The comment is noted for the record and provided to the Council for consideration.

Response to BIAGGI 2-5

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to BIAGGI 2-6

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design

Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and the Overlay's legislative approvals. Please also refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document.

Response to BIAGGI 2-7

Please see Response to BIAGGI -5. Contrary to the commenter's assertion, the Draft EIR contains full chapters for aesthetics, land use, and cultural and historic resources. All other environmental topics are addressed in the Draft EIR in Chapter 4, Additional Effects Evaluated in the Initial Study.

Response to BIAGGI 2-8

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Response to BIAGGI 2-9

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to BIAGGI 2-10

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and will be provided to the Lead Agency for their review and consideration.

Response to BIAGGI 2-11

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

This comment addresses the Hotel applicant's submitted financial information. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

From: Suzanne Biaggi <[REDACTED]>
Sent: Monday, October 21, 2024 3:48 PM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: Against the EIR for EKN

[REDACTED]
---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

I have attended the meetings for the proposed hotel from the beginning – when it was originally called the Weaver Hotel.

I am against the EIR for the following reasons

- It is not complete. Among other issues It doesn't address parking, traffic congestion, and how the hotel would be accessed for deliveries and other services. Noise abatement wasn't adequately addressed either
- The draft EIR was advanced to the final EIR before the period for public comment was completed. As has been clearly demonstrated there are a lot of people who have valid reasons for wanting to put the brakes on this issue.
- Before a final EIR is advanced the public deserves more transparency. At the October 7th city council meeting it was revealed for the first time that we didn't need a zoning overlay in our historic center to allow the hotel – we can do an upzone for the one parcel where the hotel is proposed. We also learned that the city is paying 60% for the costs of the EIR – we were led to believe that EKN was paying the total cost.
- We are rushing an EIR before a comprehensive economic feasibility study has been done which is particularly important now that the contractor, EKN, has declared bankruptcy on a hotel project in Lake Tahoe.
- The public deserves to know WHY THE RUSH; why are so many important issues are hidden from us??

To be clear, I am not against a hotel at that site. It needs to be in scale and properly designed. I have sent numerous examples of hotels that are 4 stories and designed to fit the space.

Thank you for your time in reading my comments. I'm hoping you will put the brakes on this project and let the public hear all the details. Half of the city council voted to detail the final EIR. That should be enough to show that more time is needed

Suzanne biaggi
Keokuk St.
Petaluma – since 2009

Living outside city limits on Eucalyptus Ave. from 1983-2009



S.BIAGGI / sculptural landscapes

Landscape Design + Sculpture

SUZANNE BIAGGI
[REDACTED]
[REDACTED]

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Suzanne Biaggi (BIAGGI 3)

Response to BIAGGI 3-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Regarding the noise portion of the comment: The comment does not specify how the Draft EIR has inadequately addressed the issue of “noise abatement,” as it alleges. The proposed project’s noise impacts are addressed in pages 4-52 through 4-58 of the Draft EIR. Appendix F of the Draft EIR contains an additional 35-page noise and vibration study addressing impacts that may result from the construction and operations of the proposed hotel. Please also refer to Master Response 14, Hotel and Overlay Impacts on Parking, and Master Response 15, Traffic Congestion of this document.

Response to BIAGGI 3-2

Please refer to Master Response 5, Noticing and the Public Involvement process, in Section 2.1, Master Responses, of this document. The City of Petaluma has met and exceeded the procedural requirements of CEQA including noticing, opportunities for public review and comment.

Response to BIAGGI 3-3

Please see Response to BIAGGI 3-2 above. Please also refer to Master Response 3, Alternatives, in Section 2.1.

Response to BIAGGI 3-4

Please see Response to BIAGGI 2-4 above.

Response to BIAGGI 3-5

Please see Response to BIAGGI 3-2 above.

Response to BIAGGI 3-6

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

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From: Tom Bornheimer <[REDACTED]>
Sent: Monday, October 7, 2024 4:38 PM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: EKN Overlay Does Not Meet Stated Goals and Must be Rethought

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

Hello City Council Members,

The proposed EKN Overlay, which Petaluma has spent \$161,000 so far, must be voted
down and rethought.

1

Why is an Overlay necessary when there are no other petitioners besides EKN, a
financially distressed company. Also,, the expected \$\$& from the hotel taxes and other
city revenues are completely unrealistic.

2

3

Petaluma must step back from the disruptive overlay and rethink what is truly needed to
protect our historic downtown.

4

If a 75-foot hotel is necessary then have it near the SMART station.

5

Thank you,

Tom Bornheimer.

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Tom Bornheimer (BORNHEIMER)

Response to BORNHEIMER-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to BORNHEIMER-2

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to BORNHEIMER-3

The comment addresses the Hotel applicant's submitted financial information. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to BORNHEIMER-4

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to BORNHEIMER-5

The comment suggests an Alternative location for the proposed Hotel. Please refer to Master Response 3, Alternatives.

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September 16, 2024

To: Petaluma Planning Commission
Historic & Cultural Preservation Committee
Petaluma City Council

From: Kathy Brandal



This is not the first letter I have written regarding my concerns about the EKN Appellation Hotel and the Downtown Housing & Economic Overlay. I have been against both the Hotel and the Overlay from the beginning. I have read the available information. I have also attended an informational meeting. Nothing I have read or heard has convinced me to change my mind. These are terrible ideas and if they are implemented it will be to the detriment of the Historical Downtown!

1

The Hotel is proposed for the wrong location. It is too big and out of character for the surrounding downtown area. Yes, it would be nice to have the income money and taxes paid by tourists. The jobs provided by a hotel and restaurant would also be a plus. **HOWEVER, you can build the hotel in another location and still benefit from the income and jobs.** Please stop and rethink the location of the hotel.

2

In addition to the hotel size and design being out of character with the surrounding area, I am also concerned about the traffic and parking issues. The downtown area is already impacted with too much traffic! Without an additional crosstown connector (at Rainer or Caulfield) the traffic will only be worse. As it is, it can take close to 20 minutes to cross town during peak times and on weekends. Tourist's cars will add to the backups. Contrary to some of the councilmember's beliefs, tourists will not be riding their bicycles or arriving on the Smart Train.

3

Parking will be another huge issue. I am 75 years old. I do not ride a bike and cannot walk to town if I plan to shop. I need available parking spaces! Both downtown garages help, but they will be inadequate once the hotel staff starts using them. Also, the planned parking for hotel guests and the restaurant patrons is inadequate. Where will the overflow cars be parked??? I have not read or heard about a logical solution to the parking issues. Yawn, yawn! I know these topics have been raised over and over. The Draft Environmental Impact Report finds the hotel's impact is not significant. I do not believe that for one moment! What is needed is common sense not impact reports written by strangers.

4

After reading the Commentary by Mike Healy in the 9/13 Argus Courier, I am even more against the Overlay Zone! I am grateful to Mr. Healy for reporting the hidden facts about the Overlay. With the provisions that have been proposed and the impact of relevant state laws the six story buildings can turn into 9 story buildings – from 45 feet to 108 feet!!! This can happen at the whim of the developers without any approval from the City Hall! In addition, the laws can make it impossible for Petaluma to enforce off-street parking minimums. That means a nine-story apartment building can be built with zero

5

6

off-street parking!!! These laws, which I am sure the city councilmembers, planning commission members and preservation committee members are very aware of, apply to areas within half a mile of a major transit stop – AKA Smart Train Station.

6
CONT

Please stop trying to pull the wool over my eyes and other tax paying citizens of Petaluma!

The hotel should not be built at the proposed location. Please look for another more suitable spot!

7

The overlay should never happen!!!!

Thank you,



Kathy Brandal



Kathy Brandal (BRANDAL)

Response to BRANDAL-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to BRANDAL-2

Please see Response to BIAGGI 2-9.

Please also see Master Response 3, Alternatives. As explained in Section 6.7, Alternatives Rejected From Further Consideration, several alternative sites were considered, but none would avoid or substantially lessen a significant and unavoidable impact. Furthermore, the project applicant does not own, nor can they reasonably acquire any of the suggested sites. Because the CEQA Guidelines establish that only locations that would accomplish the objective of avoiding or lessening significant impacts should be considered as alternative locations for the proposed project, and none of these sites accomplish that objective, these locations are rejected from further consideration. No further response is required.

Response to BRANDAL-3

Please see Master Response 15, Traffic Congestion and Master Response 14, Hotel and Overlay Impacts on Parking. The commenter also notes that without the Rainier or Caulfield connectors, traffic would worsen; these connectors are identified in the General Plan and the City is actively planning and designing the Caulfield connector.

Response to BRANDAL-4

Please see Response to BRANDAL-3 above.

Response to BRANDAL-5

Please refer to Master Response 1, General Opposition Comments, and Master Response 7, Density Bonus and Building Height in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Please also refer to Master Response 7, which provides additional clarifying information on how the Density Bonus law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to BRANDAL-6

Please see Response to BRANDAL-3 and BRANDAL-5 above.

Response to BRANDAL-7

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

From: [Karen Brigando](#)
To: [-- City Clerk](#)
Subject: Downtown overlay
Date: Friday, October 4, 2024 12:41:32 PM

[Some people who received this message don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

For the record, I am opposed to the downtown overlay and the EKN hotel. I see no need to change our historic downtown and believe it can be kept vital without changing the current plan.

| 1

The hotel does NOT fit in with our beautiful downtown and will dwarf that intersection. Not enough parking, too tall, too expensive catering only to the rich. We don't need another hotel when our current hotels are not even full. This has been rushed through in spite of overwhelming public opposition.

| 2
| 3

Karen Brigando
[REDACTED], Petaluma
[REDACTED]

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Karen Brigando (BRIGANDO)

Response to BRIGANDO-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to BRIGANDO-2

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR. Please also see Master Response 14, Hotel and Overlay Impacts on Parking.

Response to BRIGANDO-3

Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

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Patricia Tuttle Brown MA, PhD, MFT, LAC Acupuncture, Classical Chinese Medicine, Counseling.
[REDACTED], Petaluma, CA 94952 ph [REDACTED] fax [REDACTED]
1988 Acupuncture License #AC 3234 / 1978 MFT license #M 12131 / In practice in Petaluma treating patients since 1978.

**FULL TEXT OF GENERAL PUBLIC COMMENT SPEECH
10-21-2024 by Patricia Tuttle Brown
TO PETALUMA CITY COUNCIL**

***SUBJECT: THE PROPOSED HOTEL & OVERLAY
IN RELATION TO 4 OTHER SIMULTANEOUS ISSUES ALL PROVOKING THE SAME CONCERN
IN RELATION TO OUR IDENTITY HERE IN PETALUMA AND ENVIRONS***

MY SPEECH

ok don't start the clock yet...OK...I was hoping to get my husband's 3 minutes but apparently I can't. Which means I have to talk really fast-- so here I go:

THE PROPOSED EKN HOTEL, THE RUCKUS AND 4 RELEVANT ISSUES FOR PETALUMANS

My issue here is the hotel, and the ruckus around permitting it to be built. Which I agree with. And I want to elucidate 4 other issues that are simultaneously intertwined with that ruckus. Which, in my view, are all really one thing: they all relate to a historic identity that we feel about our Petaluma. We want to protect it. Not just people like me, who go back a long time and don't really feel very snooty about it (because who cares where you were born, really!). But everyone, including those who come and wants to live here because of some quality they feel. And by "historic identity" I don't mean the racism and exclusionary zoning aspects of our history. I mean: the strong feeling of not wanting a tarnishing of what we appreciate as a beautiful historic downtown. And there is more. There are 4 other things happening simultaneously. A perfect storm.

- 1) the GPAC (General Plan Advisory Committee) and its land use maps
- 2) The Fairgrounds and its highest use
- 3) Measure J and the outpouring of sentiment against it.
- 4) Pt Reyes National Seashore & "the Ranches"

1). GPAC AND ITS LAND USE MAPS

I went to the first of two recent decision-making meetings of the Land Use Committee of the GPAC. Near the end they began moving through images of segments of Petaluma's central corridor on the screen, with the group tasked with throwing out height maximums and minimums all along the corridor. These, to me, were astounding figures! e.g. "9 stories here maximum and 7 minimum?" Ok? Next segment: "8 stories here and 6 minimum. etc. " On and on like that. None were small. There was a discussion or two about a historic building. But very little of that. It was occurring at the end of a long meeting, and ~3 years into the GBAC's inception, and all were exhausted. The maximums were terrifying. But scarier were the minimums. There was no choice to go lower? I have to admit: at one moment I felt like I was seeing Britain, dividing up Palestine!

But the part I specifically want to highlight HERE, is that it looked like the Overlays were on the map, as "givens." I turned to the very nice consultant sitting next to me and said, "Is THAT the Overlays, on this map? Should that really be there, as a given?" and he said something like, "Well the Council voted on them."

And I thought: "Well Gee. Um. It isn't really totally accepted yet, is it? Something which the City is still discussing, disagreeing about etc.? Something still very controversial, to go on the final recommended land use maps?"

The Hotel proposal--to be able to be big yet avoid spot zoning--gave rise to those Overlays. But they should not be already on those maps. Our identity is at stake here, and we need to pause & not cement those Overlays in, as givens, before the controversy is settled. On our new general plan!

2) THE FAIRGROUNDS AND ITS HIGHEST USE

Petaluma's identity and history is not just within the City limits. It includes the rural lands around us, and the people who inhabit them, in both Sonoma and Marin counties. We're all one. Those kids go to local schools. We Petalumans enjoy our downtown historic beauty, AND our surrounding rural hills. And there are still some tough food-producing ranchers working out there, whose tenacity in sticking to the land has prevented it from ALL from being sold to the highest bidders. Don't kid ourselves: all those lands could be gone at any time to highest bidder. Bless those tenacious folks. But they do not have the technologies we are demanding of them, because ranching is not a highly remunerative occupation.

Technological solutions take money. That is where the Fairgrounds could come in, if we are wise enough to use it that way. We need to prioritize what the Lottery committee decided in their Final Fairground Recommendations: **#1 Agriculture** and **#2 Emergency Preparedness**. And it is vital to remind us that their meaning in saying "Emergency Preparedness" did

NOT mean “a fire station and police station”--although that was discussed. The committee in choosing that Recommendation was acting on the advice given them by the County’s emergency preparedness guy who had seen the County through the fires: his strong advice was to have those acres remains **mostly open and thus flexible** for emergency use. Animals and people were able to be helped best THERE, of all the places around the county, it seemed. He urged the committee to remember this.

5
CONT

Unfortunately AFTER the Lottery Committee disbanded, I saw the recommendation being morphed by small groups from the Committee, into several “maps with lots of buildings and recreational areas.” I saw these maps even on the walls of City Hall! How did that happen? And the #2 Recommendation for “Emergency Preparedness” has begun morphing into building a police and fire station. That is the wrong priority for that land in my view, and is not what the Lottery Committee said. Unless it co-exists in some way with what I consider a higher priority for that land, as described here. In an essay I wrote on my hopes for the Fairgrounds, I said what I think: IF the Fairground acreage were to a great degree dedicated to actually HELPING food producers/ farmers in our environs, to become a mecca for revitalizing small farmers here and all over the county, for encouraging young farmers, for providing affordable technological solutions to ecological issues... THEN we as a City could make a huge difference to the struggling small ranches all around us. They are dying all over the nation. And we could help the ecological problems which do exist.

6

Why do we care? Small food production is part of our identity! And it is dying. Do we care, enough?

3) MEASURE J AND THE OUTPOURING OF SENTIMENT AGAINST IT

This is a very hot-button issue and is also related to our historic identity in Petaluma. I don’t mean some of those aspects of when I grew up in which there was racism, there was zoning that was exclusionary. No-- I mean the blue collar people who were respected then. The farmers who were respected then. The buildings that have survived. Are we really just becoming a town people full of judgment about the sorts of people who attempt to making a living by providing our food? Well, apparently not, given the outpouring of sentiment AGAINST Measure J.

I’m voting “no”. But it’s not that I think everything is perfect on every ranch. But what I feel we need to do is love...love each other and the farmer and—back to the Fairgrounds—create useful venues to provide affordable technology any modern farmer needs to work cleaner, e.g. to deal rid of the waste material sensibly or even usefully; to not pollute; to afford going organic etc. etc.

7

Having farms around us, close to us, is wrapped up in our identity in Petaluma. And...we all EAT. I think sometimes we forget that. And we forget the often hand-dirtying work that that requires.

4) POINT REYES NATIONAL SEASHORE AND “THE RANCHES”:

Personally, I think as a country we are beginning to realize that losing our small agricultural lands is a real problem. REAL factory farming-- such as the feed lots in the Midwest-- are a serious problem ecologically. Many smaller ranches and even urban farms such as are occurring in big cities, point the way to city folks realizing that farming and healthy husbandry CAN coexist. There could be other solutions to simply “getting rid of the ranches and farms on Pt Reyes National Seashore.”

Alternatively: could we include that “historic use?” To remind hikers that: “Yes, we all eat? But who makes the food?” I don’t know about you, but that is a big place and in truth--when I have walked it I have felt safer, knowing people actually lived & worked there, on the land, and shared that land with me. We COULD have ranches there that are in harmony with the nature there, vs. destructive to habitat. They may be there already; I don’t know. CO-EXISTING with recreation and habitat and ocean frontage and creeks. Isn’t that a beautiful goal to show ourselves and all the hikers and visitors and city folks: that yes, we can be a species which can both feed itself and respect our land’s health? Isn’t that the future anyway, or else...we’re kind of ...“up a creek.”]

8

Sincerely, Patricia Tuttle Brown, Petaluma

note: I was the only non -Lottery person who attended every single Lottery meeting (aside from 1 mtg). It was a lot of meetings! I saw how seriously they worked there.

Patricia Tuttle Brown (BROWN)

Response to BROWN-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please see Master Response 1.

Response to BROWN-2

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please see Master Response 1.

Response to BROWN-3

The comment discusses a meeting of the General Plan Advisory Committee. Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on the proposed density bonuses and building height requirements/limitations related to the Overlay Project evaluated in the Draft EIR.

Response to BROWN-4

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application. Further maps shared during General Plan Advisory Committee (GPAC) discussions are for informational purposes to understand the existing proposal before the City for consideration. The proposed Overlay has not been considered by the Council for approval and no decision has been made to date. The City Council will consider the proposed Overlay for action at an upcoming public hearing.

Response to BROWN-5

The comment discusses the use of the Fairgrounds property and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis; no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to BROWN-6

The comment discusses the use of the Fairgrounds property and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis; no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Responses to Written Comments

Response to BROWN-7

The comment discusses Measure J and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis; no changes to the EIR or further response is required. The comment is noted for the record.

Response to BROWN-8

The comment discusses Point Reyes National Seashore and does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis; no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

From: KATHY CHAMBERS <[REDACTED]>
Sent: Thursday, September 19, 2024 4:11 PM
To: Isabel Castellano <icastellano@cityofpetaluma.org>
Subject: Proposed Overlay/Appellation Hotel Project

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Isabel,

I am asking you if a rendering could be made of the EKN Application Hotel at a different/closer angle that would show how large the hotel would actually be. Last year the only drawing showed the hotel with nothing around it. The new rendering on the City of Petaluma City's website shows the building from the south east side.

1

For the members of the Petaluma community to **really** see the size of the building a drawing needs to be made from the Fourth and B Street side which will show how the hotel will dwarf Rex Hardware and the surrounding buildings.

Since you are a Preservation Specialist I think you would agree that knowing how the proposed overlay building will fit in our historic downtown is important.

2

I am a fourth generation Petaluman and I am against the proposed hotel for multiple reasons among them it is too large and most importantly it will ruin our historic district.

3

As I did last year, I will be attending the upcoming meetings regarding the proposed overlay and writing letters to different city agencies.

4

Sincerely,

Kathy Chambers

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Kathy Chambers (CHAMBERS)

Response to CHAMBERS-1

This comment is noted and is included in the record provided to the Lead Agency for review and consideration of the proposed project as a whole.

The Draft EIR includes several visual simulations of the proposed Hotel from various viewpoints including Fourth and B Street; please see Exhibit 3.1-3g, Visual Simulation Viewpoint 7. No further response is required.

Response to CHAMBERS-2

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to CHAMBERS-3

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to CHAMBERS-4

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

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From: [REDACTED]
To: -- City Clerk
Subject: Comment For October 7, City Council Meeting
Date: Monday, October 7, 2024 1:46:43 PM

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---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

October 7, 2024

Mayor Kevin McDonnell and City Council Members,

I am against the proposed overlay zoning and the EKN Appellation Hotel Project. I began attending meetings regarding the proposed overlay and hotel in June of 2023 and have spoken against it. At each meeting I have attended the audience is composed of Petaluma citizens who voice my views. I am frustrated that most of you have made your decision about the overlay without considering that a majority of Petaluma's are against it. So many of us have written letters and commented at meetings and we are not being heard.

I encourage all City Council members to listen to the citizens who vote you into office and chose the following option listed on page 14 of the DRAFT Environmental Impact Report Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project: No Project Alternative: Under the No Project Alternative 1, the Overlay would not be approved, and the proposed Hotel project would not be constructed. As a result, FAR, height, lot coverage, or other development standards would not be changed. The Hotel project site would remain vacant, and no development would occur. No land use activities would occur.

I am against the proposed downtown overlay zoning because it will increase the height limit in three downtown areas which will change the character of our town.

I am against the proposed EKN Appellation Hotel because it will ruin Petaluma's historic charm, and it will impact surrounding businesses because it does not have enough parking. The proposed six story hotel is too high and too large for the corner of B Street and Petaluma Blvd South. The hotel's large box design does not fit in with the historic architecture of our town.

It is touted in the EIR that the proposed hotel will support the local community and support downtown businesses. The proposed hotel will only have 58 parking spots. That is a totally inadequate amount of parking spots for 93 guest rooms, projected 27 employees at each shift, and patrons dining at two restaurants that can seat 135 guests downstairs and 60 guests upstairs. Not requiring the hotel to provide more parking will cause hotel guests to park on the street and there will be no parking for customers trying to patronize surrounding businesses. I understand that off street parking does not have to be provided but parking is a huge issue in downtown Petaluma. An example of this is customers trying to shop at the River Plaza Shopping Center and not being able to find parking due to residents from the apartments across the street parking in the lot.

Please preserve the historic beauty of our town.

Sincerely,

Kathy Chambers

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Kathy Chambers (CHAMBERS 2)

Response to CHAMBERS-2-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Please also see Response to BIAGGI 3-2 above. Please also refer to Master Response 3, Alternatives, in Section 2.1.

Response to CHAMBERS-2-2

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to CHAMBERS-2-3

Refer to Response to Response to CHAMBERS-2-2 above regarding the City's historic charm and the Draft EIR's evaluation of historic character. Please refer to Master Response 14, Hotel and Overlay Impacts on Parking of this document. Master Response 14 provides additional clarifying information on the requirements to analyze parking impacts under CEQA, the effects of parking on VMT, the City's parking requirements for the proposed use, and the estimates of parking demands generated by the project.

Response to CHAMBERS-2-4

Please refer to Response to CHAMBERS-2-2 above. Response to CHAMBERS-2-5

Please refer to Master Response 14, Hotel and Overlay Impacts on Parking of this document. Master Response 14 provides additional clarifying information on the requirements to analyze parking impacts under CEQA, the effects of parking on VMT, the City's parking requirements for the proposed use, and the estimates of parking demands generated by the project.

Response to CHAMBERS-2-6

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

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From: Barbara <[REDACTED]>
Sent: Tuesday, September 24, 2024 3:51 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: Public Comment

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---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear Planning Commission,

I am opposed to the proposed hotel and changes to the historic district downtown for a few reasons:

1. The hotel is not attractive and doesn't complement our distinctive downtown. It is too tall and too modern looking. Yes, we need a hotel, but one in scale with the area.
2. Having a Hotel with no or little parking is not smart. Luxury hotel patrons are not going to walk over from the train station or get an Uber. They are going to drive right to the hotel so they can drive to a restaurant or winery later. They will need and want their car. Forcing the neighborhood to absorb all of the parking of employees and patrons is not a good way to go.
3. Once you open up the historic area for higher buildings, State rules take over and developers can add 75' without City Hall approval. This is not what Petaluma wants or needs.

Please stop trying to jam this proposal through. Listen to the majority and not the developers.

Thank you - Barbara Cieslewicz, 23 year Petaluma resident and voter

[REDACTED]

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Barbara Cieslewicz (CIESLEWICZ)

Response to CIESLEWICZ-1

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to CIESLEWICZ-2

Please refer to Master Response 14, Hotel and Overlay Impacts on Parking of this document. Master Response 14 provides additional clarifying information on the requirements to analyze parking impacts under CEQA, the effects of parking on VMT, the City's parking requirements for the proposed use, and the estimates of parking demands generated by the project.

Response to CIESLEWICZ-3

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus law would or would not impact building height maximums and other development standards within the proposed Overlay.

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From: [REDACTED]
To: -- City Clerk
Subject: Public Comment - City Council
Date: Monday, October 7, 2024 5:59:57 PM

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---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

It is troubling to find out that the hotel developers proposing to build a hotel in Petaluma's historic district have defaulted on their loan and left a mess- chain link fence surrounding a trashed lot and boarded up historic hotel property in the Lake Tahoe area.

Not a very dependable partner for the City of Petaluma to rely on. If their finances go south on this Petaluma project will they likewise walk away from Petaluma?

The City Council should move on to a more honest partner- not a developer who defaults on a loan.

Joan Cooper
[REDACTED]

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Joan Cooper (COOPER)

Response to COOPER-1

The comment raises concern about the applicant's proposed development in Tahoe. It is understood that EKN's Tahoe project remains an active development, and that the existing financing is currently being restructured to better align with the Tahoe project's long-term goals and market conditions. The applicant's finances are not an environmental impact and the Draft EIR for the subject project does not need to evaluate finances or otherwise take into consideration the finances of the applicant's project in Tahoe. The comment is noted for the record and provided to the Council for consideration.

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From: [REDACTED]
To: [-- City Clerk](#)
Subject: EKN Hotel Bad Idea
Date: Monday, October 7, 2024 5:01:45 PM

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear city council.

Please do not move forward with the DEIR for the hotel and overlay.
The general public in Petaluma don't want it.
Please listen to your constituents.

1

Environmental problems...

There is not enough room for parking for the hotel guests, restaurant guests, staff and delivery people.
What about the benzine exposure from the gas tanks?
And what happens when they hit water digging for underground parking?

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Regards.
Julia Cort

Julia Cort [REDACTED] [REDACTED] Cell

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Julia Cort (CORT)

Response to CORT-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted and is included in the record and provided to the Lead Agency for review and consideration of the proposed project as a whole. Please refer to Master Response 1. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to CORT-2

Please refer to Master Response 14, Hotel and Overlay Impacts on Parking of this document. Master Response 14 provides additional clarifying information on the requirements to analyze parking impacts under CEQA, the effects of parking on VMT, the City's parking requirements for the proposed use, and the estimates of parking demands generated by the project.

Response to CORT-3

Please refer to Master Response 17, Hazardous Material. Master Response 17 provides additional clarifying information on the remedial action under the oversight of the State Water Resources Control Board and the Sonoma County Department of Health Services, as well as the provisions of the covenant recorded against the property, which includes regulations for future uses and construction activities.

Response to CORT-4

Please refer to Response to CORT-3 above. Additionally, MM EKN HAZ-2 in Chapter 4 of the Draft EIR imposes requirements for dewatering and groundwater treatment associated with construction activities of the Hotel.

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From: Dana Thomsen <[REDACTED]>
Sent: Tuesday, September 24, 2024 4:03 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: Public comment

You don't often get email from [REDACTED]. [Learn why this is important](#)

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OUTSIDE OUR EMAIL SYSTEM.---

The overlay and the hotel have a significant impact on downtown. Please consider this
impact and the concerns the citizens have. This could change Petaluma forever, and
most of the community has cried out against this.

Dana Thomsen

[REDACTED]
Petaluma CA 94952
(DO NOT PUBLISH ADDRESS)

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Dana Thomsen (D. THOMSEN)

Response to D. THOMSEN-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

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From: [REDACTED] <[REDACTED]>
Sent: Tuesday, October 1, 2024 5:01 PM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: Downtown Housing & Economic Overlay Project

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

To whom it may concern,

I am the property owner at 131 Liberty St and 136 Court St. Petaluma.

I support the Economic Overlay proposal.

I'd be happy to speak in support if needed at any hearing.

Please confirm receipt.

Sincerely,

Paul Foley,
131 Liberty LLC.

[REDACTED]
San Rafael, CA 94903

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Paul Foley (FOLEY)

Response to FOLEY-1

The comment in support of the Overlay Project is noted and is included in the record provided to the Lead Agency for review and consideration of the proposed project as a whole. Please see Master Response 1. No further response is required.

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From: Nickola Frye <[REDACTED]>
Sent: Wednesday, September 25, 2024 10:55 AM
To: Olivia Ervin <oervin@cityofpetaluma.org>
Subject: Notes from delivery - PC meeting, Sept 24, 2024

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

Olivia:

Here are my rough notes that I used yesterday evening. Hope you can make sense of
them.

Nickola Frye
[REDACTED]

DEIR Economic Overlay and Hotel
Topics to question and/or comment on:

Environmental Issues Determined not to be Significant

- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Energy
- Ecology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and System Services
- Wildfire

Potentially Significant Environmental Issues

- Aesthetics
- Cultural Resources and Tribal Cultural Resources
- Land Use and Planning

2

HOTEL – Air Quality, Greenhouse Gas Emissions, and Transportation, Possibly Aesthetics (a set of principles concerned with the nature and appreciation of beauty, especially in art.)

One of the issues that I do not feel is adequately addressed in DEIR is the issue of vehicle, traffic, and parking. Given that the projected number of vehicles generated by and for the hotel is seemingly and woefully underestimated in the DEIR, I feel that any mitigation as put forth in it, is based upon inaccurate information. My question is, since I need to ask and actual question, is: “why has the DEIR failed to address the issue of vehicles, traffic, and parking a specific and accurate manner and why has no concise and accurate survey been undertaken to determine what actually would happen on specifically the busiest times and days of the week – Friday and Saturday?”

3

I took some time to put together a breakdown of the potential vehicle, traffic, and parking issues that could result if the hotel is built and operating on specifically any given Friday or Saturday, I did not look at any of the event or parade days, but anyone would guess that vehicles, traf, and parking would even be a greater issue on those days.

4

So here goes:

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Parking – stress Friday/Saturday

hotel occupancy rate - car number - 93 rooms / occupancy rate may be 50% to 80%, some staying one night others staying two, others coming **+ 25-46**
I did read that they projected that some travelers would come by SMART train, but there is nothing to back this projection up.

hotel staff numbers - manager, assistant manager, receptionist, concierge, reservation agent, front of house manager, general manager, operations manager, night manager, director of purchasing, human resources, revenue manager, sales manager, IT manager, accounting manager, security manager, night auditor, parking attendant, parking valet, porter, housekeeping, janitorial, maintenance, sales and marketing, event manager, etc. (>30 per two shifts, overnight less). Although a local 90 room hotel has a staff number of 50-60 on two shifts, with no onsite restaurant.

- The plan states that that they plan to encourage employees to walk, carpool, use public transportation (first bus from eastside Petaluma to Hotel site arrives – 6:30, last bus leaves 8:00), bike – limited bike parking 6 on sidewalk and 4 locked spaces in under ground garage, etc.

+ 20 - 25

- **for early and day shift, less for night shift**

You might note that I am underestimating the numbers as I am trying to be more than fair.

restaurant staff numbers - manager, assistant manager, executive chef, chef de cuisine, Sous chef, pastry chef, chef grand manager, pantry/prep cooks, line cooks, expediter, sommelier, mater D, servers, food runners, hostess, bussers, dishwashers (>35 needed for lunch and possible two seatings for dinner). **+ 25**

bar staff members – bartenders, servers, runners, bussers, increases car numbers

event staff numbers - bartenders, servers, runners, bussers, increases car numbers

restaurant and bar patrons - 150 potential patrons – lunch, dinner seating early and dinner service late **+ 50 - 100**

Potentially higher

event patrons - 56 patrons **+ 25**

- **Could exceed 150 – 200 daily cars on Friday and Saturday (does not take into account special downtown event days – it is already impossible to find a parking spot on those days, except for near by neighborhood streets – all of these cars will lead to increased greenhouse gas emissions and vehicle miles traveled (VMT) which is not addressed in the DEIR at this rate of traffic.**

No given my number of potential vehicles and remembering that I am underestimating the number, aby about on/half let's look at the potential for parking.

underground parking numbers - 58 vehicles – (parking spot size: A minimum of 216 inches (5486 mm) long and 108 inches (2743 mm) wide for cars, and 144 inches (3658 mm) wide for vans)

underground designated/staff parking numbers (will probably need designated spots - hotel van(s), chef, restaurant manager, hotel manager, restaurant manager, day manager, night manager, business manager, etc) how many parking spots are actually for hotel guests or restaurant or patrons? - ~40

other parking - designated/marked 20 spots in theater parking garage, designated "Hotel Parking only" They do not how this is going to be handled, other hotels issue parking passes for up to 72 hours overnight, or is this for valet parking. ~20

other parking spots - A St parking (build 1949) is already restricted parking, empty bank lot, city streets – keep in mind that Mill area parking and Sugo parking are both private lots. As many of you know, if you are downtown the theater lot is full in afternoon and evening, particularly on Fri & Sat, etc. To further complicate vehicle, traffic and parking they have stated that they will have:

front valet parking – They have stated that they will have 4 or 5 valet at busy times, where and how safe is it to move multiple guest and patron cars on the go on busy streets, such as Petaluma Blvd and the narrow B Street.

front valet disability parking – problems with accessibility getting in and out of car and with van with ramp, I did not see a plan on how they would maintain this for disability parking only.

So to finalize my questions regarding vehicles, traffic, and parking, "Why has the DEIR failed to address the issue of vehicle, traffic, and parking in a specific and accurate manner and why has no concise and accurate survey been undertaken to determine what actually would happen on specifically the busiest times o the week – Fridays and Saturdays?"

Parking problems during construction - construction fencing - blocking off sidewalk and parking on one side of B street, construction workers trucks will park where?, etc. - construction traffic will lead to increased greenhouse gas and Vehicle Miles Traveled VMT. Who will be monitoring where and how they are coming and going and parking? If construction is removing a large amount of dirt, parking on the lot will not be possible.

My understanding from the DEIR is that construction can be scheduled on weekdays from 8am to 10pm and on weekends from 9am to 10pm. It seems that the construction crews will be working on several shifts, with their vehicles coming and going. The DEIR does not contain a plan for how construction crew vehicles will be accommodated.

Additional Transportation Issues

Deliveries to Hotel, Restaurant/Bar and Event Area – Vehicles and traffic will be an added issue concerning the number of delivers. Are they to be delivered to the underground garage or on B Street. Just think about the needed supplies, food and beverages that the restaurant/bar

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CONT

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will use on a daily basis, further increasing the amount of Greenhouse Gas emissions, and the Vehicle Miles Traveled, not to mention the congestion caused by adding the number of delivery vehicles and supplies to the hotel itself. There is no actual plan in the DEIR for all these deliveries.

8
CONT

Garbage Pickup on B Street – 3 types of garbage as required by law – trash, recycle, green waste – to be picked up on B Street – different types of trucks are required for each type of garbage. The frequency of pickup will depend on amount of trash, but even once a week is loud and creates a problem – can find no information on planned frequency.

9

Grease pick up (messy process) frequency will depend on amount of grease, but even once a week is loud and a problem – can find no information on planned frequency.

Restaurants must properly dispose of used cooking oil to comply with environmental regulations. One common method is to collect the oil in designated containers, which like it is located in the underground garage, and have it picked up by a licensed grease recycling company. These companies then recycle the oil into products like biofuels and animal feed. The total depth of the floating fats, oils and grease (FOG) layer, plus the settled sludge layer cannot exceed 25% or more of the total liquid depth of the interceptor.

10

FOG in the sewer system builds up on the walls of the sewer lines, accumulates in pump station wet wells, creates odors, and clogs pumping and sensing equipment. When FOG builds up on the walls of the sewer line it reduces the system's capacity and can result in complete blockage. This results in sewer backups and overflows, greatly increased man hours and maintenance costs, equipment downtime, and fines.

Add an ending and reiterate question.

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Nickola Frye (FRYE)

Response to FRYE-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to FRYE-2

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to FRYE-3

The commenter states that vehicle traffic and parking has not been adequately addressed in the Draft EIR. As indicated in Master Response 15, Traffic Congestion, and Master Response 14 Hotel and Overlay Impacts on Parking, statutory changes to CEQA implemented by the State have specified that neither traffic congestion nor parking availability may be considered significant environmental impacts under CEQA. Please see Master Response 15, Traffic Congestion, and Master Response 14, Hotel and Overlay Impact on Parking for more information regarding the applicability of traffic and parking conditions in CEQA.

The commenter asserts that the projected number of hotel-related vehicles is “woefully underestimated in the Draft EIR.” The Traffic Impact Study for the Petaluma Appellation Hotel Project, W-Trans, 2023 provides an analysis for informational purposes on parking. The traffic generation estimates for the hotel are based on standard ITE rates in a conservative manner; please see Master Response 15, Traffic Congestion for further information on the process used to develop these projections. Similarly, regarding parking estimates, please see Master Response 14, Hotel and Overlay Impacts on Parking for further information on the project’s compliance with zoning requirements and additional information regarding estimated parking demand.

The commenter asks why surveys have not been undertaken to determine traffic and parking conditions on the busiest days of the week, Fridays and Saturdays. With respect to the traffic analysis (which again, is considered separately from the Draft EIR due to CEQA requirements), the Hotel TIS applied standard ITE trip generation rates and analyzed conditions during the weekday commute p.m. peak-hour, when the surrounding roadway network typically experiences the worst congestion. The use of ITE-based average weekday trip generation rates is standard practice for traffic impact studies both in Petaluma and throughout the country. The Hotel TIS includes trips associated with both the hotel and restaurant, as well as trips associated with valet operations. With respect to parking, Master Response 14 includes analysis of both peak weekday and peak Saturday demand, both of which are expected to occur during evenings. There is no known evidence to support the premise that a hotel and restaurant at this particular location in Petaluma would have materially different traffic and parking characteristics than similar facilities represented in industry-standard ITE rates.

Responses to Written Comments

Response to FRYE-4

The commenter generally introduces their approach to manually tabulating traffic and parking demand; responses to specific comments are provided in Response to FRYE-5 and Response to FRYE-6.

Response to FRYE-5

The commenter tabulates their own estimate of hotel parking demand on Fridays and Saturdays including that associated with both guests and employees, as well as with hotel, event, restaurant, and bar functions, concluding that parking demand could exceed 150 to 200 cars. As indicated in Master Response 14, Hotel and Overlay Impacts on Parking Concerns, parking availability is a social impact, not an environmental issue, and the project complies with zoning requirements established to regulate parking. Also as discussed in Master Response 14, Hotel and Overlay Impacts on Parking and the response provided in FRYE-3, an informational assessment of the hotel project's parking demand using industry-standard ITE rates and methodologies indicates that the proposed 58-space parking supply would accommodate demand.

While detailed, the commenter's estimates of employees, visitors, and their associated parking demand does not capture subtleties such as vehicle occupancy rates and time-of-day fluctuations in demand by user group, among other factors, and is less defensible than use of standard ITE rates based on actual hotel and restaurant facilities.

With respect to potential effects on VMT, as discussed in Master Response 14, Hotel and Overlay Impacts on Parking Concerns, modifying the project to provide a larger parking supply would be expected to increase rather than decrease VMT levels, resulting in greater potential for an adverse environmental impact.

Response to FRYE-6

The commenter builds upon their personal estimate of parking demand in drawing conclusions about the lack of on-site spaces and effects on surrounding public and private parking facilities. Please see Response to FRYE-5. The commenter questions the safety of valet parking operations on Petaluma Boulevard and B Street. Such operations are common at urban hotels with valet operations. Vehicle queueing associated with valet service was also analyzed in the *Traffic Impact Study for the Petaluma Appellation Hotel Project*, W-Trans, 2023, and was generally found to be adequate, though the study did recommend that the applicant be required to prepare a valet service plan to ensure safe and effective operation of on-street valet spaces. This recommendation has been incorporated into the Draft EIR in MM EKN TRA-1.

The commenter concludes by asking why the Draft EIR fails to address traffic and parking issues; however, the comment does not raise any specific issues that require revisions to the Draft EIR. See Master Response 15, Traffic Congestion and Master Response 14, Hotel and Overlay Impacts on Parking.

Please refer to Master Response 13, Valet Parking, in Section 2.1, Master Responses of this document. Master Response 13 provides additional clarifying information on the location of the valet pickup and drop-off area, as well as the proposed circulation and operation of the valet parking system.

Response to FRYE-7

The commenter raises concerns about parking issues during construction, and construction worker VMT. With respect to construction worker VMT, such VMT is considered temporary and would be lower than the typical daily VMT generated by the Hotel at operation. Construction worker VMT is also employment-based, and according to the VMT maps contained in the City's Final Citywide Transportation Demand Management (TDM) Requirements, 2021, employment VMT levels at the project site are below applicable significance thresholds (16.8 percent or more below the regional average VMT per employee). As a result, impacts associated with construction worker VMT would be less than significant.

Furthermore, as a Condition of Approval, a construction management plan would be prepared by the applicant, which would include a construction worker parking plan.

Response to FRYE-8

The commenter criticizes that the Draft EIR contains no plan for deliveries. The hotel site plan includes a delivery loading zone within the parking garage that would be expected to accommodate most deliveries. Larger delivery vehicles may need to park on-street; such activity is common in downtown areas and typically occurs during early morning periods when the hotel's drop-off zones encounter little activity. VMT associated with deliveries is not specifically addressed in transportation-based CEQA assessments including those established by the State and City of Petaluma. Delivery activity typically entails VMT-efficient chained delivery trips, and transportation-based VMT assessments typically exclude truck VMT per State guidance.

Response to FRYE-9

The comment concerns waste collection services for the proposed hotel. The frequency and schedule of waste collection for the proposed hotel are currently unknown. However, noises from the operation of waste collection vehicles (and similar municipal or utility vehicles) are exempt from the IZO's noise standards, per IZO Section 21.040(A)(5)(b). Nearby nonresidential uses, which are approximately 230 feet east of the proposed hotel site, would not be considered sensitive to the proposed hotel's occasional waste collection noises. Additionally, surrounding commercial and residential land uses already experience noise from waste collection services, including noise from their own waste collection services.

The comment does not include any substantial evidence that noise from the proposed hotel's waste collection services would result in significant impacts.

Responses to Written Comments

Response to FRYE-10

The comment raises questions regarding the disposal of cooking oil. As the comment notes, local, State, and federal environmental laws govern the disposal of restaurant waste. The proposed project would be required to comply with all relevant regulations, including Petaluma Municipal Code Section 15.48.130 which requires grease removal devices (interceptors and grease traps) at all food service establishments. All removal devices are required to be of a type and capacity approved by the division of water resources and conservation and compliant with the Uniform Plumbing Code. Additionally, the project applicant is required to pay the applicable charges and fees and meet any other conditions required by the City prior to installation of the removal device. The City's Municipal Code requires that the removal device be installed in conformity with approved plans and be located so as to be readily and easily accessible for cleaning and inspection. Accordingly, the Draft EIR did not identify any potential adverse physical impact to the environment.

From: Tom Gaffey <[REDACTED]>
Sent: Tuesday, September 24, 2024 2:15 PM
To: -- City Clerk <cityclerk@cityofpetaluma.org>; Orozco, Uriel <uorozco@cityofpetaluma.org>
Cc: Rizzi, Krystle <krizzi@cityofpetaluma.org>; Kevin McDonnell <kmcdonnell@cityofpetaluma.org>; Barnacle, Brian <bbarnacle@cityofpetaluma.org>; Janice Cader-Thompson <Jcaderthompson@cityofpetaluma.org>; Mike Healy <mhealy@cityofpetaluma.org>; Karen Nau <knau@cityofpetaluma.org>; Dennis Pocekay <dpocekay@cityofpetaluma.org>; John Shribbs <jshribbs@cityofpetaluma.org>; Petaluma Planning <petalumaplanning@cityofpetaluma.org>
Subject: Public comment from Petaluma resident Tom Gaffey: "Please do not approve this zoning overlay and hotel"

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Petaluma City Manager, Petaluma City Council and Petaluma City Planning Commissioners:

As a citizen of the city of Petaluma I would like my opinion about the EIR report regarding the EKN Hotel Proposal to be logged into public record. I am against the commission recommending the approval of this report to the Petaluma City Council. The report is perfunctory and does not appropriately take into account added traffic and parking impacts that will be created by the addition of this hotel to the B St site. It also does not take into appropriate consideration of the 100% lot coverage of this hotel and the issues created by daily delivery services, as well as trash pickup and tech service employees etc. coming and going.

This hotel does not conform to current zoning regulations concerning building heights, lot coverage and design review. The poorly conceived overlay proposal for the downtown has not been approved as of the report date and should not be used as a determining factor in the approval of this report.

There are many other issues involving this project as far as economic projections and impacts, downtown character destruction, citizen livability issues that are not brought into account with this report.

I want my opinion against the council and commission approving this EIR report logged into public record. Do not approve this report, do not move forward with this hotel as designed and do not move forward with the downtown overlay proposal!

Tom Gaffey
Petaluma

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Tom Gaffey (GAFFEY)

Response to GAFFEY-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Chapter 4, Additional Effects Evaluated in the Initial Study, addresses traffic impacts. Please also see Master Response 15, Traffic Congestion and Master Response 14, Hotel and Overlay Impacts on Parking.

Response to GAFFEY-2

The design and operational plan for the hotel have been carefully crafted to minimize both pedestrian and automobile traffic impacts. The project fully complies with the City's current parking regulations. Furthermore, the servicing of the building has been designed with dedicated areas within the structure for trash management and deliveries.

Response to GAFFEY-3

As stated in Chapter 2.0, Project Description, the Draft EIR considers the whole of the proposed project, including the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project, to fully analyze potential environmental effects. The analysis provided in the Draft EIR evaluates the proposed Zoning Map Amendment and Zoning Text Amendment.

Response to GAFFEY-4

This comment is noted and is included in the record and provided to the Lead Agency for review and consideration of the proposed project as a whole. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

The portion of this comment referring to economic projections and impacts does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. Please refer to Master Response 1. General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to GAFFEY-5

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

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From: [Bob Garber](#)
To: [-- City Clerk](#)
Subject: Public Comment - City Council
Date: Friday, October 4, 2024 11:54:33 AM

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---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

To members of the city council. I am against the overlay.

1

I feel that our historic downtown will be overwhelmed by the size of the structures. I am very concerned about "unintended consequences"

2

It is my understanding that one of the drivers behind the overlay is to create more housing and affordable housing downtown close to public transit - Smart Train, Golden Gate Transit... If that is the case why is a hotel the driver behind the overlay? This puzzles me and makes me very suspicious.

3

I would like an answer to my question from those on the City Council who are in favor of the overlay.

Regards Bob

Bob Garber
[REDACTED]
Petaluma CA 94952

[REDACTED]

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Bob Garber (GARBER)

Response to GARBER-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to GARBER-2

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to GARBER-3

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update.

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From: David Garti <[REDACTED]>
Sent: Saturday, October 19, 2024 8:06 AM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: EKN Appellation Hotel/Overlay District

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---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Good morning,

Thank you for taking public input on this important matter. I completely support implementing the Overlay District to move our city into a more financially and environmentally sustainable future.

Much appreciated,

David Garti

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David Garti (GARTI)

Response to GARTI-1

The comment in support of the Overlay Project is noted and is included in the record provided to the Lead Agency for review and consideration of the proposed project as a whole. No further response is required.

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From: Jeanne Gaskin <[REDACTED]>
Sent: Monday, September 23, 2024 9:19 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: Opposition to the EKN Downtown Appellation Hotel and thoughts on the overlay as it pertains to affordable housing

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

To: City Council- Mr. Uriel Orozco

September 22, 2024

uorozco@cityofpetaluma.org

Subject: Opposition to the EKN Downtown Appellation Hotel and thoughts on the overlay as it pertains to affordable housing

This letter is to express our opposition to the proposed building of the EKN Appellation Hotel in downtown Petaluma on Petaluma Boulevard South and B St. We also wish to state that we are not opposed to the development of the downtown, and we recognize the need for affordable housing.

We have lived in Petaluma for over 28 years and have seen many changes to the downtown. Many of these changes have been positive such as bringing a movie theater to the heart of downtown with apartments, shops and restaurants. That change made life better for both residents and visitors to Petaluma. And that particular project took steps to accommodate parking by building a parking structure so that residents and visitors alike can park and enjoy that area of the downtown. We believe such projects set us apart as a city that takes pride in showcasing and maintaining our beautiful and historical buildings and architecture, even as we know that new buildings will not have the look of established historical buildings but when thoughtfully done, can coexist. We know that the city is trying to commit to building affordable housing and that building these close to the downtown can make sense. However, as an example of a not so well thought out change near downtown, the high density housing that was built on the Boulevard across from Oak St. is so dense and tall it has blocked the views of the hills and thereby permanently and negatively affecting that entry into our town. We're not all about "the view" but it feels crowded and gives the feeling of the high noise walls that line freeways. While important and necessary, the scale of that housing project for that location feels too tall and dense. What's done is done but as something real, as opposed to a rendering, we now can learn from that project going forward.

The idea of pushing for an overlay to make the same mistake seems wrong. And the linking of an overlay to the hotel project feels off. Would there have been a pressing need for the overlay if the city had not been approached about a six story hotel? Could this have been approached in a more moderate, reasonable way? The size and scale of the proposed hotel is too much for that location. And most glaringly, is the fact that there are 93 rooms, a ground floor restaurant with seating for 150 guests, and an upper floor event space and bar for 60 guests, yet parking to accommodate only 58 vehicles. How does this add up? Where do the developers or does the city council think all the other guests and patrons are going to park? Have you tried to park in the downtown on a Friday night or weekend? On a Friday midday we wind up parking on the rooftop of the parking structure on Western and Keller, and that is on a weekday. Not to mention the scarcity of parking when there is a special event taking place downtown.

We are fortunate to be the kind of town that holds parades and fairs. We are lucky enough to live so close to town we can walk rather than dealing with the sparse parking. We know what it is like downtown because during special events, when streets are closed off, our neighborhood is one that gets filled with people parking on it, blocks

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away from downtown. We cannot even imagine what people who live close to the proposed hotel will have to deal with daily if this project gets built. And where would hotel employees park? How inconsiderate to not accommodate them.

4
CONT

Why is there no discussion about modifying the size of this hotel? The exterior is generic, unoriginal, and does not fit the character of our beloved town. Why not try and make it fit in a little more, or make it look more unique to this town? If the council feels another downtown hotel is necessary, why not build on a preexisting space that is not being utilized? Why not make it a boutique hotel with fewer rooms with adequate parking? Not to mention, we love our Rex Hardware. It is part of the feeling of downtown Petaluma and the culture we have. How will such unique small businesses deal with being in the shadow of a wine country hotel behemoth next door?

5

6

If the city council is hoping the building of this hotel will bring more people to Petaluma to patronize shops, restaurants, etc., why not insist that developers provide enough parking for all it offers? And why would you inconvenience the people who live close to this proposed hotel who will be directly affected by this project forever? Will we be sporting resident parking permit on our cars? Why are we making Petaluma more for visitors than for the residents who love it here and are committed to it? We love seeing the downtown thriving and families strolling on a summer evening or winter holiday shopping at our small businesses. When we mention that we live in Petaluma folks invariably say, I LOVE Petaluma. How sad it will be if they one day add, But I don't come anymore. No place to park.

7

We urge you to rethink this hotel project and overlay. There has to be a better way. Thank you for your time.

Sincerely,

Jeanne Gaskin and Howard Termo

Jeanne Gaskin and Howard Termo (GASKIN)

Response to GASKIN-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to GASKIN-2

This comment is noted and is included in the record provided to the Lead Agency for review and consideration of the proposed project as a whole. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Visual simulations of the proposed project are provided in the Draft EIR at nine locations as shown in Exhibits 3.1-3 through 3.1-3i.

Response to GASKIN-3

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to GASKIN-4

Please refer to Master Response 14, Hotel and Overlay Impacts on Parking of this document. Master Response 14 provides additional clarifying information on the requirements to analyze parking impacts under CEQA, the effects of parking on VMT, the City's parking requirements for the proposed use, and the estimates of parking demands generated by the project.

Response to GASKIN-5

This comment is noted and is included in the record provided to the Lead Agency for review and consideration of the proposed project as a whole. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document.

Please also see Master Response 3, Alternatives, regarding a discussion of Alternatives considered.

Response to GASKIN-6

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment

prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to GASKIN-7

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

From: Laura Gavre <[REDACTED]>
Sent: Tuesday, September 24, 2024 2:26 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>; -- City Council
<citycouncil@cityofpetaluma.org>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>;
<[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>; [REDACTED]
<[REDACTED]>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>; [REDACTED]
<[REDACTED]>
Subject: Hotel and Overlay

Some people who received this message don't often get email from [REDACTED].
[Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear Planning Commission and HCPC members and City Council. I am writing in protest to the proposed Overlay and Hotel on B st. My first complaint is that today's meeting, 9/24/24 has not been properly advertised for most people in town. In addition, the parcels which are proposed for the overlay are not marked by signs so community members cannot get a sense of the enormous impact this will have for our historic downtown.

1

Our Historic downtown area is registered nationally and people from all over the country come to see it as there are components that are unique for the country. I have been to most of the meetings about this proposed hotel for the last 5 years (starting with previous owner). Every spokesperson said they wanted to work with the city and support the historic downtown area, yet immediately they wanted it to be 6 stories, 25 ft taller than the historic district limits. The only reason they could share was that a shorter hotel wouldn't make them enough money! When they couldn't get a variance, some bright member of the town government suggested an overlay.

2

The Overlay was first suggested for the whole downtown and soundly rejected. Now, with the 3 parcels planned out, buildings can go up to 6 stories supposedly. Yet, gov't officials have not been honest as with state law, developers can build 33 feet higher to 108 feet or 9 stories!! And since it's state law, our local council could not vote against it!

3

Plus the Overlay says buildings can use 100% of the lot, not just 80%! And what about Parking!! Because the overlay areas are within 1/2 mile of the transit station, providing parking is not required! With 93 units, 58 spaces is totally inadequate, especially as people who work at the proposed hotel would need to park too. Valet parking will take parking away from regular community members who want to shop downtown or visit the best Hardware store right next door.

4

The DEIR seems to assume the Overlay has already passed; It Has Not Passed. The only reason for the overlay is to get the Hotel approved. Most of us who opposed the Hotel and overlay would be more favorable if it stayed within the Historic guidelines and provided more parking. How are delivery trucks going to park to deliver goods and what about maintenance services and garbage pick up for the Hotel?/

5

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7

This plan has not been well thought out at all and What about WATER?? We've been rationing for years and now the city wants to put up a huge hotel which will require lots of water, sewage services and also drain our electrical stores during summer months.

8

If all of the above isn't enough to prevent this outrageous project, there is also pollution - noise pollution, air pollution and bumper to bumper traffic causing exhaust pollution.

9

I strongly oppose the overlay and the hotel unless they comply with current historic guidelines. This is not my first letter about this and as much as you say community members are not giving enough input, most of us feel that town committees just don't listen. You ask for input and then say, "yes, but" and do what you want, which has mainly giving more money to developers and builders. Input about the EIR was limited to certain components so much of local complaints have not been addressed. I have heard that most of the M group members live out of town, so they won't have to endure all the new hardships this project would entail. The M group should be fired and local community members should be on all town committees and commissions.

10

In addition, giving community members 3 min to talk is not enough. The last meeting I attended, people were not allowed to cede their 3 min to another speaker, which is totally unfair and violated your own rules.

Thank you,
Laura Gavre
Retired Teacher and 27 yr resident of Petaluma

Laura Gavre (GAVRE)

Response to GAVRE-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Please also refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Response to GAVRE-2

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus Law would or would not impact building height maximums and other development standards within the proposed Overlay.

Please also refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to GAVRE-3

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus Law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to GAVRE-4

The Hotel's design and operational plan align with current City parking regulations, ensuring sufficient capacity for guests, employees, and visitors. The City's Implementing Zoning Ordinance, Chapter 11, Parking and Facilities, Off Street, require a total of 48 spaces for the proposed project. As noted in the Project Description, the Hotel would provide 58 underground parking spaces and would therefore be in compliance with the City's parking requirements.

Please refer to Master Response 13, Valet Parking, and Master Response 14, Hotel and Overlay Impacts on Parking in Section 2.1, Master Responses of this document.

Response to GAVRE-5

The Draft EIR does not assume that the Overlay has already been adopted; however, in order to effectively study the potential impacts of the Overlay, the environmental analysis in the Draft EIR appropriately focuses on the potential impacts to the physical environment that may occur if the

Responses to Written Comments

Overlay is implemented. Additionally, staff recommended that the applicant propose a zoning overlay because it provides the City with the opportunity to review current development standards and consider how modifications to these development standards may advance General Plan goals and policies for the larger Downtown area. Staff felt that creating an overlay within the downtown district was the best land use tool to address requests for increased building intensity and infill within the Downtown.

It is City Staff's belief that this approach could achieve results similar to those recently reached with the Hampton Inn application that required amendments to the parking standards in the Implementing Zoning Ordinance (IZO). Rather than just amend the Ordinance to address the proposed Hotel's needs, the Planning Commission and City Council adopted amendments that provide greater flexibility for parking minimums for all future applications which addressed Council's goal of reducing parking minimums.

This comment does not address environmental impacts of the proposed project.

Response to GAVRE-6

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Please also refer to Master Response 13, Valet Parking, and Master Response 14, Hotel and Overlay Impacts on Parking in Section 2.1, Master Responses of this document.

Response to GAVRE-7

The design of the building includes designated areas within the structure for trash management and deliveries. The hotel site plan includes a delivery loading zone within the parking garage that would be expected to accommodate most deliveries. Larger delivery vehicles may need to park on-street; such activity is common in downtown areas and typically occurs during early morning periods when the hotel's drop-off zones encounter little activity. The proposed loading zone would be located next to the service elevator in the garage (Exhibit 2-3). Trash pickup for the Hotel would take place on B Street. The applicant would be required to have a trash pickup plan with Recology prior to occupancy of the building. As with any dense urban area, trash pickup may create temporary traffic delays. However, this is characteristic of the City's downtown and not a project-specific issue.



Source: Bing Aerial Imagery. City of Petaluma.



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Response to GAVRE-8

As described in Chapter 4, Additional Effects Evaluated in the Initial Study, Section 4.1.15 Utilities and Service Systems, there are sufficient water supplies sufficient to meet demand projected by the Urban Water Management Plan (UWMP), including the proposed Hotel as well as existing and planned developments through 2035. The proposed Hotel would be required to comply with the California Building Standards Code (CBC) water efficiency standards and the City's Water Conservation Ordinance.

The proposed project incorporates practices to reduce environmental impact, including the use of low-flow fixtures to conserve water and full compliance with Title 24 standards to optimize energy efficiency.

See also Response to BEARDSWORTH 2-32.

Response to GAVRE-9

This comment is noted and is included in the record provided to the Lead Agency for their review and consideration of the proposed project as a whole. Noise and Air Quality impacts are discussed in Chapter 4, Additional Effects Evaluated in the Initial Study, of the Draft EIR and impacts were determined to be less than significant with incorporation of Mitigation Measure (MM) EKN AQ-1, MM EKN NOI-1, and MM EKN NOI-2. Please also see Master Response 15, Traffic Congestion.

Response to GAVRE-10

The hotel's design and operational plan align with current City parking regulations, ensuring sufficient capacity for guests, employees, and visitors.

The design of the building includes designated areas within the structure for trash management and deliveries. The hotel site plan includes a delivery loading zone within the parking garage that would be expected to accommodate most deliveries. Larger delivery vehicles may need to park on-street; such activity is common in downtown areas and typically occurs during early morning periods when the hotel's drop-off zones encounter little activity. The proposed loading zone would be located next to the service elevator in the garage (Exhibit 2-3). Trash pickup for the Hotel would take place on B Street. The applicant would be required to have a trash pickup plan with Recology prior to occupancy of the building. As with any dense urban area, trash pickup may create temporary traffic delays. However, this is characteristic of the City's downtown and not a project-specific issue.

Additionally, the proposed project incorporates sustainable practices to reduce environmental impact, including the use of low-flow fixtures to conserve water and full compliance with Title 24 standards to optimize energy efficiency.

With respect to the historic guidelines, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Please also refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and approval of the proposed Overlay.

From: Kirsten Gilstrap <[REDACTED]>
Sent: Friday, September 6, 2024 3:36 PM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>
Subject: Downtown Housing & Economic Overlay & EKN Appellation Hotel Project

You don't often get email from [REDACTED]. [Learn why this is important](#)
---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

9-6-2024

RE: Downtown Housing & Economic Overlay & EKN Appellation Hotel Project

Dear Petaluma Council Members,

We, the undersigned beseech you NOT to approve the above named project because:

- | | |
|---|---|
| 1) Present streets are already crowded. Petaluma needs no increase in traffic load. It now takes almost ½ hour to cross town, used to take -10 minutes. | 1 |
| 2) Increased pollution will result, and air quality will suffer. | 2 |
| 3) All folk entering the town on Petaluma Blvd see a looming 6 foot structure is a horrible introduction to our Historic town with ancient buildings and small shops. | 3 |
| 4) Underground parking is insufficient. | 4 |

When you chose to live in this lovely town were you seeking bad air, traffic congestion, noise, and hurly-burly? Or quiets! How will a 6 story Hotel benefit the present residents?

Sadly in the event if the hotel project is approved, the residents of Petaluma's only recourse is to remove the persons that voted for this project out of office, unfortunately the consequences for their actions will be with the people of Petaluma for years to come.

Sincerely,

Lindsay Mickles
Kirsten Gilstrap
Lisa Cattolica

Kirsten F Gilstrap CEO
Property Manager
Mickles Enterprises
[REDACTED] office
[REDACTED] cell

9-6-2024

RE: Downtown Housing & Economic Overlay & EKN Appellation Hotel Project

Dear Petaluma Council Members,

We, the undersigned beseech you NOT to approve the above named project because:

- 1) Present streets are already crowded. Petaluma needs no increase in traffic load. It now takes almost ½ hour to cross town, used to take - 10 minutes.
- 2) Increased pollution will result, and air quality will suffer.
- 3) All folk entering the town on Petaluma Blvd see a looming 6 foot structure is a horrible introduction to our Historic town with ancient buildings and small shops.
- 4) Underground parking is insufficient.

When you chose to live in this lovely town were you seeking bad air, traffic congestion, noise, and hurly-burly? Or quiets! How will a 6 story Hotel benefit the present residents?

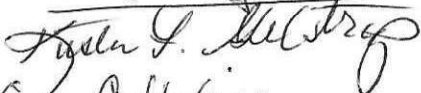
Sadley in the event if the hotel project is approved, the residents of Petaluma's only recourse is to remove the persons that voted for this project out of office, unfortunately the consequences for their actions will be with the people of Petaluma for years to come.

Sincerely,

Lindsay Mickles

Kirsten Gilstrap

Lisa Cattolica



Kirsten Gilstrap, Lindsay Mickles, Lisa Cattolica (GILSTRAP)

Response to GILSTRAP-1

This comment is noted and is included in the record provided to the Lead Agency for their review and consideration of the proposed project as a whole. Transportation impacts are discussed in Chapter 4, Additional Effects Evaluated in the Initial Study, of the Draft EIR and impacts were determined to be less than significant with incorporation of MM EKN TRA-1. Please also see Master Response 15, Traffic Congestion.

Response to GILSTRAP-2

This comment is noted and is included in the record provided to the Lead Agency for their review and consideration of the proposed project as a whole. Air Quality impacts are discussed in Chapter 4, Additional Effects Evaluated in the Initial Study, of the Draft EIR and impacts were determined to be less than significant with incorporation of MM EKN AQ-1.

Response to GILSTRAP-3

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to GILSTRAP-4

Please refer to Master Response 13, Valet Parking, and Master Response 14, Hotel and Overlay Impacts on Parking in Section 2.1, Master Responses of this document.

Response to GILSTRAP-5

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

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From: Lia Goldman Miller <[REDACTED]>
Sent: Friday, October 4, 2024 4:32 PM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: Re: EKN Hotel project.

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Good afternoon,

I appreciate this town so much. It walks the line of balancing growth and preservation year by year trying to make the best choices now and for our future.

1

I am another person who is very concerned about this proposed EKN Hotel project. Please take every precaution, and possible study (i.e. traffic impact) into consideration. In its current form, I firmly oppose this project.

2

I don't wanna be someone who cannot evolve with the times. Just in my 11 years of living here, I've already seen a lot of change and mostly for the better. However, the potential for this project to turn our downtown into one that caters more to visitors than residents makes me pause. My parents live in Sonoma and I avoid the downtown square like the plague on the weekends due to the swarms of tourists. And I feel the same way about going to Healdsburg— no interest in being in the crowds on a weekend which means I never go there. I cringe at the thought of Petaluma becoming like that— a tourist town; would be a real culture shift. I would prefer interest and investment go into making life better and more affordable for people that live and work here currently and in the future.

3

Thank you for your attention and time.

I will be tuning in Monday via zoom.

With respect,
Lia Goldman Miller

"Ubuntu" says we can be human only together.
-Desmond TuTu

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Lia Goldman Miller (GOLDMAN MILLER)

Response to GOLDMAN MILLER-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis, and no changes to the Draft EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to GOLDMAN MILLER-2

Transportation impacts are discussed in Chapter 4, Additional Effects Evaluated in the Initial Study, of the Draft EIR and impacts were determined to be less than significant with incorporation of MM EKN TRA-1. Please also see Master Response 15, Traffic Congestion.

Response to GOLDMAN MILLER-3

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

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From: Daniel Bruce [REDACTED] >
Sent: Thursday, October 3, 2024 8:20 PM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: Hotel & overlay zone

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

To Petaluma City Council,

I am writing in support of the proposed downtown hotel and overlay zone.

I moved here from San Francisco 2.5 years ago and immigrated to the US from Australia in 2014. I am a Registered Nurse working in hospice in Sonoma County and a proud American citizen. I love my city and chose to move here and bought a house and plan to stay here forever. Our city must continue to move forward. This development and progress like this in general benefits everyone. This is the type of hotel I would spend my money at, it's beautiful in appearance and appeals to my generation. I am 40 years old. It seems to me that there is a large portion of older, white, retirees who don't want anything to change. Ever. They are appearing to be very entitled and controlling. This is not just their city. I say to them, you have had your time to plan and develop the city, now let us have ours. Our generation are the future and this is what we want. I would be proud to have this hotel in my city and for my friends and relatives to stay there. Increasing the height limit from 3 stories to 6 is inconsequential and is not going affect any aesthetics or downtown appeal in the way that the scare campaign is making it out to be. The development will create jobs, infrastructure and improve my house value! I am all for it. As are all of my friends who are my age. To the older generation opposing this, it's time you let go of your out dated and old fashioned ideas and let progress and development take its course. The hotel looks beautiful and I would love to see more housing downtown and the overlay would allow this. This project has my 100% support.

Daniel Gordon RN MSN
Petaluma

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Daniel Gordon (GORDON)

Response to GORDON-1

The comment in support of the proposed project is noted for the record and provided to the Lead Agency for review and consideration. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

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From: Maureen Gottschall <[REDACTED]>
Date: September 24, 2024 at 3:57:25 PM PDT
To: citycouncil@cityofpetaluma.org, cityclerk@cityofpetaluma.org
Cc: petalumaplanning@cityofpetaluma.org
Subject: Planning Commission Meeting September 24, 2024: Feedback on General Plan Draft

Dear City Council and Planning Department,

I attended the public feedback session on the general plan this past Saturday, where I spent two and a half hours trying to understand each project and rezoning proposal. I would like to commend the staff for their courtesy and helpful explanations.

1

My expectation for this session was to receive specific details on the draft general plan, including its impacts, pros and cons, state requirements, and triggers based on percentages of low-income housing per project. I wanted to understand how we will meet our state requirements across all city projects, the parking requirements for each proposed project, the infrastructure needed to meet those requirements, and whether our current infrastructure can support them. Additionally, I was interested in the impact of current projects in the pipeline on existing infrastructure.

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However, my experience was quite different. The materials provided showed images labeled "current" and "proposed" that appeared identical, necessitating clarification from staff. While I appreciated the opportunity to provide input on what I would like to see, it seemed this feedback should have been solicited before the draft was created, not afterward. I am puzzled as to why the planning commission did not engage the public earlier on such significant changes that will affect every Petaluma resident.

4

I left the session more confused about what is being proposed and felt there was insufficient analysis to help me provide meaningful feedback. Consequently, I opted for "no change" or the lowest impact changes, such as 2-4 story buildings, without fully understanding their implications.

5

I have serious concerns about the potential high/moderate density planning that lacks adequate parking and major public transportation upgrades. Many residents commute out of town, and an increase in population will exacerbate this issue. As a current commuter to the East Bay, I find there are no viable options that wouldn't double my commute time. The SMART train has limited destinations and cannot realistically support the proposed growth. Even when my son travels home from San Francisco, we have to pick him up from the ferry because the SMART train connections are neither easy nor efficient. Any additional moderate/high-density planning should be contingent upon multicounty infrastructure upgrades.

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The concept of a 15-minute neighborhood is appealing but unrealistic. It overlooks our cultural shift towards technology and convenience, such as shopping on Amazon or using DoorDash and Instacart. This trend is increasing annually. Petaluma also has an

8

aging population that may not be able to walk for 15 minutes, and the density required to support neighborhood shops financially loops back to the infrastructure issue.

8
CONT

I oppose the proposed 6-9 story hotel in the historic district for several reasons. Firstly, its aesthetic is inconsistent with the rest of the historic district. Such hotels are not seen around Sonoma Square or in Healdsburg's historic downtown. I would prefer Petaluma to remain consistent with these towns rather than resemble Santa Rosa. Hotels like the Eldorado Hotel and Healdsburg Hotel are more in line with Petaluma's heritage and are part of what attracts visitors. The surrounding neighborhoods would be impacted by increased traffic and the need for additional parking to support the hotel, even with the proposed underground garage. The city has recently reduced parking on D Street by over half, which one of the zones would back up against, raising concerns about coordinated planning. This could be a planning failure, affecting residents and visitors of the surrounding neighborhoods.

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Given the recent bankruptcy of Vintage Wine Estates and broader concerns about the wine industry's future and inflation, investing in a large, high-end hotel with \$400-\$500 per night rooms seems risky. Sonoma County's average hotel occupancy rate is 60%, with a median room price of \$212.61 [Sonoma County Quick Facts](#). This hotel room's rate will be substantial over the median room price furthering the risk that it will succeed. It appears this hotel is driven more by an outside developer than the needs of Petaluma. My fear is that we will be left with a large, empty building in a few years. A smaller boutique hotel, as mentioned earlier, would be a better alternative.

11

My overall recommendation is that this draft is premature and should be returned to the planning commission for further vetting and public feedback. We need to preserve the integrity of our historic downtown and learn from existing examples like Old Elm Village and its parking impacts. The plan should be realistic with low/moderate density projects that account for future infrastructure support, including roads, bridges, and public transportation, over the next twenty years and not plan for a future that will not exist in that timeframe.

12

Best,
Maureen Gottschall

Maureen Gottschall (GOTTSCHALL)

Response to GOTTSCHALL-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to GOTTSCHALL-2

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis. Please see Master Response 14, Hotel and Overlay Impacts on Parking.

Response to GOTTSCHALL-3

This comment is noted and is included in the record provided to the Lead Agency for review and consideration of the proposed project as a whole. Utilities and Service Systems impacts are discussed in Chapter 4, Additional Effects Evaluated in the Initial Study, of the Draft EIR and impacts were determined to be less than significant.

Response to GOTTSCHALL-4

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis. Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Response to GOTTSCHALL-5

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to GOTTSCHALL-6

Please see Master Response 15, Hotel and Overlay Impacts on Parking. Please see Section 4.2.14, Transportation, of the Draft EIR for a discussion of transportation impacts.

Response to GOTTSCHALL-7

The commenter expresses concerns about higher-density development that lacks adequate parking and major public transportation upgrades, including regional service. The comment is noted; no specific critiques or comments pertaining to the Draft EIR are identified. With respect to broader issues related to environmental impacts associated with parking adequacy, please see Master Response 14, Hotel and Overlay Impacts on Parking. Regarding the need for regional transit upgrades, such decisions and funding are outside the control of the City of Petaluma, though it is noted that the City actively participates in regional transportation decision-making and governance activities. The City also supports improved regional transit service, including through local land use

Responses to Written Comments

planning efforts such as increasing densities in areas near local and regional transit including downtown Petaluma.

Response to GOTTSCHALL-8

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to GOTTSCHALL-9

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to GOTTSCHALL-10

Please see Master Response 14, Hotel and Overlay Impacts on parking.

Response to GOTTSCHALL-11

The developer has undertaken market research to confirm the financial viability of an upscale boutique hotel in the region. The developer is positioning the proposed Hotel to attract a new customer base to the City, drawing affluent travelers who currently choose accommodations in Sonoma, Healdsburg, and Santa Rosa for their luxury offerings. By capturing a portion of this market segment, the developer seeks to drive incremental spending within Petaluma, benefiting local businesses and the community at large, and serving as a catalyst for regional growth while maintaining financial sustainability.

Response to GOTTSCHALL-12

Please refer to Master Response 2, Recirculation Not Required, in Section 2.1, Master Responses, of this document. Master Response 2 discusses why the conditions established in the CEQA Guidelines under which the Draft EIR must be recirculated have not been met.

Draft EIR Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel

Public Comment

Jane Hamilton

Petaluma, CA 94952

September 24, 2024

The content of the Draft Environmental Impact Report DEIR is by and large a repeat of the same information that was put forth in the Initial Study Mitigated Negative Declaration ISMND from October 2023. This EIR is extremely thin on new or in-depth content, extremely narrow in its scope and does not provide the public with much needed information on the true impacts of the proposed Hotel and especially on the proposed overlay zones. The primary responsibility of an EIR is to identify potential negative environmental impacts and to mitigate those impacts to acceptable levels. This Draft EIR does not come close to fulfilling that responsibility.

1

Further analysis of the following should be required:

1. **Impacts of parking and circulation for both the hotel and the overlay areas.** It's real. It cannot be avoided. The hotel is car dependent. The overlay zones are purported to be for housing which will also bring cars. This must be quantified and addressed. CEQA's "Vehicle Miles Traveled" methodology gives projects within a half mile of the SMART station a designation of no significant impact. Obviously, this hotel will be heavily car dependent both for employees and hotel guests and will have significant impacts.
2. **Impacts on aesthetics.** The DEIR states these concerns will be mitigated in the future by leaving those decisions to the discretionary review processes of Planning Commission, Historic Committee and HSPAR. This favors developers and puts the public at a distinct disadvantage. The public must be able to read the 414 page EIR of a proposed project, understand the rules of the process and actively work on each and every proposal that comes forward while the developers have a full time paid team of attorneys and planners and engineers to get their projects moved through. This is not an acceptable mitigation.
3. **Making height limit approvals the result of a series of conditional use permits is not an acceptable mitigation.** The conditions required to gain approval of a permit for various heights of any given building in the overlay zones are coincidentally exactly what the hotel is proposing for their project. Who is the author of these requirements? It looks like it's the EKN team. For instance, a project doesn't need to demonstrate "exceptional architecture and design" to meet the first 60-foot height approval and if you have underground parking, you can automatically gain approval for the 75-foot height limit.

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Draft EIR Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel

Public Comment

Jane Hamilton



Petaluma, CA 94952

September 24, 2024

4. **Alternatives to the project must be explored!** Alternatives were briefly mentioned but quickly dismissed because the project as currently proposed was determined to not have any **significant environmental impacts**. This is not reasonable. The reason so many people are opposed to these changes is because we know they will have **significant environmental impacts**. 5
5. **Historical Context is not adequately addressed!** The Hotel parcel sits within the boundary of the National Registry for the Downtown Commercial District. This is a gateway to Petaluma's historic downtown, and any building erected there should be complimentary and not detrimental to it. No new historical architectural experts were consulted, and no new reports were generated for the DEIR. We are offered the same Mitigation Measures—Planning Commission, HCPS, HSPAR can weigh in on the Conditional Use Permits and the merits of the design. 6
6. **The subterfuge presented in the DEIR around density needs to be clear and more straightforward so the public can understand the ramifications.** The DEIR states "The proposed Overlay would retain existing land use designations and residential density requirements which is 30 dwelling units per acre. **However, the proposed Overlay would include a General Plan text amendment that would raise the maximum allowable FAR from 2.5 to 6.0 for nonresidential uses.**" In general, at 30 DU's/acre, any Overlay housing wouldn't exceed 2 to 3 levels of residential. So much for the overlay zones being targeted to bring in high density housing downtown. Furthermore, it is suggested that the overlay rules being proposed now would sunset upon the adoption of the General Plan update. **This points to the obvious conclusion that the overlay zoning proposal is written for the hotel with no serious analysis given to the impacts that such a rules change will mean to Petaluma.** 7

This zoning change presents a dramatic change to the landscape of our Historic downtown and when many people are extremely interested in it, why has the city made it so hard for the public to be informed? **There has been a complete lack of signage at each overlay zone.** Most members of the public, even those quite interested in the proposals, could not tell you exactly where the boundary of each zone is. **The notification of the locations for the overlay zones has been egregiously inadequate.** 8

**Draft EIR Downtown Housing & Economic Opportunity Overlay and EKN Appellation
Hotel**

Public Comment

Jane Hamilton



Petaluma, CA 94952

September 24, 2024

The staff report appears to be asking the Planning Commission and the Historic Committee to vote to approve the DEIR tonight and recommend that the City Council move ahead to the Final EIR before the close of public comment, which is on October 7th, 2 weeks from now. So, without the benefit of hearing matters and issues that the public may bring forward, the planning Commission is being asked to just move this along, rubber stamp it if you will, to accommodate an arbitrary schedule. And that serves who? EKN? How is this even legal? **The Planning Commission and Historic Committee can and should insist that they will not make their decision before the 45-day close for public comments.**

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Jane Hamilton (HAMILTON)

Response to HAMILTON-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Please refer to Master Response 2, Recirculation Not Required, in Section 2.1, Master Responses, of this document. Master Response 2 discusses why the conditions established in the CEQA Guidelines under which the Draft EIR must be recirculated have not been met.

Response to HAMILTON-2

The commenter states that the hotel is car dependent and that the overlay zone will draw additional cars, and that there will be significant parking and traffic impacts despite CEQA Vehicle Miles Traveled (VMT) screening. The VMT analysis contained in the Draft EIR is consistent with the City of Petaluma's *Senate Bill 743 Vehicle Miles Traveled Implementation Guidelines, 2021*, as well as State guidance for transportation-based VMT analyses. As indicated in the Draft EIR, portions of the downtown overlay as well as the hotel site are in designated areas within proximity of major transit service that are presumed to have less than significant VMT impacts, and/or are located in designated low-VMT areas for employment-based uses. Individual developments within the overlay would also be subject to further VMT review to confirm consistency with the Draft EIR's less than significant VMT finding, and would be subject to VMT mitigation if found to be inconsistent. With respect to environmental impacts associated with parking adequacy, please see Master Response 14, Hotel and Overlay Impacts on Parking.

Response to HAMILTON-3

Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Please also refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval. Future projects within the Overlay would also be required to complete the design review process, although not all projects would require preparation of an EIR. The City would determine the level of environmental review required based on the application received and preparation of an initial study.

Response to HAMILTON-4

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and

the City's design review process, which the proposed project would undergo following certification of the EIR and project approval.

Response to HAMILTON-5

The comment alleges that alternatives were not sufficiently addressed in the Draft EIR, but does not offer any alternatives for further discussion or identify any specific deficiencies in the alternatives analysis. The Draft EIR thoroughly discusses a reasonable range of alternatives in Chapter 6, Alternatives. Please also refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document.

An EIR's discussion of alternatives is not required to include alternatives that do not offer significant environmental advantages in comparison with the project or with the alternatives that are presented in the EIR. (CEQA Guidelines § 15126.6(b); *Tracy First v. City of Tracy* (2009) 177 CA4th 912, 929). The breadth of the range of alternatives discussed in the EIR appropriately reflects the fact that the proposed project would not result in any significant and unavoidable impacts. The comment does not identify any specific physical impacts to the environment that would result in significant and unavoidable impacts or identify any alternatives significantly different from those already analyzed in the Draft EIR. No changes to the Draft EIR or additional analysis is required.

Response to HAMILTON-6

The commenter inaccurately states that no new architectural experts were consulted, and no new reports were generated. A Historic Built Environment Impacts Assessment (HBEA) was prepared by South Environmental on June 24, 2024 to determine whether the proposed Hotel would result in impacts to historic built environment resources located within and immediately adjacent to the project site.

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to HAMILTON-7

This comment is noted and is included in the record provided to the Lead Agency for review and consideration of the proposed project as a whole. In regard to the potential sunset clause, please refer to Response to SHUTE, MIHALY, & WEINBERGER, LLP-19. In regard to the level of analysis provided for the Overlay, please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to HAMILTON-8

Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR. In regard to the Historic and Cultural Preservation Committee/Planning Commission (HCPC/PC) September 24, 2024 staff report, the agenda item was to receive public comment on the Draft EIR, provide HCPC/PC member comment on the Draft EIR, and to make recommendations to the City Council on the adequacy of the Draft EIR and direction to prepare the Final EIR. HAMILTON 2 Page 1 of 12

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From: Jane Hamilton [REDACTED] >
Sent: Monday, October 21, 2024 4:55 PM
To: Greg Powell <GPOWELL@cityofpetaluma.org>; Petaluma Planning
<petalumaplanning@cityofpetaluma.org>
Subject: DEIR Comments

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

PLease find my comments submitted for the Draft EIR for EKN hotel and Overlay
zones

Please reply so I know you received this.

Jane

Jane Hamilton

[REDACTED]

[REDACTED]

Jane Hamilton

Petaluma, CA 94952

I submit the following comments regarding the April 2024 NOP-Initial Study regarding the EKN Appellation Hotel and Downtown Housing and Economic Opportunity Overlay zones.

Ordinarily, a zoning change to our historic downtown would be worked through as part of our general plan update, allowing much open discussion, professional analysis, and public input into the process and a full EIR. With the zoning overlay coming as part of a development proposal that requires this change, the public process has been shortchanged and truncated. We are being offered a readymade solution to a problem that has yet to be adequately defined other than the EKN hotel developer wants to build to 6 stories and has put an offer on the table. There has been very little definition given to what our current conditions consist of in terms of economic opportunities and housing downtown nor has there been any definition given to what it is specifically that we hope to gain by making this change. The proposed areas of exploration in the EIR fall woefully short of what the public and the decision makers deserve to know and expect from both the Hotel development and the overlay zones. Below is a shortlist of items that must be analyzed in the EIR.

1. Cumulative environmental impacts must be evaluated in terms of all recent project approvals within range, projects now underway and existing conditions. Cumulative environmental impact analysis must be part of the EIR for both the Hotel and the Overlay zones.
2. The EIR needs to Identify exactly what the Housing and Economic Opportunity Overlay zones intend to achieve. How much more housing would we be able to achieve with a 6 story height rather than our current height limit. Given that Petaluma's identity and draw is that of an Historic Town, how will changing the zoning help us to maintain that identity? Can the same goals be achieved within the current zoning? Given that other Historic towns in Sonoma County have addressed the same needs for their downtowns successfully without raising their height limits, the EIR must provide evidence that 6 stories are needed in Petaluma. We do not have clearly data driven goals that justify a building height change, but we do have a hotel proposal that wants it. Why not just change the zoning, height limit and FAR for the hotel? The proposal to create overlay zones belongs as part of the public discussions for the land use portion of our new general plan. Slipping it in here before the GP has been processed circumvents the public participation that would and should be part of such a proposed change.
3. The obvious questions of parking and traffic circulation in the downtown area as usage is intensified with overlay zoning needs to be addressed in the EIR. We need current traffic studies that project the potential cumulative effect of the overlay zoning on traffic and parking to be addressed in the EIR. Downtown is already congested with traffic, too few bike lanes and scant parking. As developments already in the pipeline come to fruition, these conditions will intensify. To change the zoning to invite more development without studying the effects on these current conditions and projected conditions at buildout is unacceptable. The traffic impact study previously done for the hotel is inadequate. Aside from the obvious problems that will occur during construction phase, there will be ongoing congestion on B street and PBN during operations for deliveries, hotel guest parking, restaurant customers. The parking

assumptions made in the report are not realistic. In the EIR the traffic and parking data needs to be updated and have current numbers that reflect what we have now and cumulative impact numbers for projects like Oyster Cover which have already been approved.	6 CONT
4. Will the Keller Street parking garage be expected to serve the new development of apartments and commercial buildings in the overlay zones? The EIR needs to address how this will impact existing businesses who are part of that parking district.	7
5. The cumulative effect that the zoning overlay will have on vistas, mass and bulk throughout downtown needs to be explored, visually shown and thoroughly vetted for the public to see. The cumulative impact that 6 story buildings will have on the context, integrity and setting of our Historic Downtown must be explored and addressed. The cumulative impacts of additional height and bulk allowances on all overlay parcels must be addressed now, not on a project-by-project basis. Visual simulations need to be provided for each view corridor to and from each overlay zone as well as the hotel. The EIR for the overlay zones needs to be evaluated for how it will impact the historic District in terms of creating walled off areas and building canyons, and disrupting the texture of the built environment surrounding the Historic District	8 9
6. The EKN Hotel, as proposed, is out of context and disturbs the integrity, context and setting of our Historic District. The hotel is oversized and architecturally inappropriate for its proposed location. It is out of scale with its neighbors in its sheer size. Historic District Design Guidelines state that Infill buildings in the Historic District should “harmoniously coexist with the historic character.” The EIR needs to show if and how this incompatibility with surrounding massing, scale and architectural features of the Historic District will be mitigated.	10
7. Alternatives sites need to be identified and analyzed. The hotel could be built at 4 stories by leasing the land now being occupied by Bank of the West or placed in a different location at its present proposed height and mass. The EIR needs to explore project alternatives.	11
8. The EIR needs to identify what can be expected with imminent sea level change in relation to the underground parking garage. It should also identify what the alternative will be, should sea levels rise more quickly than predicted as is now happening. Will sea level rise surpass the expected life of the hotel?	12
9. The EIR needs to define a detailed plan to accommodate CAL-OSHA’s new rules on the treatment of lead contamination which will go into effect on January 1, 2025. Given that the parking garage will be disturbing the soil of what was once a gas station, construction workers and the public need to know how they will be protected from lead contamination.	13
10. The question of changing the zoning and height limit downtown is a worthy exploration for our new General Plan where it would undergo a public and thorough analytical process. Hopefully the General Plan will develop a vision for our downtown with the public to include what we need and how we get that without eroding what we have. It would also have clear goals defining how we as a community want to build on the identity of our core business area. To try	14

to change the zoning at the request of the hotel developer to suit EKN's vision for their preferred version of their enterprise should require a fully scoped EIR, at the very least. The EIR should address why it is appropriate to skip ahead of the 2025 General Plan to accommodate a development proposal and effectively circumventing what should be a creative and open public process.

14
CONT

Input on EKN Appellation Hotel & DHEOO / April 2024 Initial Study, Scope of EIR

Jane Hamilton

110 G Street. Petaluma, CA 94952

May 13, 2024

Below are my comments on the scope of the proposed EKN Hotel and proposed overlay zoning associated with it. I want the following comments to be entered into the public record.	15
Cumulative Impact requirement	
1. Project Alternatives for the hotel must be required, identified and analyzed in the EIR	16
2. Cumulative impacts of all projects built or approved to be built must be included in the analysis of all sections of the ISMND.	17
3. Potential impacts of the proposed overlay zones must be quantified, defined, and analyzed.	18
1. 2025 General Plan EIR (2008)	
2. Central Petaluma Specific Plan (2003)	
3. City of Petaluma 2023-2031 Housing Element	19
A. General Plan Update Look-Ahead: <i>General Plan Update Frameworks takeaways</i>	
1. Overlay zoning changes may support GPU trends toward Land Use densification	
2. No supporting data provided to justify the economics of developing to 6 stories	
3. Historic Resources Framework recommendations	
B. CEQA questions regarding Aesthetics and Cultural Resources:	
1. Comments broken out for Hotel or Overlay in response to each CEQA question	20
2. Specifics of the Petaluma Historic District Design Guidelines	
C. General Comments on the Hotel Design:	
1. April 2024 renderings show a new façade design from the previous CEQA Initial Study submittal	21

A. INTRODUCTION:

The Downtown Housing and Economic Opportunity Overlay and the EKN Appellation Hotel together have once again been classified as the “Project” and combined into a project-level and programmatic-level Initial Study. It is still unclear if this is a accepted methodology that would stand up to legal challenge.

22

This time around, three CEQA Checklist sections--Aesthetics; Cultural Resources, and Tribal Cultural Resources—that were previously classified in the October 2023 IS-MND as **“Less Than Significant With Mitigation”** have now been re-classified to have **“Potentially Significant Impact”**. The remainder of the CEQA Checklist sections have been re-purposed from the October 2023 Initial Study and incorporated into the April 2024 Initial Study. Planning staff does not appear to consider these sections open to additional EIR-level scrutiny.

23

The EIR will include a cumulative environmental impacts assessment. This assessment must go beyond Aesthetics and Cultural & Tribal Resources to take into account all CEQA Checklist sections, while incorporating the impact of all significant development “in the pipeline” within a suitable radius of the Hotel and Overlay project. Cumulative impact analysis must also include assessment of future six-story buildings on the three Overlay areas A, B and C, and cannot be waved away to deal with on a piecemeal basis in the future.

24

Discussion in the EIR Scoping Meeting held on May 1, 2024 offered excuses and obfuscation on this point, but is critical to understanding future aesthetic impact to the National Register Historic Commercial District.

The EIR will also address Project Alternatives, though no information about potential alternate sites or alternate parameters were provided in the EIR Scoping Meeting.

25

The Draft EIR will include visual simulation of the “Project”. Since the “Project” includes both Hotel and Overlay, visual simulations must include a means of representing the maximum proposed allowable six-story construction on the three Overlay areas.

26

B. REGULATORY CONTEXT:

2025 General Plan: The “Project” does not comply with current 2025 General Plan zoning standards in the areas of height, FAR, and lot coverage. Speculating on the outcome of the General Plan Update process as justification to create the Overlay should in no way cloud this point.

Back in 2008, when the current 2025 General Plan Environmental Impact Report was adopted, findings indicated significant and unavoidable cumulative impacts to traffic, traffic-related noise, air quality, and greenhouse gas emissions as a result of implementing the General Plan. At that time, the city adopted a “statement of overriding considerations” to merit the benefits of the plan despite significant environmental effects.

These same Cumulative environmental effects of traffic, traffic-related noise, air quality, and greenhouse gas emissions recognized in the 2008 EIR exist today, and will be further exacerbated by the changes to FAR and height limits being proposed by Overlay.

The “Project” does not comply with the current zoning standards set forth in the 2025 General Plan. The Hotel and Overlay are defined as a single “Project” for purposes of CEQA review, with the “Project” acting as its own justification for making changes to the current General Plan. Either put the Overlay through its own EIR, or wait for the Updated General Plan has been put through its required EIR.

Central Petaluma Specific Plan: the 2003 Central Petaluma Specific Plan clearly stipulates that buildings along the east side of Petaluma Blvd South that lie within the CPSP have a THREE-STORY / 45-foot maximum height. Although the two-block stretch of Overlay Area A sits directly to the west across Petaluma Blvd South from the CPSP boundary, it currently hews to the same 45-foot height limit as the east side of the Boulevard, allowing for a “balanced” gateway into Historic Downtown from the south.

By allowing any future development in Overlay Area A to increase to a potential 75 feet on one side of the Boulevard “gateway” into Historic Downtown it sets up a scenario for an unbalanced streetscape, compromised viewsheds, and an erosion of integrity at the pedestrian level to the setting and feeling of the Historic District.

Land Use issues that involve planning for the future of Petaluma need to be treated holistically, be part of the General Plan Update discussion and put through extensive public review, not treated as a “build-as-you-go” exercise.

City of Petaluma 2023-2031 Housing Element: Petaluma’s 20023-2031 Housing Element has been approved by the State of California, receiving high praise. Out of the 1910 dwelling units projected by the Regional Housing Needs Allocation, Petaluma has identified housing projects currently “in the pipeline” as well as potential ADU locations, to a total of 1888 dwelling units. Remaining needs are for 567 dwelling units, in the income groups of Very Low, Low, and Moderate

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Incomes. Petaluma has set up aspirational goals to a total capacity of 3241 dwelling units, by identifying “opportunity sites.”

The need for housing in Petaluma across various formats and income levels is real. However, promoting the Overlay narrative as a means to drive discussion of new housing development immediately adjacent to the Historic District risks a loss or erosion of the architectural protections currently in place.

Consider the fact that a 100% affordable housing development could receive an 80% density bonus to build significantly higher than 75 feet, be granted an exception to parking, be exempt from CEQA review, and require absolutely NO discretionary design review. This should concern every citizen and downtown business owner who feels that Petaluma’s draw is tied to its vibrant collection of historic buildings, and the sense of place that the Historic District engenders.

C. GENERAL PLAN UPDATE LOOK-AHEAD:

Although the General Plan Update process is well underway, the zoning changes proposed for the Overlay set up the possibility of being at odds with the potential General Plan Land Use outcomes. The General Plan’s Draft Framework on Land Use has not been released for public scrutiny and comment. Furthermore, the updated General Plan will also require an EIR. It is irresponsible to rule on the environmental impacts of the Overlay in advance of an EIR being completed for the General Plan Update.

The General Plan’s Draft Framework on Historic Resources underscores the need to preserve Petaluma’s distinctive sense of place. Suggestions include:

- Updates to the Historic Design Guidelines that *“may provide additional guidance about compatible and sensitive infill development, conversion of single-family homes to multiple units, and appropriate murals and public art within historic districts.”*
- Adoption of *“objective design standards for infill development within historic districts and/or adjacent to individual historic landmarks. Develop floor area ratio and other objective design standards that relate overall building size and bulk to site area for all adopted local historic districts. These objective design standards should also address the sensitive adaptation of existing buildings in a way that both retains historic integrity and addresses the needs of the community.”*

It may be possible that the need to densify and increase building heights in certain nodes of our community, especially around transit hubs, could eschew Historic Downtown in favor of equally valid locations around Petaluma. At present, there is no economic data to justify development over 4 stories in height.

Significant community input may drive a different narrative, say, that the proposed increases to allowable height and FAR are not appropriate immediately adjacent to Petaluma’s historic districts, and instead channeled towards slightly different areas for densification, we are creating a bad precedent all for the sake of approving a non-conforming the hotel in advance of setting city policy through the General Plan Update.

D. CEQA-SPECIFIC QUESTIONS ON AESTHETICS & CULTURAL RESOURCES.

CEQA 4.1a—Would the Overlay have a substantial adverse effect on a scenic vista?

The original IS-MND for this project indicated that possible future development in the Overlay areas could result in adverse effects on a scenic vista, due to increases in height and bulk/FAR. The suggested mitigation measure would leave things up to current discretionary design review processes (SPAR & HSPAR). How can meeting baseline requirements of SPAR and HSPAR even be construed as a “mitigation” measure? The focused EIR needs to provide quantitative data to prove no substantial adverse effect.

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As previously noted, affordable housing projects within the Overlay areas would not be subject to SPAR or HSPAR, and, with allowable density bonuses, could further increase height and bulk beyond the proposed 75 feet and FAR of 6.0. A significantly oversize affordable housing project could be proposed in the Overlay areas with no discretionary design recourse or zoning challenge, and thus pose substantial adverse effects on scenic vistas from neighboring properties.

CEQA 4.1a-- Would the Hotel have a substantial adverse effect on a scenic vista?

While the Hotel may block vistas of Sonoma Mountain or the Petaluma River for some stakeholders living or working nearby, its height and bulk certainly affect scenic vistas WITHIN historic downtown. It will certainly be visible from vantage points away from Downtown, and from across the Petaluma River. The viewshed analysis dated September 8, 2023 (link noted here) <https://cityofpetaluma.org/documents/ekn-appellation-view-shed/> is not adequate to realistically evaluate how this structure will impact downtown vistas from many more vantage points.

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The Visual Simulation proposed for the EIR must be more forthcoming in terms of showing the Hotel height and bulk in context to downtown and how pedestrians view the building approaching from the north, south, east, and west, traveling to and through historic downtown.

CEQA 4.1c—Would the Overlay substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The Overlay seeks to completely redefine applicable zoning regulations, which may in the future degrade the scenic quality of the historic districts in and around Downtown. With current State housing mandates, it is conceivable that an affordable housing project could be located in one of the Overlay areas, with no CEQA process or discretionary design (SPAR, HSPAR) review and density bonus provisions to further increase height. This would further erode scenic quality and historic setting.

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The level of community input regarding an increase in FAR from 2.5 to 6.0 and a height increase from 45 feet to 75 feet should happen in conjunction within the broader discussion of “Land Use” options in the General Plan Update, and not pushed through in selected Overlay areas.

CEQA 4.1c—Would the *Hotel* substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Since the Hotel sits within the Downtown Historic District, it is governed by Historic District Design Guidelines and zoning rules established by the General Plan. Infill buildings in the Historic District should “harmoniously coexist with the historic character.” While the Hotel is not in the center of the historic district, it stands within the boundary of the district, at the pivot point that is the southern “entrance” to Historic Downtown. Its height and bulk are not harmonious with the historic neighborhood—it is out of scale with its neighbors in its sheer size and height. The building as designed looms over its neighbors and lacks the cadence of delicate and rhythmic detailing seen elsewhere in the Historic District.

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Additional visual simulations from multiple additional points of reference within and including the historic downtown context will show a building that will degrade the overall sense of setting and feeling at the edge of the National Register Historic Commercial District.

The Hotel Project as designed does not comply with current zoning requirements in terms of height, FAR, and lot coverage.

4.5a—Would the Overlay cause a substantial adverse change in the significance of a historic resource?

One proposed building in Overlay sub-zone A and one existing building in sub-zone B are located within the boundary of the National Register Historic Commercial District and are governed by the Secretary of the Interior’s standards. Depending on what might be proposed, it is entirely possible that there could be an adverse change to the character of the Historic Commercial District.

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Any new buildings in the Overlay areas should not be allowed by their bulk or height to dilute or degrade the specific National-Register-evaluated components of **location, setting, design, materials, workmanship, feeling, and association**. These categories of our historic downtown are the reason we have a National Register Historic Commercial District.

Cumulative or maximum-case buildout on all three sub-zones must be analyzed for their aggregate height and bulk impact on the setting and feeling of the aggregate historic commercial district.

4.5a—Would the Hotel cause a substantial adverse change in the significance of a historic resource?

The Secretary of the Interior’s Standard #9 for new buildings in a national Register Historic District states:

“The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.”

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In response to the Secretary of the Interior's guidelines, Diana Painter, the historic expert that wrote EKN's Historic Compliance Review, has written the following:

"The EKN Appellation Hotel will look new. Its design also contrasts with its immediate neighbors primarily through building height." Also: "The EKN Appellation Hotel gains its architectural interest from its materials, finishes, and their decorative treatments, in contrast to a building like the Masonic Lodge, which gains its architectural interest and meaning from its architectural details."

However, in reviewing information in the Secretary of the Interior's design guidelines, as well as the following six elements of the Petaluma Historic District Design Guidelines, it is impossible to understand how the Hotel design meets the standards for harmonious new construction in the Historic District:

<i>If the site is large, the mass of the facade can be broken into a number of small bays, to maintain a rhythm similar to the surrounding buildings.</i>	There is no discernable bay articulation here; on levels 1-4; the entire façade is planar and uni-dimensional, with a grid of windows overlayed in a consistent pattern.
<i>The average height and width of the surrounding buildings determine a general set of proportions for an infill structure. The infill building should fill the entire space and reflect the characteristic rhythm of facades along the street.</i>	This building should not exceed 4 stories or 45 feet. The assumption that the 5 th and 6 th floor setbacks will not be seen by someone on the opposite sidewalk is a fallacy, as floors 5 and 6 will be clearly seen by pedestrians further away from the building.
<i>An infill facade should be composed of materials complementary to the adjacent facades.</i>	The color palette is bland but harmonious with other structures within the Historic District. One more round of value engineering of the construction costs will, I fear, bring us a stucco façade. The wall mural above the hardware store is an interesting choice for public art, but unfortunately it is not on a prominent building face or particularly visible to pedestrians.
<i>The new buildings shall not unduly stand out as inappropriate or disconnected from the scheme of the surrounding buildings.</i>	This building is overwhelming in its height and massing and towers over the one- and two-story buildings immediately within the Historic District.
<i>The size and proportion of window and door openings of an infill building should be similar to those on surrounding facades.</i>	The punched windows are consistently placed across the façade. There is no rhythmic cadence similar to what is seen with the paired window groupings on the Masonic Building
<i>The same applies to the ratio of window area to solid wall for the façade as a whole.</i>	Ratios of window to wall vary in the historic district, so this is difficult to qualify.

At issue is that the Hotel is NOT compatible with the height, massing, size, and scale of the surrounding environment. At the pivotal location that constitutes the southern gateway to Historic Downtown, this building as designed is over-scaled. The structure looms over its neighbors and lacks the cadence of delicate and rhythmic detailing seen in the Historic District.

This hotel design does not create enough architectural interest through materials only. Perhaps a stronger and more bold articulation of planar depths on the façade would create more rhythm and architectural interest. Or a more delicate treatment of architectural detailing. This is not an iconic building worthy of Petaluma's Historic Downtown.

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CONT

E. ADDITIONAL COMMENTS REGARDING THE REVISED HOTEL DESIGN:

The building design of the proposed EKN Appellation Hotel has recently changed since the October 2023 Initial Study, and exterior elevations are significantly different and degraded from the original proposal. The height and massing remain unchanged. If anything, the design has morphed into a very generic, mid-tier chain-hotel structure or a suburban low-rise office building. Nothing in the revised design is appropriate for a building within the Downtown Historic Commercial District.

- Balconies with decorative metal railings that served to create a rhythm along both facades have been stripped out in favor of a monolithic wall with no significant articulation.
- Decorative perforated metal panel detailing adjacent to the windows has been stripped off the facades.
- There is an overall reduction in planting materials since the balconies were removed.
- The ground floor “public-activating” outdoor dining area seems to have been somewhat reduced in size.
- Overall, the hotel facades have lost all sense of rhythm and articulation, and any decorative materials that gave a nod to the historic cast iron buildings have been removed.
- The continuous metal railing and planting at the fifth floor has given way to a simple cornice that looks more at home on a suburban office building. There are so many rich examples of cornice detailing a half-block away that could have been alluded to.
- The shade trellis at the sixth floor roof deck has been deleted, possibly to let the public know they can’t see the sixth floor from the street; the previous design version had a very visible trellis.
- In summary, there are no distinguishing physical aspects that give even a slight nod to the historic district—no shapes, no roof features, no projections, recesses, or voids. No rhythm, façade articulation, or gracefulness that makes this building harmonious with Historic Petaluma. This building neither belongs nor fits in on this site.

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Jane Hamilton (HAMILTON 2)

Response to HAMILTON 2-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to HAMILTON 2-2

Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Please also refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to HAMILTON 2-3

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to HAMILTON 2-4

The Draft EIR includes an analysis of potential cumulative impacts of both the Overlay and the Hotel. The analysis is contained in Chapters 3, Environmental Impact Analysis and 4, Additional Effects Evaluated in the Initial Study. A cumulative project list was provided in Table 3-1 and was used to prepare the cumulative analysis.

Response to HAMILTON 2-5

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

The Hotel proposal, on its own, is considered an alternative to the proposed project. Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains that an evaluation of a Hotel-Only alternative would not result in significantly different information from that already presented in the Draft EIR because the Draft EIR already distinguishes between the proposed Hotel and the proposed Overlay in each topical section.

Regarding the timing of the Overlay with respect to the General Plan, please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between

Responses to Written Comments

the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Regarding the commenter's statement that the Overlay process circumvents public participation, please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Response to HAMILTON 2-6

A VMT Assessment for the proposed Overlay was prepared for the Draft EIR on July 3, 2024.

With respect to construction traffic, please refer to Master Response 10, Construction and Staging, in Section 2.1, Master Responses, of this document. Master Response 10 provides additional clarifying information related to the staging and construction of the proposed Hotel.

Response to HAMILTON 2-7

Please see Master Response 14, Hotel and Overlay Impacts on parking in Section 2.1, Master Responses, of this document. Master Response 14 provides additional clarifying information related to parking and CEQA, the effects of parking on VMT, parking requirements, and the City's Parking Study on downtown parking supply and demand, which is currently in process and a separate and distinct matter from the proposed project.

Regarding the comment that the Draft EIR needs to address new development within the Overlay, please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to HAMILTON 2-8

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to HAMILTON 2-9

The Overlay does not propose any specific development aside from the Hotel project at this time. No walled off areas or features that would create building canyons are proposed. Future individual development projects would be evaluated for potential impacts on the Historic Commercial District, subject to Site Plan and Architectural Review/Historic Site Plan and Architectural Review (SPAR/HSPAR) review, and Conditional Use Permit (CUP) provisions set forth in the proposed Overlay.

Response to HAMILTON 2-10

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to HAMILTON 2-11

This comment is noted. Please see Response to HAMILTON-5.

Response to HAMILTON 2-12

Sea level rise conditions were considered and discussed in the Draft EIR. As shown in Exhibit 4-2, a portion of the Hotel component project site would potentially be affected by 0–2 feet of flooding under projected 2100 sea level rise conditions. However, as explained in the Draft EIR, the proposed project would be compliant with Section 6.070 and Section 6.080 of the Municipal Code, which would protect the project site from flooding and sea level rise and reduce potential impacts to below a level of significance. Additionally, it is important to note that neither the Overlay nor the Hotel component of the proposed project would exacerbate any environmental effects associated with sea level rise. Because the purpose of CEQA is to protect the physical environment, environmental documents are appropriately focused on the adverse changes to the environment that may be brought about by approval of a proposed project. (Cal. Pub. Res. Code §§ 21065, 21068). Please see Master Response 8, CEQA in Reverse in Section 2.1, Master Responses, of this document. Master Response 8 explains that CEQA does not require lead agencies to analyze the impact of existing environmental conditions on a project's future residents or users.

Response to HAMILTON 2-13

Refer to Master Response 17, Hazardous Materials, which describes the site's remediation actions and oversight, as well as the mitigation measures required to ensure that the project's impacts due to hazardous materials are reduced to less than significant levels.

Response to HAMILTON 2-14

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, and Master Response 3, Hotel-Only Alternative, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Master Response 3 explains that an evaluation of a Hotel-Only alternative would not result in significantly different information from that already presented in the Draft EIR because the Draft EIR already distinguishes between the proposed Hotel and the proposed Overlay in each topical section.

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Response to HAMILTON 2-15

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to HAMILTON 2-16

A range of alternatives are analyzed in Chapter 6, Alternatives to the Proposed Project, in the Draft EIR.

Response to HAMILTON 2-17

This comment is noted. Please see Response to HAMILTON 2-4.

Response to HAMILTON 2-18

While it is speculative to predict the exact development patterns, densities, heights, etc. that would result from the proposed Overlay, Table 2-5 in Chapter 2, Project Description, of the Draft EIR presents buildout square footage assumptions for the proposed Overlay. The assumptions are evaluated in Section 4.1.11, Population and Housing, and Section 4.1.14, Transportation to disclose the potential effects of the proposed Overlay.

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to HAMILTON 2-19

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to HAMILTON 2-20

The Draft EIR evaluates the proposed Overlay and Hotel under separate headings for each Appendix G Aesthetics and Cultural Resources question.

The Petaluma Historic Commercial District Design Guidelines are specifically evaluated in the HBEA prepared by South Environmental on June 24, 2024. They are summarized in Chapter 3, Aesthetics, Section 3.1.3, Regulatory Framework, of the Draft EIR.

Response to HAMILTON 2-21

The design of the proposed Hotel design was modified after the completion of the 2023 Initial Study/Mitigated Negative Declaration to address input from the HCPC. The current site plan is evaluated in the Draft EIR.

Response to HAMILTON 2-22

When one aspect of a large project is clearly defined, but it also contains elements that are not specific enough to be analyzed in detail, it is common practice to prepare an EIR that evaluates the entire project at a “program level” and the more clearly defined aspects of the project at a “project level” of detail. (See *Santa Teresa Citizen Action Group v. City of San Jose* (2003) 114 CA4th 689, 696). This approach is legally acceptable and complies with the requirements and intent of CEQA.

Please also refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, which provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. The Hotel component of the proposed project has been evaluated at the project level.

Response to HAMILTON 2-23

While the Draft EIR does not contain all of the individual topical sections in Appendix G, it does address all Appendix G topical sections in Chapter 4, Additional Effects evaluated in the Initial Study. Chapter 4 contains information from the Initial Study and expands on this information based on comments received during the Notice of Preparation (NOP) Scoping period.

Response to HAMILTON 2-24

This comment is noted. Please see Response to HAMILTON 2-4.

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to HAMILTON 2-25

The applicant’s decision to propose a hotel on the project site is a business decision. Although alternative sites for the Hotel were considered in the Draft EIR, because the proposed Hotel would not result in any significant and unavoidable impacts, no alternative site would substantially reduce potential impacts. Additionally, the project applicant does not own, nor can they reasonably acquire a different site. Because CEQA is appropriately concerned only with feasible alternatives that will actually provide an alternative to the proposed project, Lead Agencies are not required to evaluate unrealistic, hypothetical alternatives. (See e.g., CEQA Guidelines Section 15126.6; *see also*, Master Response 1, General Opposition Comments.) The City’s project objectives are not served by considering infeasible alternatives that would not be developed because the applicant does not have an ownership interest in the hypothetical alternative site: the environmental consequences of rejecting the proposed project are fully explained by the No Project Alternative. Accordingly, further discussion of alternative Hotel sites was not considered.

Response to HAMILTON 2-26

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to HAMILTON 2-27

This comment is noted. The proposed project includes a General Plan Amendment to increase the permitted height, floor area ratio (FAR), and lot coverage within the Overlay area. The General Plan Amendment is proposed because the proposed Overlay would not be consistent with the General Plan. The proposed Overlay is separately analyzed under each topical section of the EIR, including those in Chapter 4, Additional Effects Evaluated in the Initial Study.

As noted in the response to HAMILTON 2-4, the Draft EIR includes an analysis of potential cumulative impacts of both the Overlay and the Hotel. The analysis is contained in Chapters 3, Environmental Impact Analysis and 4, Additional Effects Evaluated in the Initial Study. A cumulative project list was provided in Table 3-1 and was used to prepare the cumulative analysis.

Response to HAMILTON 2-28

Please refer to Master Response 6, Hotel Design Considerations and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and the Overlay's legislative approvals.

Response to HAMILTON 2-29

The Overlay does not propose any increase in residential density; the maximum will remain at 30 dwelling units per acre. Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus Law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to HAMILTON 2-30

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to HAMILTON 2-31

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the

relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to HAMILTON 2-32

In discussing Impact CUL-1, the Draft EIR clearly states that “Future development proposed under the Overlay has the potential to result in direct and indirect impacts to listed or eligible resources including through demolition, relocation, or the construction of a new building that due to its design could potentially conflict with the historic character.” (Draft EIR, p 3.2-53.) It then concludes that this impact would be a “Potentially significant impact” on page 3.2-55, prior to the implementation of mitigation. Because the Overlay does not authorize any specific development, it is too speculative to provide more specific information regarding potential impacts to specific historic buildings. However, as discussed in the Draft EIR, development envisioned by the proposed Overlay would be required to comply with City policies and programs, and adhere to development and design standards, enforced through the entitlement, HSPAR/SPAR, and CUP process (MM Overlay CUL-1e), to ensure that impacts remain less than significant.

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City’s Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel’s design and the City’s design review process, which the proposed project would undergo following certification of the EIR and project approval.

Please also refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus Law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to HAMILTON 2-33

This comment is noted. Simulations of pedestrian-level views from publicly accessible vantage points around downtown—including from the north, south, east, and west of the proposed Hotel—are shown in Exhibits 3.1-3a through 3.1-3g. The viewpoints were selected in collaboration with City staff based on a range of on the ground photographs taken from different publicly accessible locations surrounding the hotel to show the hotel in relation to its context in the downtown area. The viewpoints were selected to provide photo-realistic images of how pedestrians traveling through downtown would experience the proposed Hotel.

Response to HAMILTON 2-34

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City’s Design Review and Conditional Use Permit Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel’s design and the City’s design review process, which the proposed project would undergo following certification of the EIR and project approval.

Please also refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus Law would or would not impact building height maximums and other development standards within the proposed Overlay.

Lastly, please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to HAMILTON 2-35

Visual simulations of the proposed project are provided in the Draft EIR from nine viewpoint locations as shown in Exhibits 3.1-3 through 3.1-3i.

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Please also see Response to BAY-4.

Response to HAMILTON 2-36

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Please also see Response to KELLER 3-8.

Response to HAMILTON 2-37

While the commenter states that there is no discernible bay articulation in the proposed Hotel design, the ground floor design is visually compliant with the Historic Commercial District Design Guidelines with its use of columns to create multiple bays.

With respect to the commenter's concerns regarding building composition, as stated in the HBEA, fenestration on the upper floors of the proposed Hotel would be symmetrical and would have a rhythm similar to historic buildings in the district and to recent developments across the street.

With respect to the commenters concerns regarding height and massing, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to HAMILTON 2-38

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

However, this comment is noted and provided to the Lead Agency for review and consideration. The proposed Hotel design will be reviewed and potentially altered during the City's HSPAR and CUP processes, as outlined in Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval.

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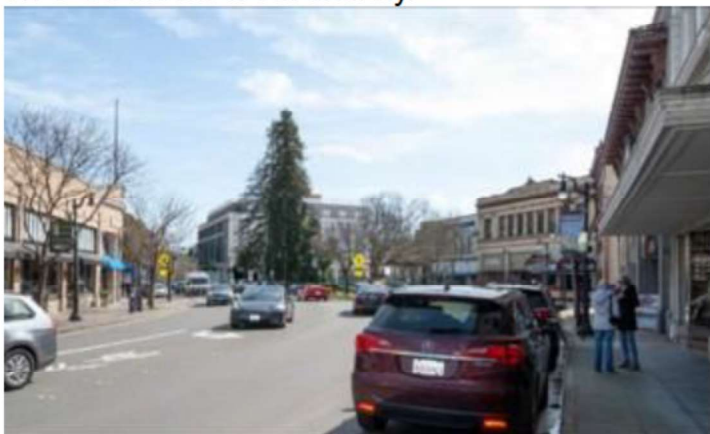
From: jf hancock <[REDACTED]>
Sent: Saturday, September 7, 2024 2:15 PM
To: Kevin McDonnell <kmcdonnell@cityofpetaluma.org>; -- City Council
<citycouncil@cityofpetaluma.org>; Isabel Castellano <icastellano@cityofpetaluma.org>;
Greg Powell <gpowell@cityofpetaluma.org>
Subject: EKN Overlay Draft EIR

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

The EKN Development EIR is deficient, it was prepared by First Carbon Solutions, a company dedicated to helping developers, "navigate the review process swiftly and cost-effectively." Their stated purpose is to provide developers with "legally defensible" products. They are not neutral brokers who follow the facts wherever they lead and the Draft EIR they produced shows it. The report does not include things that we were promised in the public meeting prior to its creation. At the public meeting, we were told that our concerns would be fully addressed in the EIR. They are not.

I made the specific request that the view of downtown and the hills to the southeast from Penry Park be included. My comment is not addressed in the draft EIR but Francesa Preston made the same request and that is recorded in the draft. Despite these specific requests and the recognition in the Draft EIR that, "the open grassy hillsides and ridgelines south of Petaluma and the Petaluma River Corridor are identified scenic and visual resources in the General Plan," those views are not considered in the report and views from Penry Park or any high vantage point are not included. The views used in the report are all taken from vantage points more beneficial to the project than would be from Penry Park or other high viewpoints. Renderings of the hotel in Views, 1 and 5 were made such that trees are in the way and View 8 was created so that the parking garage on C St. blocks it out entirely.





Where the hotel is shown, in view 3, one can see how ugly it is and how it won't fit into our cute downtown.



It looks like a jail, doesn't it?

I, and two others specifically brought up the hotel's impact on a treasured Petaluma cultural tradition, the Butter and Egg Days Parade. The impact of the hotel on the parade is not mentioned in the report. The hotel sits in the middle of the route for both the Butter and Egg parade and the Veteran's Day parade. There is no plan on how to deal with parade guests checking in and checking out and their impact on the parades.

4

There are many concerns about traffic recorded in the EKN's Draft EIR. Concerns which are swept aside by assuming people will just use other routes than the most convenient ones. The draft goes further and says, "Since the proposed project would not further degrade the intersection [Petaluma Blvd/D St] to LOS F, there would be no conflict with General Plan Policy 5-P-10." However, Petaluma's 2025 General Plan EIR says in section 5-P-10 that, "**LOS should be maintained at Level D or better for motor vehicles due to traffic from any development project.**" (emphasis added)

5

First Carbon Solutions did not take the concerns of Petalumans seriously in drafting this EIR. They were concerned about the needs of their client, EKN. They ignored specific requests to look at the project from a certain angle and only presented scenic views beneficial to their client.

6

They brushed aside concerns about traffic and made unverifiable assumptions about where people will choose to drive and that hotel guests will choose to use public transportation.

7

Worst of all, they misrepresented Petaluma's General Plan and said that it allowed for a worse level of traffic, LOS F, when it calls for nothing greater than LOS D. This misrepresentation is unacceptable and the City Council should reject First Carbon's characterization a "less than significant" impact on our scenic resources, cultural traditions, and environment.

8

I urge the council to reject this Draft EIR and vote against the Overlay and the ridiculous, out-of-place hotel.

9

Jeremy Hancock
Petaluma

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Jeremy Hancock (HANCOCK)

Response to HANCOCK-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to HANCOCK-2

A range of visual simulations viewpoints were selected for the Draft EIR in order to show the reader how the proposed Hotel would look from various viewpoints. The viewpoints identified in the Draft EIR were selected in collaboration with City staff based on a range of on the ground photographs taken from different publicly accessible locations surrounding the Hotel to show the Hotel in relation to its context in the downtown area. The viewpoints were selected to provide accurate depictions of the Hotel component from locations where the proposed project's visual characteristics would be most apparent. Several of the visual simulations, including Exhibit 3.1-3b, Visual Simulation 2, Exhibit 3.1-3c, Visual Simulation Viewpoint 3, Exhibit 3.2-3d, Visual Simulation Viewpoint 4, and Exhibit 3.1-3g, Visual Simulation Viewpoint 7, show the proposed Hotel with very minimal coverage from existing street trees. Furthermore, all photos use for the simulations were taken in the winter, on February 22, 2024, when deciduous trees have the least amount of foliage.

Response to HANCOCK-3

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1.

Response to HANCOCK-4

Please refer to Master Response 16, Effects of Street Closures and Special Events.

Response to HANCOCK-5

The commenter notes that the projected Level of Service (LOS) at the intersection of Petaluma Boulevard/D Street as analyzed in the hotel traffic impact study conflicts with General Plan Policy 5-P-10. The intersection of Petaluma Boulevard/D Street is projected to operate at a LOS E in the future without the proposed project and would be expected to experience an imperceptible increase in delay with the proposed project, maintaining a LOS E operation. Please see prior responses as well as Master Response 15, Traffic Congestion for further information.

Please also see Response to BEARDSWORTH 2-29.

Response to HANCOCK-6

FirstCarbon Solutions is under contract with the City of Petaluma. FirstCarbon Solutions is not under contract with EKN Petaluma, LLC.

Please refer to Response to HANCOCK-2 for a discussion of visual simulations.

Response to HANCOCK-7

The commenter asserts that the traffic analysis relies on unverifiable assumptions including travel destinations and use of public transportation. Please see Master Response 15, Traffic Congestion for information regarding the applicability of traffic and parking conditions in CEQA. Regarding the hotel traffic analysis, the trip distribution assumptions for vehicle travel through local intersections was based on consideration of prevailing traffic patterns as well as the location of the hotel access and off-site valet parking areas, and was reviewed and approved by City Public Works staff. The traffic analysis did not apply deductions to estimated vehicle trip generation levels to account for the use of public transportation.

Response to HANCOCK-8

The commenter again notes that the intersection of Petaluma Boulevard/D Street is in conflict with General Plan Policy 5-P-10. The traffic study did not misrepresent the Petaluma General Plan; please see the Response to HANCOCK-5 as well as Master Response 15 Traffic Congestion, for further information.

Response to HANCOCK-9

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1.

From: jf hancock <[REDACTED]>
Sent: Monday, September 9, 2024 3:42 PM
To: Isabel Castellano <icastellano@cityofpetaluma.org>; Kevin McDonnell <kmcdonnell@cityofpetaluma.org>; Greg Powell <gpowell@cityofpetaluma.org>; -- City Council <citycouncil@cityofpetaluma.org>
Subject: EKN Hotel Shadows

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear Mayor, Council Members, and Planners,

When I last wrote to you about the proposed EKN hotel, I pointed out that First Carbon Solutions wasn't being a neutral arbiter following the facts wherever they might lead and instead were preparing a product for their client, EKN. As they say on their website, they "**deliver integrated, industry-specific solutions that move [developers] project[s] forward...**" (emphasis added) I also noted that they mischaracterized Petaluma's General Plan as allowing a greater amount of traffic than it does. They claimed that the proposed "project would not further degrade the intersection [Petaluma Blvd/D St] to LOS F, there would be no conflict with General Plan Policy 5-P-10." However, Petaluma's 2025 General Plan EIR says in section 5-P-10 that, "**LOS should be maintained at Level D or better for motor vehicles due to traffic from any development project.**" (emphasis added).

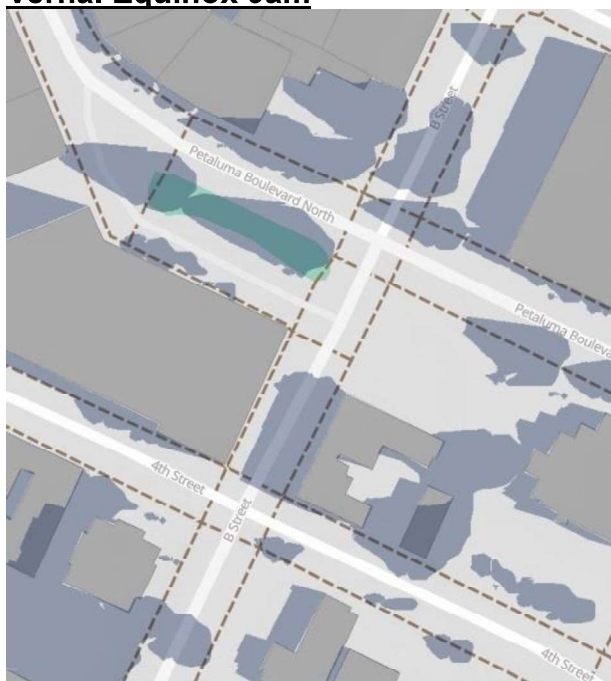
I am writing today regarding another mischaracterization by First Carbon in their draft EIR. They claim that, "the proposed Hotel would not cast shadows that would be cumulatively considerable." In their draft report, FC includes shadows that are cast at 9am, noon, and 3pm for the Vernal Equinox, the Summer Solstice, the Autumnal Equinox, and the Winter Solstice. They do not provide images of shadows cast later than 3pm and so, their draft report is insufficient and does not supply all the facts. Furthermore, they mislead about the images they do provide. They provide bright white images with lightly shaded shadows that do not show the whole picture. Below, I have used their images and information from shademap.app to create images that show the impact of the hotel.

1

2

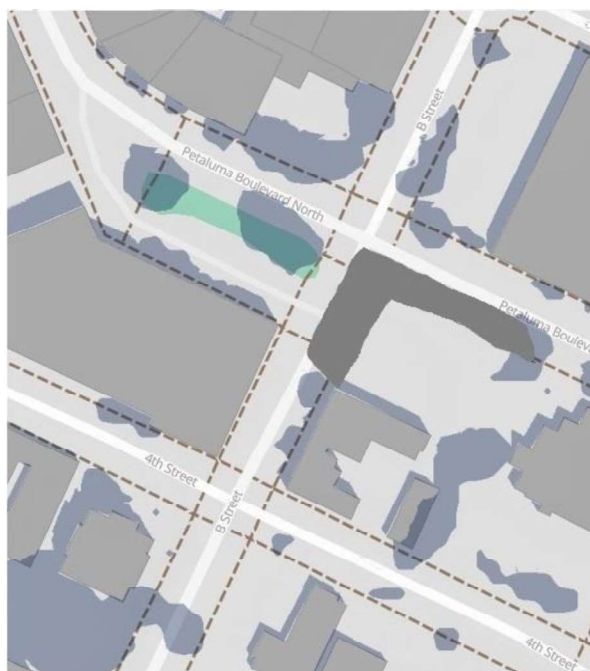
3

Vernal Equinox 9am



As measured by Google Earth, this shadow is about 150' by 100' and covers the street next to the hotel and half of the block behind Center Park. This is neither incremental nor inconsequential.

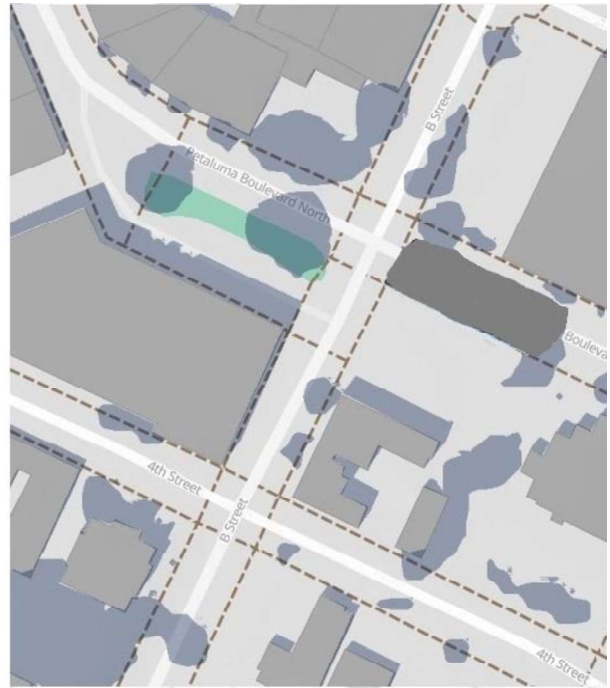
Vernal Equinox 12pm



This shadow goes about 30' out into the street and wraps 250' around the building. This is neither incremental nor inconsequential.

3
CONT

Vernal Equinox 3pm.



This shadow extends about 40' across the street and about 140' along the building. This is neither incremental nor inconsequential.

3
CONT

Summer Solstice 9am

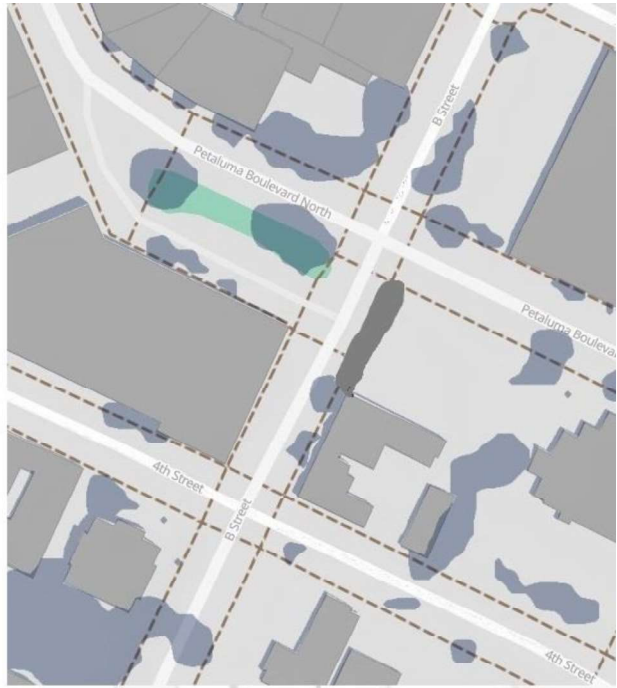


This one stretches 70' across the street and about 70' about 70' down the block. This is neither incremental nor inconsequential.

Summer Solstice 12pm



Ah, finally an incremental shadow.



3
CONT

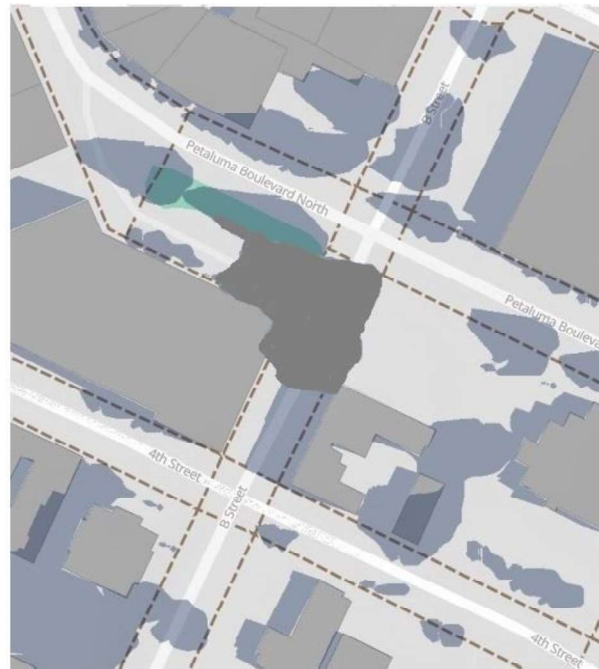
Summer Solstice 3pm



A second shadow that is not so bad.



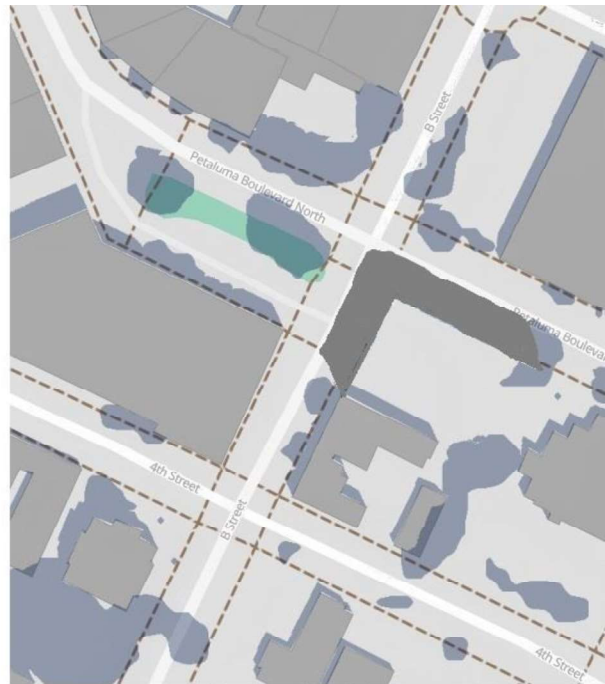
Autumnal Equinox 9am



And we're back to the big shadows, it measures 130' by 100'. This is neither incremental nor inconsequential.

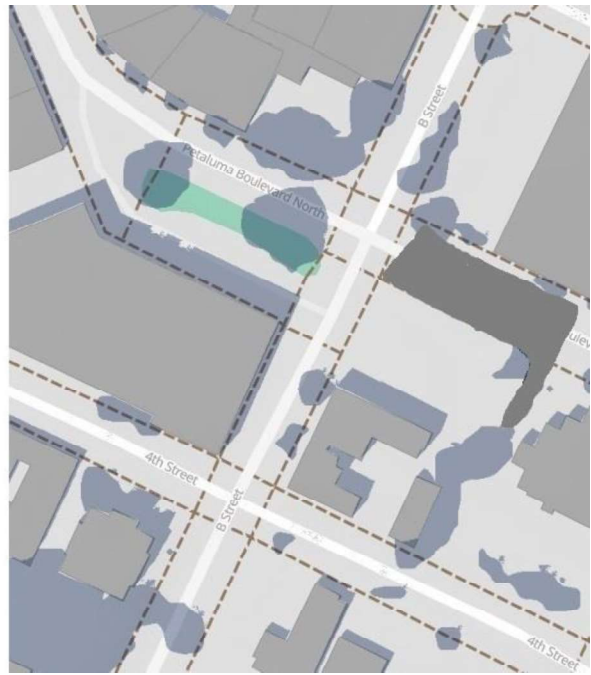
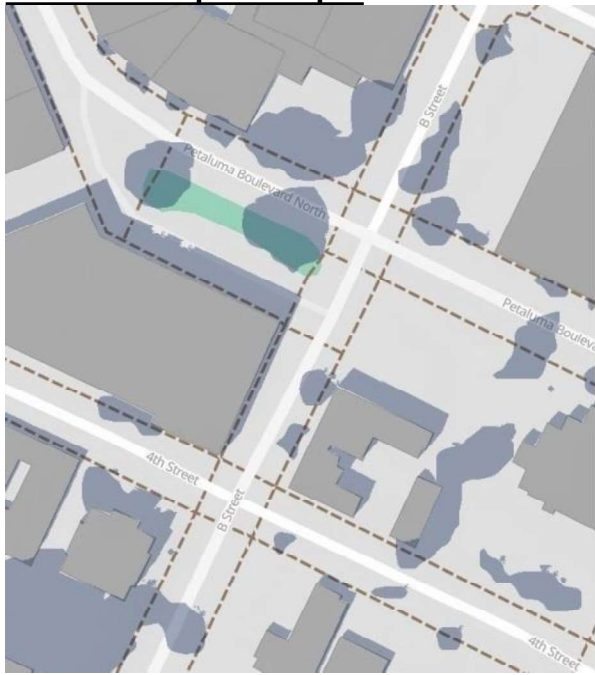
3
CONT

Autumnal Equinox 12pm



This shadow covers the entire sidewalk to the middle of the street and is along two faces of the hotel. It is 40' by 230'. This is neither incremental nor inconsequential.

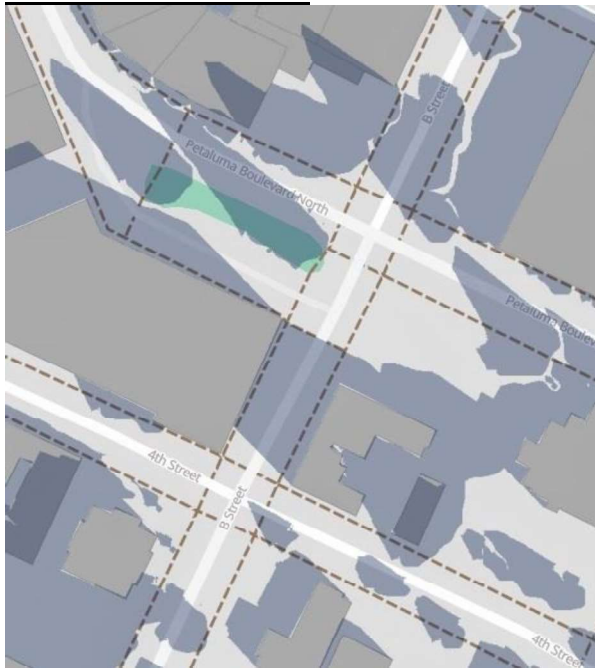
Autumnal Equinox 3pm



This 55' by 130' shadow reaches clear across the street. This is neither incremental nor inconsequential.

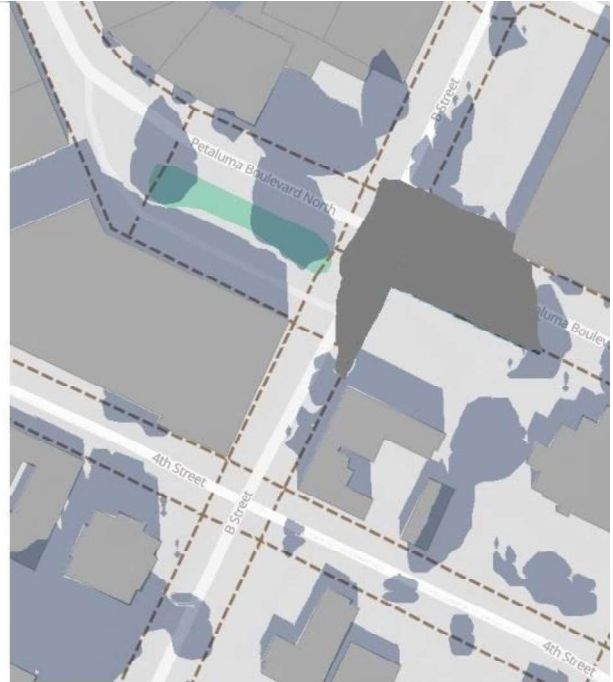
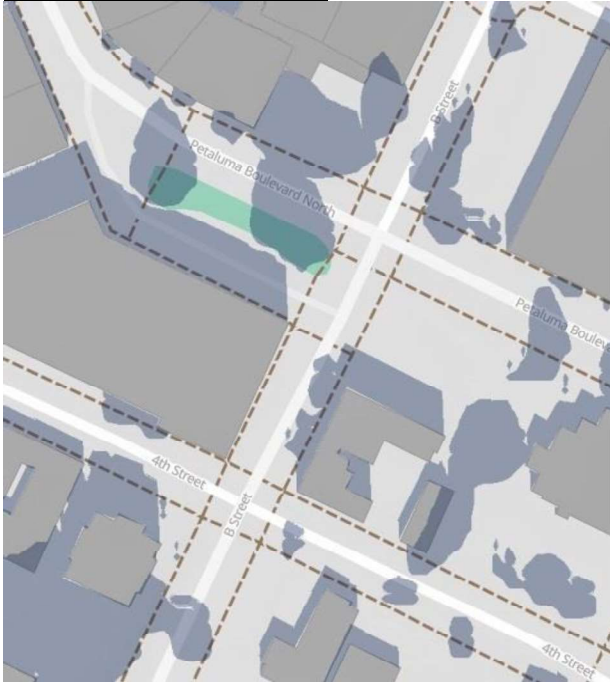
3
CONT

Winter Solstice 9am



This massive shadow entirely covers Center Park and darkens all the businesses behind it. It is 160' by 190'. This is absolutely neither incremental nor inconsequential.

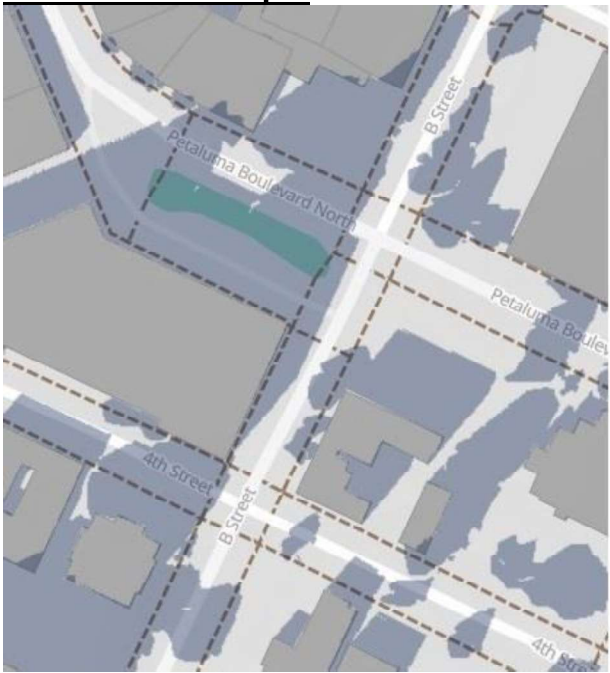
Winter Solstice 12pm



Another big one measuring 120' by 40' by 140'. This is neither incremental nor inconsequential.

3
CONT

Winter Solstice 3pm



This last shadow crosses the street, covers up the face of the building on two sides across the street and a good chunk of the parking lot. It is about 140' by 140'. This is neither incremental nor inconsequential.

Faced with the way First Carbon is being less than straightforward about the impact of the hotel, our City Council should reject their conclusions and this draft EIR. I urge council members to remember that they are not so much the leaders of this community but rather its representatives. Petalumans have spoken clearly and consistently against this hotel. It clearly is out of scale in that location and, their very own shadow analysis proves it.

4

Jeremy Hancock
Petaluma

Jeremy Hancock (HANCOCK 2)

Response to HANCOCK 2-1

The commenter notes that the intersection of Petaluma Boulevard/D Street is in conflict with General Plan Policy 5-P-10. Please see the Response to HANCOCK-5 as well as Master Response 15, Traffic Congestion, for further information.

Response to HANCOCK 2-2

Please see Response to BEARDSWORTH 2-16.

Response to HANCOCK 2-3

When compared side by side with the commenter's images from sidemap.app, the shade and shadow study provided by the hotel demonstrates nearly the same shadows.

Please see Response to BEARDSWORTH 2-16.

Response to HANCOCK 2-4

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1.

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From: Ralph Haney <[REDACTED]>
Sent: Tuesday, September 24, 2024 8:08 PM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>
Subject: Downtown Overlay Proposal

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear committee members,

As a 40 year resident of the Petaluma community I'd like to have it on record that I am vehemently opposed to the downtown overlay changes being proposed. Petaluma's unique historic downtown needs to be protected exactly the way it is. If additional revenue is required we need to find another way; our historic downtown should remain off-limits.

Thank you,

Ralph Haney
I Street
Petaluma

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Ralph Haney (HANEY)

Response to HANEY-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

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From: JJ Harris <[REDACTED]>
Sent: Saturday, October 19, 2024 4:23 PM
To: Greg Powell <gpowell@cityofpetaluma.org>
Subject: Overlay and Hotel projects

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

I'm in favor of the zoning change to allow more affordable housing downtown.

1

I am not in favor of the hotel project because of parking and traffic.

2

thank you

Judith Harris
Petaluma resident

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Judith Harris (HARRIS)

Response to HARRIS-1

The comment in support of the Overlay is noted for the record and provided to the Lead Agency for review and consideration. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to HARRIS-2

The comment in opposition to the Hotel is noted for the record and provided to the Lead Agency for review and consideration. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. Please refer to Master Response 15, Traffic Congestion.

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From: s. herman <[REDACTED]>
Sent: Tuesday, September 24, 2024 9:37 AM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: Comments

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

No to EKN and overlay!

Please don't ruin what makes Petaluma so appealing to most if not all of we residents,
homeowners, and tourists, thank you.

Susan & Ted Herman
94952-4748

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Susan and Ted Herman (HERMAN)

Response to HERMAN-1

The comment in opposition to the proposed project is noted for the record and provided to the Lead Agency for review and consideration. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. Please also refer to Master Response 1.

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From: Molly Isaak <[REDACTED]>
Sent: Friday, October 18, 2024 10:03 PM
To: Petaluma Planning <petalumapanning@cityofpetaluma.org>
Subject: EIR Draft Overlay

You don't often get email from [REDACTED]. [Learn why this is important](#)
---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---
Dear City Planners and City Council:

I am personally horrified by the idea of changing our Beloved City, my home town, born and raised in, to accommodate a change in the limit of stories of building is allowed in our downtown. Every time I look across town I see 3 story buildings that already obscure scenery I once took for granted: Our beautiful Sonoma Mountains, hills to the west and views of our older buildings hidden from view. This is just from the 3 story buildings already allowed. I want homes for the homeless, not more hotel space for more tourists, or tall tall apartment buildings for people with jobs they need to commute to on our electric train. We do not have room for more people in downtown, or anywhere else around here. We don't need more buildings with no parking space. I remember when East Petaluma was not there at all, no houses. It was just hay fields, beloved cows and sheep. I am 71 now and have seen so much change here. I beg you to help stop profiteering, exploiting developers, from raping our town (apology for my use of this word). Who is behind this idea of more building? We need more parks, open space not buildings. Thank you for allowing us to give feed back. What more can I do to help stop this idea and planning? My phone number to volunteer and help on this project is [REDACTED].

Sincerely, very truly yours,
Molly Isaak, daughter of Mary Isaak, Founder of COTS, Committee on the Shelterless.

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Molly Isaak (ISAAK)

Response to ISAAK-1

The comment in opposition to the proposed project is noted for the record and provided to the Lead Agency for review and consideration. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. Please also refer to Master Response 1.

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From: Molly Isaak <[REDACTED]>
Sent: Monday, October 21, 2024 1:11 PM
To: Greg Powell <gpowell@cityofpetaluma.org>
Subject: Re: EIR Draft Overlay

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

One more note. I voted for Mike Healy because of his position on the EIR Overlay. I wish Mr. Barnacle could feel, understand how we older Petalumians (not a real word!) feel about the City skyline. If we continue to allow all this building upwards it will ruin our town. Enough said, thanks for this opportunity to express feelings, opinions. I do appreciate all that Mr. Barnacle has apparently achieved, however.

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Molly Isaak (ISAAK 2)

Response to ISAAK 2-1

The comment in opposition to the proposed project is noted for the record and provided to the Lead Agency for review and consideration. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. Please also refer to Master Response 1.

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From: Rob Izzo <[REDACTED]>
Sent: Monday, October 7, 2024 10:56 AM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: Support for EKN Hotel Project

You don't often get email from [REDACTED]. [Learn why this is important](#)
---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---
Hello Petaluma Planning!

Thank you so much for all your work on this hotel project. I know it's a tough needle to thread to be sure everyone gets an opportunity to voice their opinion and meet the requirements to make the process fair.

I appreciate the opportunity to weigh in with thoughts and will keep my comments brief. My husband and I support the project and its proposed plan based on this draft EIR. So long as the project continues to go through proper design and EIR process, we will look forward to this new property coming to our downtown.

Again, thanks for all of your hard work and have an awesome week.

Rob Izzo & Koenigsberg
[REDACTED] Petaluma, CA 94952

Rob Izzo, Ph.D.
CrossFit Level 2 Trainer
USA Weightlifting Level 2 Coach
Precision Nutrition Level 1 Coach

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Rob Izzo (IZZO)

Response to IZZO-1

The commenter expresses support for the proposed project as long as the proposed project continues to go through proper design and environmental process. This comment is noted and provided to the Lead Agency for review and consideration.

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Sept. 20, 2024

City of Petaluma Planning Commissioners

Re: Downtown Housing and Economic Opportunity Overlay Project

Dear Commissioners,

The Overlay Proposal is causing significant agitation in town. I hope you will take the following observations into consideration when you vote on the Draft EIR for the Downtown Overlay Project.

First, let me make it clear that I'm not against higher density in parts of town, recognizing the necessity to avoid sprawl. I'm fine with modern building mixing in with historic ones. (Historicist architecture is often dismal anyway.) I support the Central Petaluma Specific Plan. I continue to object to a developer-driven overlay being considered concurrent with a general plan update. Petaluma will have less control over aspects of the plan and associated ramifications under this process.

1

Understanding that community concerns about the overlay may not carry the day, please think carefully about these aspects that I hope remain in your purview. I've moved to Petaluma in 1987, but had a period of four years living in new apartments in Redwood City (2016-2020). I know what it means to live in and be surrounded by the kinds of buildings being proposed, as well as potential pitfalls. (For those who may not know, Redwood City has built many several-story apartments and business in the last years and is a useful reference for what is being proposed in Petaluma.)

- Recent state density bonus laws: Much higher density than zoned may be allowed should the developer meet certain housing-type guidelines, and the city would have no say over this additional height. Has this probability been fully considered?
- Alleys: Advocates for the overlay mention that the historic downtown is built to the sidewalk edge. The overlooked fact is the presence of alleys for garbage/recycling/deliveries.

2

In Redwood City, the recycling and trash dumpsters would be dragged onto the streets, reducing street parking, the day prior to pickup, leaking all over the street, and there they would sit until apartment staff got around to pulling them back into the building in the next day. (There was no accommodation for green waste pickup in either Redwood City apartment. That would have added a third dumpster to the street for each property.) That's what Western and other streets will look like two days a week. Additionally, facades on Western will need to accommodate those dumpsters, meaning big utility doors. These details, as well as the utilities and fans, aren't traditionally shown on renderings. Facades on Western and on B Street won't be as appealing as you may like to imagine. Do you have the ability to require alleys? Or off-street garbage pickup?

3

- Environmental infrastructure:

4

<ul style="list-style-type: none"> ○ Setbacks: I found the neighborhoods where apartments are being built in Redwood City to be dispiriting and harsh where there were no setbacks. There was too little room for decent street trees and the sun glared off the buildings, making it unpleasant to walk one's errands, or the dog, on warm days. 	4 CONT
<ul style="list-style-type: none"> ○ Green space: Associated with a lack of setbacks, in that crowded environment, I longed for green spaces and there were too few. The nearest green area I could find in downtown Redwood City when out for a stroll with my dog was a courtyard at Kaiser. That was also a dispiriting detail. (Decent parks were available, but not near enough for everyday use and they could be quite crowded.) 	5
<ul style="list-style-type: none"> ○ Open space: Developers may tell you that their rooftop gardens qualify as open space. Please don't buy this line. These areas are rarely green and often so occupied as to be unavailable, or, being on an exposed roof, too sunny to be enjoyed. As an adjunct space, they are fine but shouldn't qualify as contributing to park area. As to a "public open space" – does that mean if one buys a drink and a meal? Any space owned by a developer is not truly public. They can change the rules and access. <p>Open space will be a challenge – but again, we're operating outside the general plan where we could have that fuller discussion. Can you even consider if we'll have sufficient park area or green space when you vote on the overlay?</p>	6
<ul style="list-style-type: none"> ○ Green roofs and solar panels: Since you are not considering this project within our usual channels, do you have the ability to require the addition of elements such as green roofs or solar panels? 	7
<ul style="list-style-type: none"> ● Parking: Even though both apartments in which I lived were minutes for Caltrain and there were many good jobs right in Redwood City, the apartment parking garages were full. We all hope for a day when we won't all need or want our own vehicles, but for the foreseeable future and an aging population, that's pie in the sky, with ice cream on top. 	8
<ul style="list-style-type: none"> ● Aesthetics: Back to the subject of historic downtown – there is a range of building types and styles – doorways, window shapes and sizes, building styles. This is one of the chief charms of a historic downtown. Without a design review committee, we ought not be surprised by inexpensive design and construction for much of the area. I served on SPARC when Basin Street brought their downtown plans through, and I know we improved the appearance and usability of those projects. With so little City control and with bonus density options, we may find we are stuck with tall AND harsh buildings – an overall reduction in livability and charm. 	9
<p>We are all passionate about this town. I hope that my perspective can help inform your own.</p> <p>Thank you for your consideration.</p>	10

Janet Gracyk

Petaluma

Janet Gracyk (J. GRACYK)

Response to J. GRACYK-1

The commenter supports the Central Petaluma Specific Plan but is opposed to the Overlay being considered concurrently with the General Plan Update. Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to J. GRACYK-2

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus Law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to J. GRACYK-3

The design of the building includes designated areas within the structure for trash management and deliveries. The Hotel site plan includes a delivery loading zone within the parking garage that would be expected to accommodate most deliveries. Larger delivery vehicles may need to park on-street; such activity is common in downtown areas and typically occurs during early morning periods when the hotel's drop-off zones encounter little activity. The proposed loading zone would be located next to the service elevator in the garage (Exhibit 2-3). Trash pickup for the Hotel would take place on B Street. The applicant would be required to have a trash pickup plan with Recology prior to occupancy of the building. As with any dense urban area, trash pickup may create temporary traffic delays. However, this is characteristic of the City's downtown and not a project-specific issue.

Response to J. GRACYK-4

This comment does not raise any specific comments regarding the proposed project or the Draft EIR. Commenter's observations regarding development in Redwood City are noted and provided to the Lead Agency for review and consideration. Both the Hotel and future projects consistent with the Overlay would be required to comply with the City's General Plan and Municipal Code to ensure that projects comply with all policies and standards designed to minimize light and glare, including Section 21.040(D)—Glare, which states that indirect glare shall not exceed the value which is produced by an illumination of the reflecting surface not to exceed 0.3 foot-candles (maximum) or 0.1 foot-candles (average). With respect to street trees, the proposed Hotel would replace three existing street trees while retaining one existing street tree along Petaluma Boulevard as well as providing new shrubs and flowers in planters.

Response to J. GRACYK-5

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of

CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to J. GRACYK-6

As a condition of approval, the proposed Hotel would be required to provide publicly accessible space for at least 8 hours a day and at least 120 days a year. For the space to be considered publicly accessible, the public would not be required to make a purchase to occupy the space during the chosen hours. The Applicant has elected to make a portion of the rooftop public accessible per this condition. This clarification is reflected in Volume 1, Chapter 2, Project Description, of the Final EIR, on page 2-33 and 2-34.

Response to J. GRACYK-7

The proposed Hotel would be all electric and would comply with the CALGreen Building Tier 1 Standards and Building & Energy Efficiency Standards.

Response to J. GRACYK-8

The comment is noted. Please see Master Response 14, Hotel and Overlay Impacts on parking in Section 2.1, Master Responses, of this document. Master Response 14 provides additional clarifying information related to Parking and CEQA, the effects of parking on VMT, parking requirements, and the City's Parking Study on downtown parking supply and demand, which is currently in process and a separate and distinct matter from the proposed project.

Response to J. GRACYK-9

As noted in the comment, the portion of the area surrounding the Hotel site consists of buildings from a variety of styles and periods. Future discretionary development under the proposed Overlay would require CEQA analysis and design review in order to evaluate potential impacts and ensure that direct and indirect impacts to buildings of historic, cultural, or architectural importance are avoided. As noted in the Draft EIR, Chapter 24.050—Design Review, specifically states that all projects must undergo SPAR in order to ensure satisfactory quality of design in individual buildings and sites and appropriateness for buildings to their intended use, to mitigate the environmental impacts of buildings and sites, and to facilitate harmony between developments and their surroundings. Please also refer to Master Response 1, General Opposition Comments.

Response to J. GRACYK-10

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

From: Becky Jaeger <[REDACTED]>
Sent: Tuesday, September 24, 2024 10:30 AM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Cc: Petaluma Planning <petalumaplanning@cityofpetaluma.org>
Subject: Public Comment

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

My comments and questions are focused on the AIIKKN Hotel and Overlay projects. I totally disagree with this project and hope it is not too late to stop it. The following are just a few of the issues I have with this project:

1

I really do not understand what the City is doing. On the one hand you are trying to limit cars, increase walking and biking, reduce carbon foot print etc. Yet on the other hand you want to put up this Hotel which will increase traffic that is already a nightmare in this town. Do you think the guest in this hotel will walk everywhere? Sure they can walk around downtown, but after they do they are going to head out of town....in cars...and increase the nightmarish traffic issues (that the City seems to ignore)

2

I totally disagree with the assessment that the impact of parking is minimal. How is that possible? Of course a hotel in the middle of town is going to impact parking. How would it not?

3

The building does not fit in with the Petaluma vibe at all. I question how many people are coming to Petaluma, or plan to come to Petaluma that we need this hotel. How is this going to impact the other local hotels in the area? I have not seen anything about the occupancy rates of these hotels and if they are so full that we need another one. Maybe, if we do need this kind of hotel it can go someplace else other than on the corner of one of the busiest, most congested corners in town.

4

5

6

I hope the City takes the concerns and objections that the people of Petaluma have to this project into consideration before they move forward. I am pretty sure they will not, but at least we can give stopping it a try.

7

Thank you,

Becky Jaeger

[REDACTED]
[REDACTED]

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Becky Jaeger (JAEGER)

Response to JAEGER-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to JAEGER-2

Please see Section 4.2.14, Transportation, for an analysis of the transportation impacts of the proposed project. Please also see Master Response 15, Traffic Congestion.

Response to JAEGER-3

Please see Master Response 14, Hotel and Overlay Impacts on Parking in Section 2.1, Master Responses, of this document. Master Response 14 provides additional clarifying information related to Parking and CEQA, the effects of parking on VMT, parking requirements, and the City's Parking Study on downtown parking supply and demand, which is currently in process and a separate and distinct matter from the proposed project.

Response to JAEGER-4

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to JAEGER-5

The developer has undertaken market research to confirm the financial viability of an upper-upscale boutique hotel in the region. The developer is positioning the proposed Hotel to attract a new customer base to the City, drawing affluent travelers who currently choose accommodations in Sonoma, Healdsburg, and Santa Rosa for their upper-upscale and luxury offerings. By capturing a portion of this market segment, the developer seeks to drive incremental spending within Petaluma, benefiting local businesses and the community at large, and serving as a catalyst for regional growth while maintaining financial sustainability.

Response to JAEGER-6

The applicant's decision to propose a hotel on the project site is a business decision. Although alternative sites for the Hotel were considered in the Draft EIR, because the proposed Hotel would not result in any significant and unavoidable impacts, no alternative site would substantially reduce potential impacts. Additionally, the project applicant does not own, nor can they reasonably acquire a different site. Because CEQA is appropriately concerned only with feasible alternatives that will actually provide an alternative to the proposed project, Lead Agencies are not required to evaluate unrealistic, hypothetical alternatives. (See e.g., CEQA Guidelines Section 15126.6; see also, Master Response 1, General Opposition Comments.) The City's project objectives are not served by

considering infeasible alternatives that would not be developed because the applicant does not have an ownership interest in the hypothetical alternative site: The environmental consequences of rejecting the proposed project are evaluated by the No Project Alternative. Accordingly, further discussion of alternative Hotel sites was not considered.

Response to JAEGER-7

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

-----Original Message-----

From: Marilyn Jaffe <[REDACTED]>
Sent: Monday, September 9, 2024 11:44 PM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>
Subject: Hotel at B St and Petaluma Blvd

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Sent from my iPhone
To Whom it May Concern,

I am writing to express my strong opposition to the plan for this hotel.

The design, as pictured in the Sunday Press Democrat, is, frankly, hideous. It could be a warehouse or a factory. It would be a blight on our charming downtown. It's a big Box, devoid of charm and Way out-of-proportion.

We all see the vacancies come and go from the "theater district." Yes, it's great have a movie theater but the large, unattractive building is quite a price to pay. We certainly don't need another Big Box.

Yes, this hotel would bring revenue to the city but it would come with a great cost - loss of character and loss of opportunity. The loss of our downtown character is obvious. It would also be a loss of opportunity. That piece of real estate, even if there was a single owner, could be designed to look like, perhaps, four separate buildings, rather than one gigantic Box. It could have retail or restaurants at street level, and apartments upstairs.

We need homes for locals more than we need spaces for visitors. Let's not have Healdsburg-envy or Sonoma-envy. We don't want to become a caricature of ourself. Let's keep our small town a small town. Let's stay Petaluma.

Please put local sentiment at the forefront, rather than going for the "glamour" of tourism.

Thank you.

Sincerely,

Marilyn Jaffe

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Marilyn Jaffe (JAFFE)

Response to JAFFE-1

The comment expresses opposition to the proposed Hotel component of the proposed project. Please refer to Master Response 1, General Opposition Comments. The comment also states that the City needs “homes for locals.” The Overlay would increase housing opportunities on the ground floor and increase employment opportunities within the City.

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From: Jim Wheeler <[REDACTED]>
Sent: Friday, October 4, 2024 7:12 PM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: Ekn and overlay

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OUTSIDE OUR EMAIL SYSTEM.---

Sent from my iPhone

I am against the hotel and downtown overlay. It is an extremely bad idea to put the hotel there. Parking alone is reason enough to halt this poorly thought out project. As the downtown is now, it is very difficult to find parking especially in that area and the city wants to approve this enormous hotel and potentially many more high rises? Lack of parking can ruin some of the smaller businesses that sustain the downtown by preventing customers a way to get to those businesses. As a senior citizen I need to be able to be somewhat close to the business I am patronizing. Please rethink this idea and downsize this project and any future ones. Lived in Petaluma since 1982 and have seen this town grow which is fine...We just need to be thoughtful about the kind of town we want to live in.

Jennifer Wheeler
Petaluma

1

2

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Jennifer Wheeler (JENNIFER WHEELER)

Response to JENNIFER WHEELER-1

The comment expresses opposition to the proposed project and is noted for the record and provided to the Lead Agency for consideration. In regard to parking downtown, please refer to Master Response 14, Hotel and Overlay Impacts on Parking in Section 2.1, Master Responses, of this document. Master Response 14 provides additional clarifying information related to Parking and CEQA, the effects of parking on VMT, parking requirements, and the City's Parking Study on downtown parking supply and demand, which is currently in process and a separate and distinct matter from the proposed project.

Response to JENNIFER WHEELER-2

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

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From: Jim Wheeler <[REDACTED]>
Sent: Friday, October 18, 2024 7:41 PM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: Overlay

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

Hello, I have a question about the proposed hotel. Was there a sound study done? Will
it have the latest NFPA Life Safety requirements? When you put up a tall building like
that it can amplify traffic and emergency vehicles.

1

Wheels

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Jim Wheeler (JIM WHEELER)

Response to JIM WHEELER-1

The proposed project's noise impacts are addressed in pages 4-52 through 4-58 of the Draft EIR. Appendix F of the Draft EIR contains an additional 35-page noise and vibration study addressing impacts that would result from the construction and operations of the proposed Hotel.

The City of Petaluma ensures compliance with all applicable fire and life safety codes, including the 2022 California Fire Code and relevant National Fire Protection Association (NFPA) standards, through a comprehensive review and permitting process conducted by the Fire Department and Building Department. The proposed Hotel will be subject to plan reviews, inspections, and final testing to ensure that fire sprinklers, alarms, egress systems, and other life safety measures meet or exceed code requirements. The City of Petaluma Fire Department is equipped and prepared to provide fire and emergency response services to a 6-story building in the downtown area, with sufficient apparatus, water supply, and response capabilities to meet the operational needs of the proposed development.

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From: Katherine J. Rinehart <[REDACTED]>
Sent: Monday, October 7, 2024 5:48 AM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Cc: Kevin McDonnell <kmcdonnell@cityofpetaluma.org>; John Shribbs <jshribbs@cityofpetaluma.org>; Brian Barnacle ([REDACTED]) <[REDACTED]> Mike Healy <mhealy@cityofpetaluma.org>; Karen Nau <knau@cityofpetaluma.org>; Dennis Pocekay <dpocekay@cityofpetaluma.org>; Janice Cader-Thompson <jcaderthompson@cityofpetaluma.org>
Subject: Public Comments Agenda Item #7 10/7/24 City Council Meeting

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---
Good Morning:

Attached please find my comments for tonight's City Council meeting.

Thank you,

Katherine J. Rinehart
Historian

[REDACTED]
Petaluma, CA 94953
[REDACTED]
[REDACTED]
[REDACTED]

October 7, 2024

RE: Public Comment Agenda Item 7: Draft EIR Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel Project – City Council Oct. 7, 2024

Dear City Council:

Thank you for considering my comments on the Draft EIR for the Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel Project.

I have two areas of concern:

1. The statement made in the staff report that there is no nexus between the Planning Commission's and HCPC's recommendation that a reconnaissance survey be conducted to address all properties within the overlay project areas before zoning changes are made.
2. The inadequacy of the Historic Built Environment Impacts Assessment prepared by South Environmental.

1

Staff Comments

A nexus does exist between the need for a reconnaissance survey and the hotel project. The overlay is being proposed at this time because of the hotel project. The 2022 [Historic Resources Background Report](#), prepared by Page & Turnbull for the general plan update, explains why a survey needs to be conducted before zoning changes. From page 5 of that report:

Given the General Plan's focus on infill development and increased density within the Urban Growth Boundary (UGB), careful consideration of potential impacts on historic resources will be critical.

Current and potential development projects within or adjacent to designated historic districts and/or individual historic resources are occurring or are expected. Careful planning is needed to ensure that historic resources are not adversely affected.

In particular, the transition areas adjacent to historic districts and potentially historic age-eligible properties scattered along corridors such as Petaluma Boulevard and E Washington Street are at high risk of development pressures.

The General Plan should provide policies to implement objective design standards for infill development within or adjacent to historic districts or sites containing historic resources.

Additional historic resource surveys should occur prior to adopting an updated housing site inventory or identifying specific sites for increased densities to ensure that there is a clear understanding of how those policy decisions may impact eligible historic resources.

2

Inadequacy of the Historic Built Environment Impacts Assessment

The methods section of the report (pgs. 14 -15) has issues. Simply requesting information from the Sonoma County Library and the Petaluma Museum is insufficient. At no charge, staff and volunteers who manage the collections at these institutions undoubtedly provided the best service they could in the time they had to available amongst their other responsibilities, but that's not enough.

3

The consultant should not rely solely on what is provided but must visit the archives, where they will receive assistance accessing records. It is up to the consultant to review and evaluate materials firsthand.

The methods section also states that "an intensive-level pedestrian survey of the project site and surrounding areas was conducted on May 17, 2024." If so, what was observed is not reflected in Table 1. So many errors in Table 1 would have been prevented with an onsite visit.

4

I question the assumption on page 26 that because 5 and 25 Petaluma Boulevard South underwent rehabilitation in the 2000s, its integrity has been compromised, and because of that, the hotel project across the street won't impact it. I disagree. The building(s) still read as historic and are ones I point out as an example of a successful adaptive reuse project. You might recall that Basin Street originally wanted to demolish the building and put a 75,000-square-foot Hilton Gardens Hotel in its place. Today, these buildings are home to Peet's Coffee, Sugo Trattoria, Tortilla Real, North Bay Café, Poppy Bank, RodyROK, Stefano's Pizza and screens for Petaluma Boulevard 14 Cinema.

5

Also, on page 26, the report's author describes the building across the street from the proposed hotel at 312-316 B Street (current location of the Lunchette, Paradise Found Records, Heart & Soul Salon, VIBE Gallery, The New Yorker and Hollingsworth Jewelry) as being constructed in 1959. It was completed in 1950 and was known as the [Neilsen Building](#). This building was not included in the National Register nomination for the downtown area because it was prepared in 1995 when the building was less than 50 years old. It is now 74 years old, and if evaluated today, I believe it would be considered a contributor to the district. As currently designed, the EKN Hotel will have an impact on this building.

6

Table 1 of the reports includes many problems. Here are just a few:

7

1. Chase Bank, 101 Western Avenue, was built in 1975, not 1962

2. Wells Fargo Bank, 125 Western Avenue, was built in 1962, not 1976

8

3. M. Vonsen Co. Building City of Petaluma Parking Garage, 120 Western Avenue, was built in 1985, not 1960. This would have been recognized if the consultant conducted the pedestrian survey described on page 15.

9

4. ArtLuma, 145 Keller Street, was built in 1909 (the same time as 135 Keller Street). The table says the date is unknown. In 2001, the owners of 145 Keller Street received an award from Heritage Homes for their adaptive reuse of the building. This was reported in the *Argus-Courier* on September 12, 2001.

10

5. None, 108 Petaluma Boulevard South – I am unsure what this refers to.

11

6. Petaluma Mill, Brainerd Jones, Believed to be located at the current location of 20 Petaluma Boulevard South. I'm not sure what this refers to.	12
7. Pacific Telephone & Telegraph Building, 125 Liberty Street, was built in 1951, not 1965.	13
8. Office building, 131 Liberty Street – no building exists on this property. This would have been recognized if the consultant conducted the pedestrian survey described on page 15.	14
9. Bundensen's Seed & Garden Supplies, 10 Fourth Street – Bundesen's (correct spelling) Seed & Garden Supplies was located at 9 Fourth Street, and it's long gone. The building at 10 Fourth Street was built in 1963 and is now occupied by the Blue Zone Project and LivXplore Real Estate. This would have been recognized if the consultant conducted the pedestrian survey described on page 15.	15
10. Linch Jewelry Building, 10 Western Avenue, was built in 1910, not 1890	16
11. The Prince Building, Free Public Library, 24 Western Avenue – this is a typo.	17
12. Carithers Department Store, Great Western Bank, 101 Western Avenue – another typo? Carithers is at 109 Kentucky Street and was completed in 1941. Great Western Bank was located at 101 Western Avenue – now it's Chase Bank.	18
13. Greyhound Bus Depot, 77 Fourth Street – do they mean 40 Fourth Street? If so, Petaluma's Greyhound Depot (its second) was built in 1939, not 1925.	19
14. Schluckebier Trust, 19 Kentucky Street, was built in 1915, not 1951	20
15. Couches Etc. (may be associated with Carithers Department Store), 101 Kentucky Street. This statement surprised me, given how many articles, including this easily accessible blog post , have been published about Amy's rehabilitation of the building. Yes, Carithers and Couches' Etc. once occupied the building, currently addressed as 109 Kentucky Street. The building was completed in 1941, not 1938. This would have been recognized if the consultant conducted the pedestrian survey described on page 15.	21
16. Copperfield's Books, 153 Kentucky Street. Today, Copperfield's Books is at 140 Kentucky Street. Summer Cottage Antiques is at 153 Kentucky Street. This would have been recognized if the consultant conducted the pedestrian survey described on page 15.	22
17. West America Bank is listed on the table three times at 33 Washington Street (where Easy Rider is), 21 Washington Street, and 25 Washington Street. Are they talking about 200 Washington Street? There was a bank at this location. The first bank on this site was Sierra Bank, which was completed in 1976, not 1925. West America Bank did occupy this address more recently.	23
18. Marin Outdoors, JC Penny's 119 Petaluma Boulevard North. The eligibility status doesn't consider that this building has been rehabilitated (thanks to the City's 2001 Storefront Loan Program) since it was evaluated as part of the National Register nomination process in 1992. If evaluated today, it would be as a 1D.	24

The errors, references to businesses that no longer exist, and other issues in this table again lead me to believe the work was done without walking the project areas and that their use of Google Street View was limited.

Many of the properties included in Table 1 are featured in *Petaluma: A History in Architecture* – an easily accessible book that is not included in the report’s list of references (pg. 28).

Because the Historic Built Environment Impacts Assessment is so lacking in accurate information, I find the Draft EIR inadequate.

If you vote to proceed with preparing a Final EIR, you must address this inadequacy. But there is another option.

Don’t pursue the overlay. Yes, zoning changes to the downtown area are needed, but proper, careful planning must come first. Again, I refer you to the city-funded 2022 Historic Resources Background Report prepared for the General Plan update.

No economic strategic plan exists for the downtown, the 1995 National Register nomination needs updating, the downtown design guidelines are 25 years old, and properties just outside the National Register boundaries need to be surveyed.

Sincerely,



Katherine J. Rinehart
Historian

[REDACTED]
Petaluma, CA 94953
[REDACTED]

25

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Katherine J. Rinehart (K. RINEHART)

Response to K. RINEHART-1

While General Plan Policy 3-P-1- calls for conducting a citywide historic resources inventory, the policy does not require this to take place prior to new General Plan or Zoning Code amendments or new development projects. The policy does not preclude the City from considering new development proposals. As such, certification of the EIR without this survey would not be in conflict with this policy.

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to K. RINEHART-2

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

While the Page and Turnbull report makes the recommendation for additional historic resource surveys prior to identifying specific sites for increased densities, the report does not constitute new regulations that apply to the proposed project. Furthermore, the Page and Turnbull report is prepared for the General Plan Update, which, as described in Master Response 12, is a separate project from the proposed Overlay.

The City's regulatory review process (CUP and SPAR/HSPAR), as well as MMs Overlay CUL-1a through MMs Overlay CUL-1e would protect historic resources within the City and Commercial Historic District as future individual development projects are proposed.

Response to K. RINEHART-3

All research was completed in compliance with the due diligence requirements for CEQA.

Response to K. RINEHART-4

The information in Table 1 of Appendix B-5 was taken directly from the Built Environmental Resource Directory (BERD).¹ As stated on page 3.2-30 of the Draft EIR, no historic-period artifacts were observed at the Hotel site.

Response to K. RINEHART-5

The brick portion of 5-25 Petaluma Boulevard South is a good example of a rehabilitation project, however, it does present deviations from the downtown commercial district's original design, which shows that there is room for new growth and development at this edge of the district. Throughout

¹ California State Parks. Built Environment Resource Directory. Website: https://ohp.parks.ca.gov/?page_id=30338. Accessed December 26, 2024.

the Historic Commercial District, the traditional relationship has been street to building, meaning the District has historically functioned with street parking in front of the buildings, with main entry points from major streets, such as Petaluma Boulevard. However, the 5-25 S Petaluma Boulevard project has now provided a more modern parking lot experience for its patrons, which is not consistent with the 1920s. Further, the northern end of the building is a completely modern movie theater that has no street access and entry point for patrons from Petaluma Boulevard S and does not use historically sensitive materials to align with the aesthetics of the southern portion of the building, thus creating two completely separate entries. While the building at 5-25 Petaluma Boulevard South still reads as historic, the fact that it is a rehabilitation with modern materials and new circulation pattern, it now indicates a new era of development in the City. This is further compounded by the construction of the recent movie theater in the same block, which further modernizes this section of the City and indicates this new period of development and revitalization. Therefore, the construction of the proposed Hotel does not have a potential for a significant impact to the 5-25 Petaluma Boulevard South property.

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to K. RINEHART-6

It is understood that the Neilsen Building was not of historic age when the National Register of Historic Places (NRHP) Historic Commercial District was designated. However, the NRHP Historic Commercial District's period of significance specifically ended at World War II, thus adding things from the Midcentury would not be consistent with the existing district. This is why most municipalities with older commercial districts create Midcentury districts or individually designate Midcentury buildings versus adding them to existing districts, because they are not representative of the early development of the City that early Historic Commercial District nominations are meant to capture. If this building were to be added to the current Historic District, significant revisions to the period of significance, historic context, boundaries, contributors, architectural styles, and materials would have to be updated substantially.

Response to K. RINEHART-7 through 24

Table 1 is included in Appendix B-5 of the Draft EIR for additional information about the properties within the proposed Overlay using data from the BERD, which is a resource created by the Office and Historic Preservation (OHP), which is a State agency. However, it does not provide the basis for any of the conclusions of the EIR.

Within paragraphs 7 to 24 of the public comment, Table 1 is examined and additional data of the buildings within the overlay are provided which included content such as construction/origin dates, ownership, and observational statements. This additional data does not include all of its sources for reference. Accuracy for each site would be reviewed and confirmed during each development project proposed within the Overlay as it would be subject to the discretionary Major HSPAR

process. Each site's historic information, which may include a Historic Resource Evaluation (HRE) report, would be required as part of the Major HSPAR application materials. As such, should there be any inaccuracies within Table 1, it would not impact the conclusions of the Draft EIR for the proposed project.

Response to K. Rinehart 25

This comment is noted and is included in the record provided to the Lead Agency for review and consideration of the proposed project as a whole.

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From: Sonya Karabel <[REDACTED]>
Sent: Monday, October 7, 2024 4:10 PM
To: Olivia Ervin <oervin@cityofpetaluma.org>
Subject: UNITE HERE Overlay/ Hotel DEIR comment letter

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Please find UNITE HERE Local 2's DEIR comment attached, as well as the supporting VMT implementation plan.

Best,

Sonya Karabel
Researcher
UNITE HERE Local 2 & 49
[REDACTED]

City of Petaluma Community Development Department
Olivia Ervin, Principal Environmental Planner
City of Petaluma
11 English Street
Petaluma, CA 94952

BY EMAIL

Dear Ms. Ervin,

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the City of Petaluma Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project. We are writing to request that the EIR be revised to consider a housing-only (no-hotel) alternative and to more thoroughly consider the transportation-related greenhouse gas impacts of the proposed hotel. We believe the analysis of the potential greenhouse gas impacts of the hotel is inadequate and that a transportation demand management (TDM) plan must be developed to mitigate these impacts.

1

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UNITE HERE Local 2 is the hospitality workers' union in the greater Bay Area, and we represent hundreds of hotel workers in Sonoma County, including the workers at the largest hotel in Petaluma. Our members are among the working-class residents of the Bay Area, largely people of color, who are most affected by the region's severe housing affordability crisis and who are likely to be most affected by natural disasters and other consequences of climate change. Our members are also naturally very familiar with the operation of hotels and their various impacts on the environment and the community.

3

Incentivizing housing development with a no-hotel alternative

In response to the Notice of Preparation, we recommended that the alternatives analysis in the EIR consider a housing-only alternative that would provide additional height allowances for high-density housing, encouraging the development of much-needed housing and creating a climate-friendly, walkable, mixed-use downtown. We are disappointed that the Draft EIR does not evaluate this alternative. We believe that allowing uses other than housing, such as the proposed EKN Appellation Hotel Project, to take advantage of the increased height offered in the overlay will reduce the overlay's effectiveness at encouraging housing development.

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Based on feedback at a June 2023 Planning Commission and Historic Commission study session, city staff directed the applicant team to “consider how residential development could be incentivized in the proposed zoning overlay.”¹ Property owners and developers are more likely to develop higher density housing if that is the most lucrative use of their property. An overlay that required taller projects to include housing would help create this incentive. As currently proposed, the overlay may incentivize hotel development at the expense of sorely needed housing.

5

Climate impacts of hotels

We also believe that the EKN hotel project and other potential higher-intensity hotel development allowed by the project would make the overlay significantly less climate friendly. There is no doubt that the development of housing in commercial areas near transit encourages the use of walking, biking, and transit rather than automobiles. This is why Petaluma’s VMT Implementation Guidelines² allow for the presumption that projects within a half mile of a major transit stop will not have significant climate impacts due to vehicle miles traveled.

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However, this logic may be significantly less applicable to hotel guests than to residents or employees. While residents of housing developments within the overlay zone may be very likely to use SMART or other transit or to walk or bike to nearby destinations, and hotel employees may be likely to use SMART or other transit to get to work, it is very unlikely that many hotel guests will drag their luggage roughly half a mile from the SMART station to the proposed hotel. This is one more reason that the city should consider a housing-only overlay rather than approving additional height for the proposed EKN hotel and other potential hotel projects.

Transportation demand management plan required

The alternatives analysis in the Draft EIR justifies the dismissal of various potential alternatives on the basis that the proposed project will have no significant environmental impacts, and therefore the alternatives are not needed to reduce any significant impacts. While a no-hotel alternative is not mentioned at all in the analysis, the same logic would presumably apply to argue that consideration of a no-hotel alternative is unnecessary.

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¹ [Staff report for November 13, 2023 Planning Commission and Historic and Cultural Preservation Committee meeting](#)

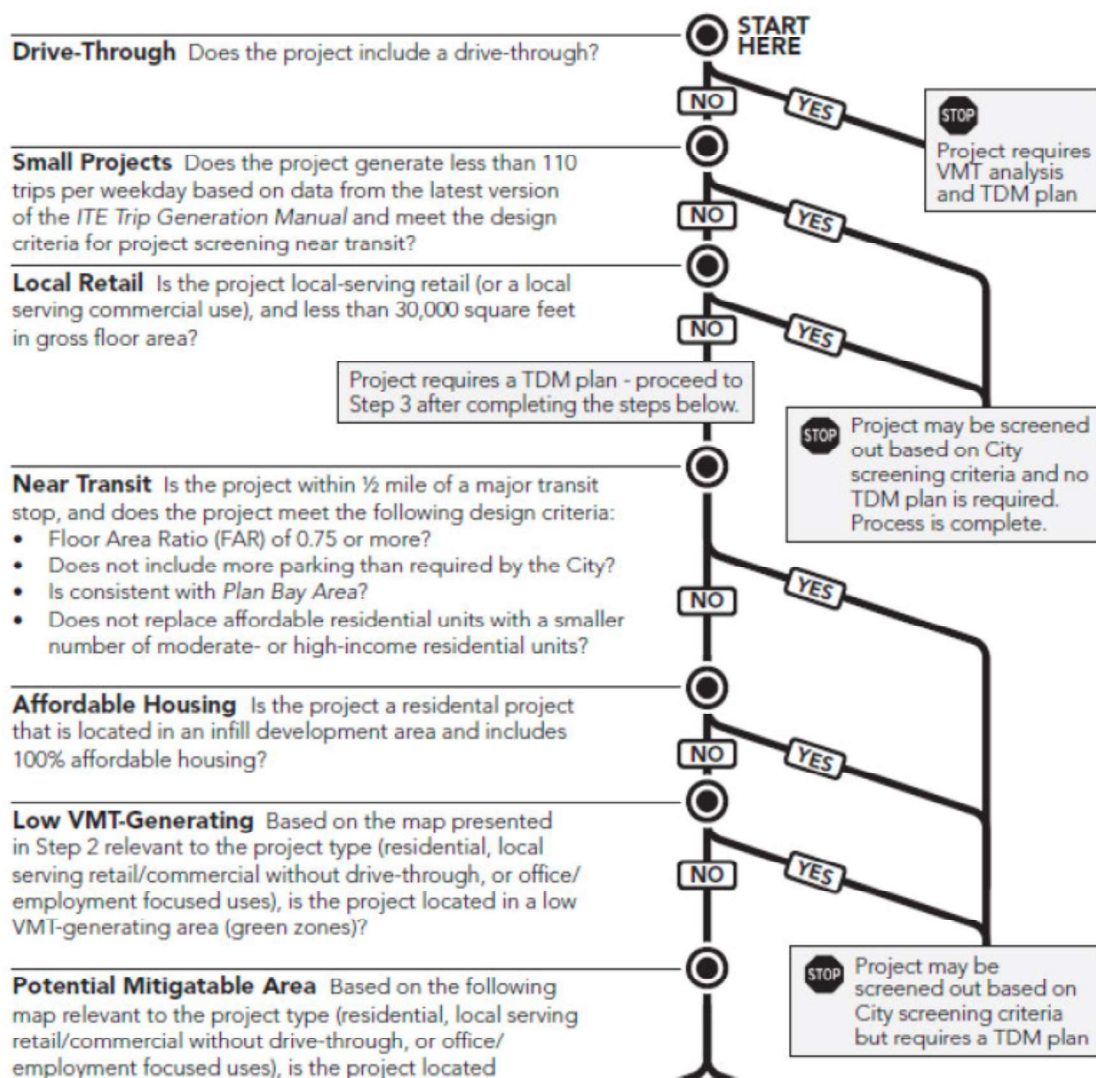
² Fehr & Peers, *Senate Bill 743 Vehicle Miles Traveled Implementation Guidelines Final*, Prepared for: City of Petaluma, July 202.

However, this argument may not apply if the greenhouse gas and transportation analysis had been conducted consistently with the city's VMT Implementation Guidelines. As noted repeatedly in both the Draft EIR and the Initial Study, these guidelines allow the city to screen out projects that are within a half mile of a major transit stop, exempting them from further VMT analysis. However, such projects are still required to include a transportation demand management (TDM) plan unless they are retail projects under 30,000 square feet or small projects expected to generate fewer than trips per weekday.³ (See the image below taken from the VMT Implementation Guidelines.) No such plan is mentioned in either the Draft EIR or the Initial Study.

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³ The greenhouse gas and transportation studies of the conducted for the Initial Study project 966 daily trips attributable to the hotel project.

Figure 2: Transportation CEQA Process



In addition to screening out the project on the basis of proximity to a transit stop, the *Traffic Impact Study for the Petaluma Appellation Hotel Project* attached to the Initial Study argues that a new hotel project is likely to have no impact on vehicle miles traveled because the hotel's guests would have stayed somewhere else in the area if the proposed hotel were not built. This argument is speculative and appears to be unsupported by any data. It is also inconsistent with the stated project objective "to address current and future unmet demand for lodging," and the Appellation's claim that it would occupy a "unique position in the market."⁴ We urge the city not to rely on such baseless speculation in assessing the potential greenhouse gas impacts of the project.

⁴ Appellation Hotels Website

In conclusion, we request that the EIR be amended to include a proper VMT and greenhouse gas analysis of the proposed hotel and that a TDM plan be included as a required mitigation. We also encourage the city to consider a housing-only overlay without the proposed hotel in order to more effectively incentivize housing development and better accomplish the city's climate goals.

Senate Bill 743 Vehicle Miles Traveled Implementation Guidelines Final

Prepared for:
City of Petaluma

July 2021

SF19-1023



FEHR  PEERS

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Appendices

Appendix A: Trip Length Adjustments for SB 743 VMT Analysis

Appendix B: CEQA VMT Transportation Impact Analysis Guidelines

Appendix C: Methodologies to Quantify VMT Reductions

Appendix D: CAPCOA Guidance on Combining TDM Strategies

Executive Summary

This report summarizes the recommendations and outcomes of the City of Petaluma's efforts to implement vehicle-miles traveled (VMT) as the California Environmental Quality Act (CEQA) Transportation analysis metric, pursuant to Senate Bill 743 (Steinberg, 2013) and corresponding updates to the CEQA Guidelines effective April 2019. Per Senate Bill 743, congestion-related metrics such as automobile Level of Service (LOS) shall no longer be used in CEQA Transportation analysis for land use projects; instead, VMT has been identified as the most appropriate metric for the evaluation of CEQA Transportation impacts.

The City of Petaluma's implementation efforts included the formation of a Technical Advisory Committee (TAC) comprised of liaisons from the City Council, Planning Commission, City committees/ commissions (Climate Action Commission, Bicycle and Pedestrian Committee, and the Transit Advisory Committee), City departments, and other regional transportation agencies (Caltrans, Permit Sonoma, and Sonoma County Transportation Authority). As part of three public meetings, the TAC reviewed materials related to key decision points in the implementation process and developed recommendations on how to proceed with implementing VMT for land use project, land use program, and local transportation infrastructure analysis in Petaluma. Additionally, the public was invited to provide feedback at the TAC meetings and via email. Based on their review of key implementation decisions, the TAC recommends implementing the following key decisions for SB 743 in Petaluma:

- **VMT metrics** - *"What VMT should be measured in traffic analyses?"*:
 - *Residential projects*: Total home-based VMT per resident
 - *Office and other employment-focused projects*: Total home-based work VMT per employee
 - *Retail and other commercial service projects*: Total project effect on VMT within a geographic area
- **VMT methods** – *"How should VMT be calculated?"*: Use the SCTA travel demand model.
- **VMT thresholds** – *"At what point does project VMT require mitigation?"*:
 - *For residential projects*: Project total home-based VMT per resident exceeds 83.2% of the citywide average. The City-wide average baseline value applies until such time that the City of Petaluma exceeds the housing allocation for the City as identified in the Sustainable Communities Strategy (SCS) for the Bay Area region; if the City exceeds the SCS housing allocation, the nine-county Bay Area regional average applies.¹

¹ The SCS housing allocation limit is suggested by the California State Office of Planning and Research (OPR) in the *Technical Advisory on Evaluating Transportation Impacts in CEQA* as when the use of a citywide average becomes inappropriate for the evaluation of CEQA VMT impacts (in favor of the Bay Area regional average).

- *For office and other employment-focused projects:* Project total home-based work VMT per employee exceeds 83.2% of the nine-county Bay Area regional average.
- *For retail and other commercial service projects:* Project results in a net increase in VMT over the geographic area that the project influences.
- *For mixed-use and other projects:* Project components should be analyzed using the relevant thresholds for residential, office/employment-focus, or retail/commercial service projects. The benefit of a mix of uses on-site can and should be included in the analysis.
- *For transportation projects:* Project results in induced travel and an increase in citywide VMT.
- *For redevelopment projects:* Project results in increased VMT versus current land uses. City staff retain discretion to identify the baseline VMT for use in the calculation (i.e. based on current uses or permitted uses).
- **VMT screening criteria** – “What projects may qualify for bypassing the VMT analysis process?”:
 - *Small Projects:* Projects that generate or attract fewer than 110 trips per day, which is equivalent to a 15-unit residential project or a non-residential project of 10,000 square feet or less. Local-serving retail projects of less than 30,000 square feet may be screened on the basis that they may attract trips that would otherwise travel longer distances.
 - *Projects in Low-VMT Area:* Residential and office/employment-focused projects that are in low-VMT areas (based on adopted VMT thresholds of significance) that are similar in similar to nearby developments in terms of density, mix of uses, and transit accessibility.
 - *Projects in Proximity to a Major Transit Stop:* Projects within one-half mile of an existing or planned high-quality transit corridor or major transit station. Several additional criteria related to site design, parking supply and consistency with regional transportation plans must be met in order to qualify for this screening opportunity.
 - *Affordable Housing in Jobs-Rich Areas:* Projects that include 100 percent affordable housing that are located in infill locations and areas with a high jobs-housing imbalance.
 - *Transportation Projects:* Transit, bicycle, and pedestrian projects, and roadway maintenance projects that do not result in an increase in vehicle capacity or VMT.
 - Projects including a drive-through component would be precluded from qualifying for screening out of VMT analysis process.
 - City staff retains discretion to deny the use of screening if substantial evidence exists that screening is not appropriate for a given project.
- **VMT mitigation options** – “How should a project mitigate a significant impact?”:
 - *Near-Term:* Perform mitigation on a project-by-project basis using available TDM effectiveness research. TDM strategies related to promoting transit usage, active transportation, and more sustainable parking strategies should be prioritized.



- *Medium-Term:* The City should investigate and implement citywide TDM programs and fund these programs through developer fees.
- *Far-Term:* The City should coordinate with SCTA and other agencies in Sonoma County to develop a VMT mitigation banking program, should pilot programs in Contra Costa County and Southern California prove successful.

Pursuant to Section 15064.7 of the CEQA Guidelines, the VMT thresholds of significance will be adopted by the City Council as part of an ordinance, resolution, rule or regulation. The City will review the thresholds of significance after completing the City of Petaluma's General Plan and Climate Action Plan and update these thresholds if they are inconsistent with the City's goals for reducing greenhouse gas and VMT.

1. Introduction

On September 27, 2013, Governor Jerry Brown signed Senate Bill (SB) 743 into law and started a process intended to fundamentally change transportation impact analysis as part of California Environmental Quality Act (CEQA) compliance. These changes include elimination of *auto delay*, *level of service (LOS)*, and *other similar measures of vehicular capacity or traffic congestion* as a basis for determining significant impacts. Amendments and additions to the CEQA Guidelines eliminate auto delay for CEQA purposes and identify vehicle miles traveled (VMT) as the preferred CEQA transportation metric. Therefore, the City of Petaluma carried out a public process to select VMT analysis methodologies, set new VMT thresholds for transportation impacts, and determine what mitigation strategies are most feasible.

This report:

- Provides an overview of SB 743 and related policies and how VMT may be measured
- Discusses the public review and adoption process undertaken by the City of Petaluma
- Discusses alternatives for VMT measurement methods and thresholds
- Recommends VMT methods and thresholds for Petaluma, based on feedback from the City's Technical Advisory Committee formed for this SB 743 implementation effort
- Uses recent projects in Petaluma to demonstrate how these methods and thresholds would be used
- Recommends transportation demand management (TDM) strategies for reducing VMT on projects in Petaluma
- Provides information on considerations resulting in future updates to the recommendations in this document

2. Background

This chapter summarizes SB 743 and related policies and discusses how VMT may be measured.

2.1 Definitions

CEQA refers to the California Environmental Quality Act. This statute requires identification of any significant environmental impacts of state or local action including approval of new development or infrastructure projects. The process of identifying these impacts is typically referred to as the environmental review process.

LOS refers to “Level of Service,” a metric that assigns a letter grade to network performance. The typical application of LOS in Petaluma is to measure the average amount of delay experienced by vehicle drivers at an intersection during the most congested time of day and to assign a report card range from LOS A (fewer than 10 seconds of delay for signalized intersections) to LOS F (more than 80 seconds of delay for signalized intersections). The City of Petaluma’s LOS standard (as identified in the General Plan) is LOS D.

VMT refers to “vehicle miles traveled,” a metric that accounts for the number of vehicle trips generated and the length or distance of those trips. For transportation impact analysis, VMT is commonly expressed as total VMT, total VMT per service population (residents plus employees), home-based VMT per resident (or capita), and home-based work VMT per employee for a typical weekday.

2.2 VMT Policy Overview

On September 27, 2013, Governor Jerry Brown signed SB 743 into law and started a process intended to fundamentally change transportation impact analysis as part of CEQA compliance. These changes include elimination of *auto delay*, *LOS*, and *other similar measures of vehicular capacity or traffic congestion* as a basis for determining significant impacts. The California Natural Resources Agency has issued amendments and additions to the CEQA Guidelines reflecting these changes (<http://resources.ca.gov/ceqa/>). The changes eliminate auto delay for CEQA purposes and identify VMT as the preferred CEQA transportation metric.

The Governor’s Office of Planning and Research (OPR) has also issued supporting information entitled *Technical Advisory on Evaluating Transportation Impacts in CEQA* (December 2018) (<http://opr.ca.gov/ceqa/updates/sb-743/>), providing additional information on assessing VMT and setting significance thresholds.

The focus of SB 743's changes can be found in the following two legislative intent statements:

1. Ensure that the environmental impacts of traffic, such as noise, air pollution, and safety concerns, continue to be properly addressed and mitigated through the California Environmental Quality Act.
2. More appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions.

These statements are important because they provide direction to OPR and to lead agencies. For OPR, the direction is largely about what new metrics should achieve. For lead agencies like the City of Petaluma, the direction is about expected changes in transportation analysis plus what factors to consider for significance thresholds.

SB 743 does not prevent an agency from continuing to analyze delay or LOS as part of other plans (i.e. a general plan), fee programs, or ongoing network monitoring, but these metrics will no longer constitute the sole basis for CEQA impacts. Agencies determining that continued use of vehicle LOS is an important part of transportation analysis can still use vehicle LOS outside of the CEQA process. The most common applications will likely occur for jurisdictions wanting to use vehicle LOS to size roadways in their general plan or determine nexus relationships for their impact fee programs. Jurisdictions can also continue to condition projects to build transportation improvements through the entitlement process in a variety of ways, such as using general plan consistency findings.

The changes to the CEQA Guidelines identify automobile² VMT as the preferred CEQA transportation metric and, upon their certification on December 28, 2018, eliminated use of auto delay and LOS statewide for CEQA transportation analysis. The new guidelines and the OPR technical advisory include specifications for VMT methodology and recommendations for significance thresholds and mitigation. As noted above, SB 743 requires impacts to transportation network performance to be viewed through a filter that promotes *"the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses."* VMT can help identify how projects (land development and infrastructure) influence accessibility (i.e., lower VMT may indicate increased multimodal access to places and people) and emissions, so its selection is aligned with the objectives of SB 743.

Caltrans routinely reviews CEQA documents for local agency development projects. In this role, Caltrans is either a commenting agency or a responsible agency under CEQA (see CEQA §21069) and sets expectations for adequate analysis of the State highway system. Caltrans recently released an update to

² Automobile includes passenger cars and light trucks. However, OPR's Technical Advisory allows VMT analysis to include all vehicles (i.e., commercial trucks) for calculation convenience purposes.



their Transportation Impact Study Guide (TISG) (<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf>). Key points from this draft include the following:

- Caltrans recommends use of OPR's recommended thresholds for land use projects.
- Caltrans supports CEQA streamlining for land use projects in transit priority areas and areas with existing low VMT, as described in OPR's *Technical Advisory*.
- Caltrans recommends following the guidance on methods of VMT assessment found in OPR's *Technical Advisory*.
- Caltrans comments on a CEQA document may note methodological deviations from those methods and may recommend that significance determinations and mitigation be aligned with state GHG reduction goals as articulated in that guidance, California Air Resources Board's (ARB's) *2017 Climate Change Scoping Plan Update: The Strategy for Achieving California's 2030 Greenhouse Gas Target* (2017), and related documentation.
- In rural areas, Caltrans may request VMT-reducing strategies for the rural area be included programmatically, including at the General Plan level, for example. Caltrans will also recommend establishment of programs or methods to reduce VMT and support appropriate bicycle, pedestrian, and transit infrastructure, services or incentives.

If a lead agency chooses a different threshold, but want to provide information to more directly satisfy potential Caltrans comments, they may have to complete more than one impact analysis.

In July 2020, Caltrans released interim guidance to its districts on how to review potential safety impacts for projects that affect the state highway system (<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-07-01-interim-ldigr-safety-guidance-a11y.pdf>). Similar to VMT analysis, safety analysis for CEQA purposes is a rapidly evolving topic. While the focus of the SB 743 is on implementing VMT for CEQA, it is recommended that the City also review how Caltrans's safety analysis guidance may affect environmental documents in the future given the presence of US 101 and State Route 116 (Lakeville Highway) in the City. It is expected that Caltrans will apply this guidance when reviewing activities that affect Caltrans facilities. As such, it is recommended that the City require safety analysis for projects that add trips to the state highway system in the future; safety analysis methods and criteria will be developed as part of a future implementation effort (i.e. after VMT is implemented).

2.3 VMT Adoption Process Overview

CEQA Guidelines Section 15064.7 governs the establishment of thresholds of significance for CEQA analyses. For the purposes of the adoption of VMT-based CEQA Transportation analysis thresholds of significance, the following subsections are of particular note.

(b) Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence. Lead agencies may also use thresholds on a case-by-case basis as provided in Section 15064(b)(2).

(c) When adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.

The City of Petaluma has undertaken a public review process to inform adoption of general use VMT thresholds at a City Council meeting through the passage of an ordinance, resolution, rule or regulation. A critical component of the public review process has been the formation of a Technical Advisory Committee (TAC), which was comprised of the following members:

- Appointed Council and Commission Liaisons
 - D'Lynda Fischer – Vice Mayor, Council Liaison
 - Sandi Potter – Planning Commission Liaison³
 - Sean Walling – Pedestrian and Bicycle Advisory Commission Liaison
 - Panama Bartholomy – Climate Action Commission Liaison
 - Dave Alden – Transit Advisory Committee Liaison
- Petaluma City Staff Liaisons
 - Gina Benedetti-Petnic – City Engineer
 - Jeff Stutsman – Traffic Engineer
 - Jared Hall – Transit Manager
- Other Agency Liaisons
 - Chris Barney – Sonoma County Transportation Authority
 - Gary Helfrich – Permit Sonoma
 - Andrew Chan – Caltrans

Three public meetings with the TAC occurred over the course of the adoption effort, including on June 18, 2020, July 30, 2020 and March 30, 2021. TAC members discussed the various options for implementation of SB 743 and adoption of VMT-based CEQA thresholds of significance. Members of the public were also invited to make public comments, consistent with typical procedures associated with public meetings governed by the Brown Act. The recommendations of the TAC are summarized in the next chapter of this report.

³ Patrick Streeter served as Planning Commission Liaison for the June and July 2020 TAC meetings. Sandi Potter served as Planning Commission Liaison for the February 2021 TAC meeting.

2.4 VMT Assessment Overview

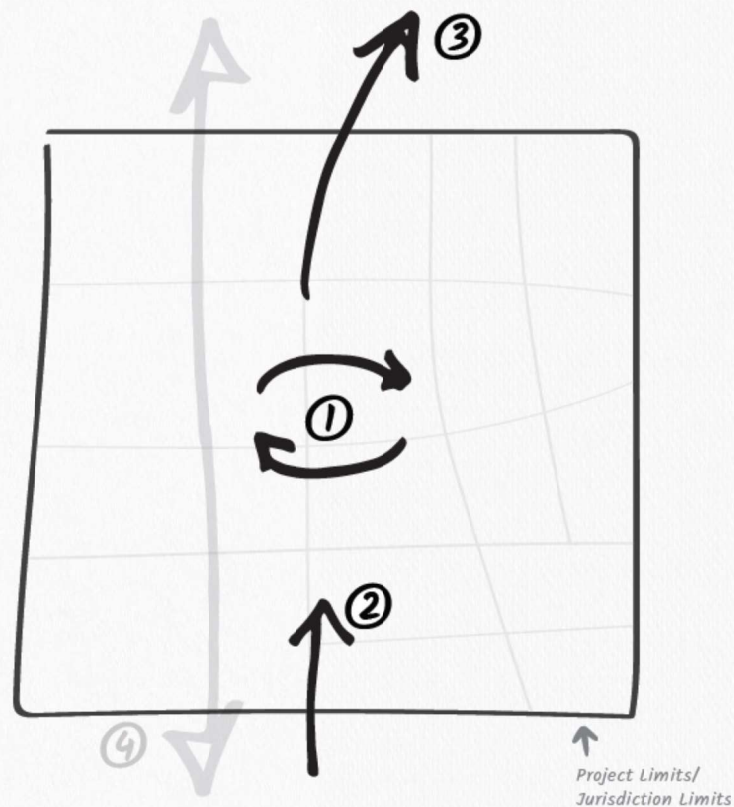
VMT can be measured in a variety of ways depending on whether the intent is to capture the amount of vehicle travel generated by a project (i.e., number of vehicle trips multiplied by their corresponding trip lengths) or a project's effect on VMT within a defined study area. Project effect information is more meaningful for VMT analysis because land use projects and land use plans often influence the vehicle travel associated with neighboring land uses. **Figure 1** illustrates the difference between these two types of VMT.

VMT is a preferred metric for environmental effects because it captures how a project influences the environment related to fuel consumption and emissions while also serving as an indicator of potential impacts to pedestrians, bicyclists, transit riders, and travel safety.

VMT growth associated with land use and transportation projects is part of adopted regional transportation plans (RTPs) and general plans. These plans typically consider the acceptability of VMT growth at a cumulative or programmatic level. Additional VMT reduction may be achieved at the project level especially through TDM strategies, which are not fully accounted for in regional level travel forecasting models.

Although VMT is focused on vehicle travel, the goal of reducing per capita VMT growth rates leads to an emphasis on the effects of development patterns (e.g., land use mix and density) together with pedestrian, bicycle, and transit infrastructure. These factors have an impact on the number and length of vehicle trips. Efforts to reduce VMT may also include TDM strategies that encourage more efficient forms of travel or vehicle use.

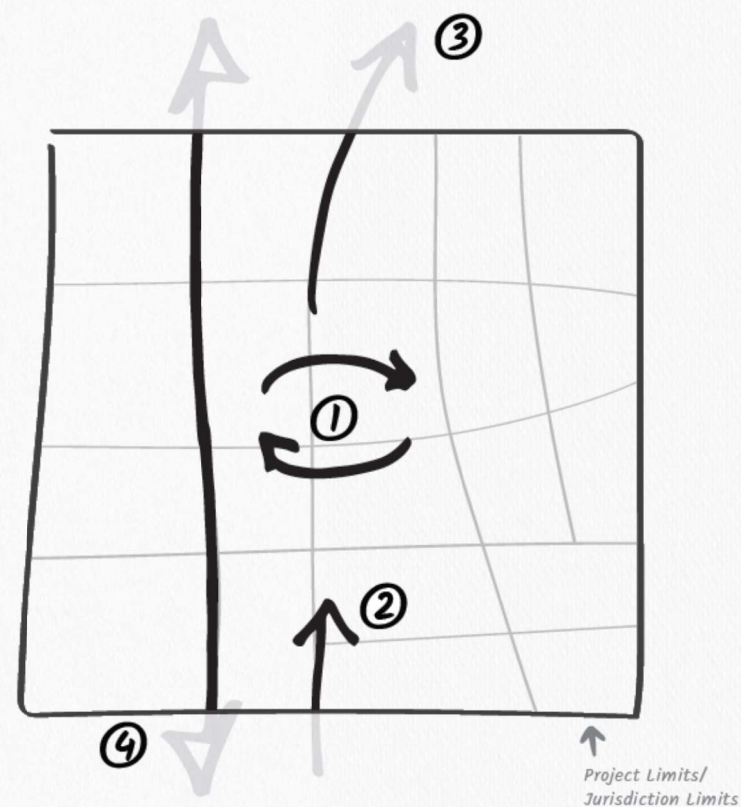
Project Generated VMT



- ① 2x Internal to Internal (2xII) VMT
- ② External to Internal (XI) VMT
- ③ Internal to External (IX) VMT
- ④ External to External (XX) VMT

Notes: External to External (XX) trips are excluded from this VMT metric.
Adjustments to project generated VMT made to include the full length of trips that leave the jurisdiction to capture inter-jurisdiction travel.

Project Effect on VMT (Boundary VMT)



- ① Internal to Internal VMT
- ② External to Internal (XI) VMT
- ③ Internal to External (IX) VMT
- ④ External to External (XX) VMT

Notes: Boundary VMT is all the VMT on the streets within the Project Limits / Jurisdiction Limits.



Figure 1
Measuring Vehicle Miles Traveled (VMT)

2.4.1 VMT Metrics

Metrics refer to the types of VMT that are captured in the calculations to be performed as part of the CEQA process. For example, trip types can be broken down by trip purpose, such as home-work, home-other and other-other (i.e. trips with neither a start nor end at a residence). Because the CEQA Guidelines focus analysis on (personal) automobile trips, OPR has given guidance (in the *Technical Advisory*) that metrics for most residential and office (i.e. employment-focused) projects should analyze the portion of the VMT attributable to a project that is focused on travel by personal automobiles. Further, the partial VMT calculated should be divided by the number of residents or employees to arrive at a per capita efficiency metric to provide a point of comparison between the project being analyzed and other similar developments in the city or region

New land use projects accommodate population and employment growth; this growth generates new VMT (e.g., a new office building resulting from a land use rezone will generate new vehicle trips and VMT). Whether a project contributes to a more efficient land use pattern (i.e., one that requires less vehicle travel compared to similar land uses) can be determined by using a VMT efficiency metric. Efficiency metrics express a total increase in VMT relative to the increase in residents and employees (VMT per resident, or VMT per worker). Total project-generated VMT as a stand-alone metric tends to be more relevant as an input to Air Quality, Greenhouse Gas, and Energy consumption impact analysis.

VMT efficiency metrics can be further disaggregated into specific types of VMT and populations, such as considering only the VMT generated by residents making trips to and from home. Each of the VMT efficiency metrics listed below addresses a slightly different question in terms of impact analysis. **Table 1** (presented below) also provides a primer on what types of VMT are captured under each category.

- **Home-based VMT per resident** measures VMT generated by trips that have an origin or destination at a home location and reflects how close households are to common destinations, as well as the available transportation options. Because the trip type is specific to local residents, it helps compare residential projects across different locations. However, it omits many different trip types (such as a trip made from a work location to a retail location or trip made by a delivery driver to a residence) and is considered a “partial” VMT metric.

Answers the question: Do people living here drive more or less on average compared to other places?

- **Home-based work VMT per employee** reflects how close a workplace is to places where employees live. Because the trip type is specific to work trips, it helps compare office or other employment projects across different locations. However, it omits many different trip types (such

as a trip made by an employee traveling from work to the grocery store) and is considered a "partial" VMT metric.

Answers the question: Do people working here drive more or less during their commutes compared to workers in other places?

- **Total project-generated VMT per service population** provides a more comprehensive understanding of VMT than the home-based per resident or home-based per employee, which are partial VMT metrics. By taking the total VMT to and from a project or geographic area and dividing it by the total number of residents *plus* the total number of employees, a comparison of how VMT intensive the project is as a whole can be made. For example, this metric would capture delivery trips to and from residences and businesses, which may be a substantially more considerable VMT source in the coming years.

One caveat for total VMT per service population is that employment-based uses generate more total VMT than non-employment uses, so projects with more employment may have a higher VMT rate by this metric. Further, the VMT associated with employees also includes VMT generated by visitors and customers. Retail and commercial land uses, therefore, generate disproportionately higher levels of VMT per employee.

Answers the question: Is this area or project as a whole more or less VMT intensive than other places?

- **Total project effect on VMT** assesses whether a project would cause a net increase or net decrease in VMT within the boundary of a geographic area, compared to a no project condition. Because the total project effect on VMT does not hinge on the ratio of residents to employees, it provides the most direct way of understanding how development would change local travel patterns. To reflect a project's effects, the boundary area should include full trip lengths and not be truncated at political or model boundaries.

Answers the question: What effect would building this project have on the way people travel in Petaluma/Sonoma County/and the region? Would there be a net increase or net decrease in regional VMT compared to building a similar project elsewhere?

These potential VMT metrics were submitted to the TAC for review and discussion and to facilitate the development of a recommendation for adoption. TAC recommendations for adoption are presented in **Section 3.1** of this report.



Table 1: Illustration of Common Types of VMT

Vehicle Trip Type Examples	Included in Home-Based VMT?	Included in Home-Based Work VMT?	Included in Total VMT?	
			Petaluma Land Use Generated	Boundary Method ¹
A Petaluma resident drives directly from home to their workplace	X		X	X
A Petaluma employee drives directly from home to work		X	X	X
A Petaluma resident drives their child from home to soccer practice	X		X	X
A Petaluma resident drives their child from school to soccer practice				X
A Petaluma employee drives from work directly to the grocery store			X	X
A San Rafael resident drives from home to Santa Rosa through Petaluma, using US 101 or using city streets.				X
A Novato resident travels to Downtown Petaluma to eat out			X	X
A South San Francisco resident travels to the Petaluma to visit a family member who resides there			X	X
Amazon delivers to a resident of the Petaluma			X	X
Amazon delivers to an employer in the Petaluma			X	X
OPR recommendation for use?	Residential Projects	Employment-Focused Projects	Not Recommended	Retail Projects

1. Boundary method VMT assumes that SCTA model trip lengths at the boundaries of Sonoma County are appropriately calibrated for these trips.

Source: Fehr & Peers, 2020

2.4.2 VMT Methods

VMT methods refer to the manner in which VMT is calculated for project analysis purposes. For cases in which a project is not screened from a quantitative VMT analysis, a consistent methodology for calculating VMT should be developed. Travel forecasting models such as the Sonoma County Transportation Authority (SCTA) travel model are the most appropriate method for calculating VMT since they can produce forecasts for the project's effect on VMT and account for changes in travel behavior.

The matrix in **Table 2** (presented on the next page) contains a comparison of three travel forecasting models with geographies that overlap with Petaluma. These models include the City of Petaluma model, the SCTA model, and the Metropolitan Transportation Commission (MTC) model. The matrix includes relevant evaluation criteria for each model and compares the applicability of each model for forecasting VMT within Petaluma. As described in the matrix in Table 2, the SCTA travel model was recommended as the forecasting model for producing VMT forecasts in Petaluma. TAC recommendations for adoption are presented in **Section 3.2** of this report.

The SCTA model may be used to calculate the VMT metrics described above if the project is large enough for the model to be sensitive to changes in land use.⁴ Ideally, this would consist of calculating total project-generated VMT, total citywide or County VMT, and VMT per employee/resident for model scenarios with and without the project. Impacts could be assessed based on both efficiency metrics (e.g., home-based VMT per resident) as well as the project's effect on VMT (the total change between no project and plus project scenarios). Because Petaluma is located near the edge of the SCTA model boundaries, VMT reported by the model should be adjusted to account for VMT that extends beyond the model limits (e.g., from Petaluma to San Rafael, which is outside the SCTA boundary). These adjustments should include adding an average trip length for vehicle trips leaving the model area based on data from the Sonoma County Travel Behavior Study, California State Travel Demand Model, the California Household Travel Survey, mobile devices, or the US Census Bureau; the version of the SCTA travel demand model (build date August 2020) has been adjusted for data in the Sonoma County Travel Behavior Study, and thus the VMT estimates from the model generally account for county boundary effects.

Appendix A describes the general methodologies and data sources for making these adjustments; it is noted that while the SCTA model has been updated to reduce the effects of trip length truncation, the City should encourage preparers of traffic studies to use judgement in determining if the VMT estimates from the model are appropriately accounting for trip lengths across the county boundary.

Mixed-use projects should be analyzed using the SCTA model to assess the project's effect on VMT and report home-based VMT per resident and home-based work VMT per employee for residential and office components, respectively. Home-based VMT per resident may also be useful for other uses with similar travel characteristics, such as hotels or group quarters. Home-based work VMT per employee may be useful for other uses similar to employment, such as schools, universities, etc.

⁴ Model calibration and sensitivity testing should occur as part of any analysis involving travel demand model runs.

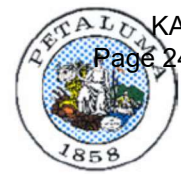


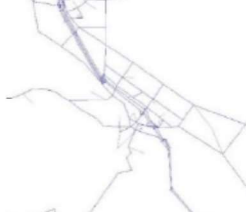


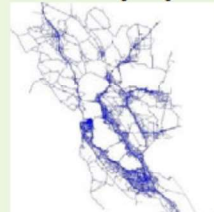


Table 2: Petaluma SB 743 Implementation – Travel Forecasting Model Comparison

Evaluation Criteria	City of Petaluma Model	SCTA Model	MTC Model
Model Structure	3-Step Trip-Based Model No Mode Split Step	4-Step Trip-Based Model With Mode Split Step	Activity-Based Model Auto-Ownership Model
Calibration Year ¹	2007	2015	2010
Model Detail within Petaluma	High: 383 TAZs and 2,146 Links 	Medium: 82 TAZs and 733 Links 	Low: 9 TAZs and 173 Links 
Model Boundaries	Petaluma City Limits 	Sonoma County Limits 	Nine-County Bay Area 
Level of Petaluma Trips Truncated at Model Boundaries	High: All trips leaving Petaluma City Limits are truncated.	Low: All trips leaving Sonoma County limits are truncated, however Big Data is used to account for the truncated portion of trips.	Low: Only trips leaving Nine-County Bay Area are truncated.
Model Run Time	<1 hour	~1 hour	~24 hours
Key Limitations Requiring Action	Updated model calibration and validation is necessary to accurately assess VMT impacts. The update would require substantial time and cost.	Modelers should review model trip lengths to confirm capture of full length of trips	Model sensitivity to local project land use changes is untested. Changing model inputs for land use projects requires substantial time and cost.
Recommendation	Not Recommended: - High level of truncated trips - Model requires substantial update and recalibration - No mode split step	Recommended: - Petaluma is member agency - Most recent calibration - Supplemented with empirical data (i.e., Big Data) - SCTA has consistently provided model maintenance and updates	Not Recommended: - Coarse model detail in off-the-shelf version - Unknown model accuracy and sensitivity for local projects - Time consuming to make land use changes - Long run time

Source: Fehr & Peers, 2020.

Notes: 1. Model should be calibrated within the past five years.

Some land use components (e.g. retail, restaurant, entertainment, recreation) may be assessed qualitatively if they serve primarily local trips. Particularly for retail uses, a qualitative discussion of how the uses would primarily serve local trips may be adequate to determine the project's effect on VMT. Otherwise, based on guidance in the OPR *Technical Advisory*, retail projects should be assessed based on the project's effect on VMT.

Some projects may not be large enough for the SCTA model to be sensitive to the changes they represent, but too large to qualify for small project screening. In these cases, spreadsheet-based methods based on a VMT generation rate for the project's TAZ may be useful. This method works well when the proposed project is similar to the types of land uses already present in the TAZ (for instance, adding a new multi-family development to a residential zone). If the project is small, and somewhat unique for the area in which it is proposed, additional data may need to be collected.

Other alternatives for assessing the VMT effects of smaller projects are to further validate a sub-area model (which requires additional time and effort for analysis and may be expensive), or to use a sketch planning tool such as CalEEMod or MXD+ that have been modified to reflect trip generation rates and trip lengths consistent with the SCTA model used to set thresholds.

The determination of whether a project requires a qualitative, sketch-level, or model-level assessment will be made during the environmental scoping process.

2.4.3 Baseline VMT

Baseline VMT information is dependent on the time that the project is deemed complete or a Notice of Preparation (NOP) for an environmental document is released, as well as the selected metric(s) and method to be applied for the VMT analysis of a given project. **Table 3** (located on the next page) presents baseline information derived from the SCTA travel demand model for Year 2015 conditions for a variety of VMT metrics. **Table 3** also includes examples of how the baseline VMT information could translate into thresholds of significance based on common threshold choices from agencies throughout California. It is noted that these baseline VMT values are subject to change as time progresses, and that future VMT analyses should carefully consider whether the baseline information in **Table 3** remains applicable and/or is relevant for a given project. For example, the Year 2015 base year model data may be reasonable for use in some parts of Sonoma County due to the effects of the 2017 and 2019 wildfires, as well as the economic and travel behavior effects of the COVID-19 pandemic in 2020.

It is noted, however, that the Year 2015 base year model does not include the effects of the SMART passenger rail system that opened in 2017. While the effects of the lack of SMART passenger rail in the model on VMT estimates are not precisely known, the lack of SMART passenger rail represents a conservative assumption because it assumes more overall driving in the model in the near-term analysis



horizon scenario. By doing so, the model amplifies the VMT effects on projects, thus leading to a more conservative assumption. In the course of a traffic analysis, the City can qualitatively assess how SMART passenger rail affects the VMT calculation or the calculation of the effectiveness of VMT-related mitigation measures.

Table 3: City of Petaluma Baseline VMT by VMT Metric

VMT Metric	Baseline VMT	VMT Threshold Options		
		OPR 15% Below Baseline	ARB 16.8% Below Baseline	Any Net VMT Increase ¹
Home-Based VMT per Resident <i>Citywide Average</i>	19.3	16.4	16.1	n/a
Home-Based Work VMT per Employee <i>Nine-County Bay Area Average</i>	22.7	19.3	18.9	n/a
Total VMT per Service Population <i>Citywide Average</i>	36.7	31.2	30.5	n/a
Total VMT within city limits ¹ <i>City generated VMT + pass-through</i>	1,185,199	n/a	n/a	1,185,199

Notes:

1. A threshold of any net increase in VMT is most appropriate when analyzing total VMT and the possibility for induced vehicle travel resulting from transportation improvement projects. It may also be useful for assessing retail and other local-serving land use projects.

Source: SCTA Travel Demand Model (August 2020); Fehr & Peers, 2020.

2.4.4 Factors Influencing VMT Estimates and Forecasts

Estimates of current VMT and forecasts of future VMT are inherently dependent on the methodology used. These estimates and forecasts may not account for recent changes in economic activity, or future trends such as greater transportation network company (TNC) use through autonomous vehicles (AVs). Prior to COVID-19, expectations about the influence of these factors is that vehicle travel is likely to increase over time as the human driving function is eliminated, operating and parking costs are reduced, and access to a variety of vehicle types becomes more ubiquitous. Immediate COVID-19 effects that have challenged these expectations include a shift to work-from-home for many office-located jobs, an increased use in online retail and entertainment, and a desire for recreational activities that allow for spacing between individuals. These VMT-suppressing factors may be counteracted in part or in whole by a slow recovery in public transit usage. Ultimately, VMT trends will need to be monitored over time as COVID-19 economic outcomes may dampen these expectations.

2.4.5 VMT Thresholds

The CEQA Guidelines encourage local jurisdictions to adopt significance thresholds intended for general use by resolution or ordinance as part of a public process. Lead agencies also have the option to establish thresholds on a project-by-project basis. Adopting these thresholds through a public process improves transparency and can be used to help educate the public and project applicants about the City's expectations. The City of Petaluma has two primary options for setting a VMT threshold for land use projects and plans: adopt a threshold recommended by another public agency or adopt a jurisdiction-specific VMT threshold.

The State's guidance on thresholds is presented in the OPR *Technical Advisory* and the ARB *California Air Resources Board 2017 Scoping Plan – Identified VMT Reductions and Relationship to State Climate Goals*. The OPR threshold generally requires land use projects to achieve a VMT reduction of 15 percent below the city or regional (i.e. nine-county Bay Area) baseline average depending on the type of land use. The ARB analysis indicates that the VMT threshold would need to be 16.8 percent below the baseline for automobile only VMT to achieve state GHG reduction goals. These points of reference are subject to change over time, however, depending on statewide forecasts of population and travel, as well as economic conditions (e.g. short-term and long-term effects of the COVID-19 pandemic).

Specific OPR guidance for individual land uses is as follows:

- Residential projects – A proposed project exceeding a level of 15 percent below existing (baseline) home-based VMT per resident may indicate a significant transportation impact. Existing home-based VMT per resident may be measured as regional or citywide home-based VMT per resident.
- Office projects – A proposed project exceeding a level of 15 percent below existing (baseline) regional home-based work VMT per employee may indicate a significant transportation impact.
- Retail projects – A net increase in total VMT may indicate a significant transportation impact. This metric reflects the nature of most local-serving retail to distribute existing vehicle trips, rather than generate or induce new vehicle trips.
- Mixed-use projects – Lead agencies can evaluate each component of a mixed-use project independently and apply the significance threshold for each project type included (e.g., residential and office). In the analysis of each use, a project should take credit for internal capture.
- Other project types – Lead agencies, using more location-specific information, may develop their own more specific thresholds, which may include other land use types.
- Redevelopment projects – Where a project replaces existing VMT-generating land uses, if the replacement leads to a net overall decrease in VMT, the project would cause a less than

significant VMT impact. If the project leads to a net overall increase in VMT, then the thresholds described above should apply.

While OPR generally recommends a threshold at 15 percent below baseline levels for residential and office projects, OPR also recommends that any increase in VMT from a retail project be treated as significant. Further, ARB recommends a VMT reduction of 16.8 percent below 2018 levels (for automobile-only VMT) for new development to contribute its fair share to meeting state emissions reduction goals. The ARB threshold is supported by substantial evidence given its direct connection to emissions goals and forecasts.

A key consideration for Petaluma is that the city's current VMT rates for residents and employees are higher than the regional average (Table 1 below), and accomplishing a 15.0 or 16.8 percent reduction (when comparing cumulative VMT for projects to the existing Bay Area VMT average) would require mitigation strategies not previously attempted.

A potential challenge to any VMT threshold is the ARB SB 150 report (2017), which includes evidence that VMT per capita is increasing and, as a result, so are GHG per capita emissions. Furthermore, the thresholds published by ARB and OPR are based on a number of assumptions about future outcomes related to VMT generation of current residents, fuels, electric vehicles, that may not qualify as reasonably foreseeable under CEQA and do not consider the influence of transportation network companies (e.g., Uber and Lyft) and autonomous vehicles (AV) on travel behavior. These sorts of travel trends, if they continue, may contribute to 'other substantial evidence' that must be considered and discussed when making a significance finding. It is noted, however, that the ARB SB 150 report analyzed VMT per capita before the COVID-19 pandemic, and the quantified effects of the pandemic on VMT per capita is unknown at this time.

Caltrans released a draft *VMT-Focused Transportation Impact Study Guide* (February 28, 2020) that recommends use of the OPR thresholds for land use projects and plans. This guidance did not specify whether to use the 15.0 or 16.8 percent below the baseline threshold value (both values are included in the OPR Technical Advisory). The Caltrans Guide also mentions that Caltrans may request additional analysis for transportation projects; standards for those projects are discussed below.

OPR and Caltrans recommend that a net increase in total VMT may indicate a significant impact for transportation projects. Why transportation projects should be treated differently than land use projects is not disclosed or supported by substantial evidence. A net decrease or no change in VMT would be evidence of a less than significant VMT impact.

Projects that reduce or have no impact on VMT include most active transportation projects, road diets, and minor operational changes to local roadways. However, capacity increases (i.e., lane additions) on arterial

roadways or roadways that carry regional traffic have the potential to induce new vehicle traffic, and therefore new VMT. As an example, adding an additional lane on an arterial roadway that reduces delay, may make driving even more competitive than walking, and shift some trips to from walking to driving.

The no net new VMT threshold is the threshold preferred by Caltrans for assessment of impacts to Caltrans facilities and recommended in the OPR *Technical Advisory*. As a threshold, it is also reflective of whether a project simply improves operations for existing users (decreasing delay or improving safety with no change in VMT) or if it also induces demand for driving.

2.4.6 Screening Criteria

The OPR *Technical Advisory* includes suggested methods for screening projects to quickly identify when a project should be expected to cause a less than significant VMT impact for the CEQA Transportation section without conducting a detailed VMT analysis. The OPR *Technical Advisory* suggests that lead agencies may screen out VMT impacts for small projects, residential and office projects located in low-VMT areas (as per the SCTA travel demand model or other sources of VMT), projects located in proximity to a major transit stop (per specific definitions in the OPR *Technical Advisory*), affordable housing developments, and transportation projects that would not result in an increase to vehicle capacity. Since land use plans affect a larger area and serve as the basis for environmental analysis of future projects, all land use plans (including the General Plan, Precise Plans, and Specific Plans) should conduct a quantitative VMT analysis and not utilize screening, unless they can be screened out due to proximity to major transit.

2.4.7 Mitigating VMT Impacts

Mitigation strategies related to reducing VMT impacts to less-than-significant levels are related to reducing the number and distance of vehicle trips generated by a particular project. This is in contrast to mitigation under congestion-based metrics such as LOS, whereby congestion impacts are mitigated through adding capacity; in some cases, these capacity improvements induce driving, and thus lead to more VMT being generated.

VMT impact mitigation strategies generally take the form of Transportation Demand Management (TDM) measures. TDM measures include strategies related to parking, transit usage, encouraging a mix of land uses on site, and promoting the use of active transportation and higher-occupancy vehicle models (e.g. carpooling and transit). TDM can be applied on a project-by-project basis, or as part of a citywide TDM program. Until a citywide program is established, most projects requiring mitigation would apply TDM strategies on a project-by-project basis.

A key part in the CEQA process is the demonstration of the effectiveness of the selected mitigation strategies. For example, under congestion-based analyses, one could demonstrate the effectiveness of adding capacity by re-running the traffic operations model with the added capacity to determine the

reduction in congestion after implementation of the improvement. Because the amount of research on the effectiveness of TDM strategies is limited (i.e. [CAPCOA's Quantifying Greenhouse Gas Mitigation Measures publication](#)), demonstrating the VMT reduction effectiveness of project-by-project TDM measures to the standard required by CEQA may be difficult. For example, the effectiveness research in the CAPCOA document is limited in its scope and breadth of research site locations and contexts; thus, in some cases, the research in the CAPCOA document may not be relevant to projects in Petaluma. Additionally, as noted in the CAPCOA document, the research suggests that there is a maximum potential effectiveness associated with implementing all feasible TDM strategies; for suburban contexts like Petaluma, this maximum potential effectiveness is 15 percent. As VMT effectiveness in Petaluma is monitored and evaluated, empirical data may support different, locally-specific conclusions relative to the CAPCOA research.

Citywide TDM strategies and fee programs may allow developers to mitigate land use project impacts through funding of strategies that will reduce VMT generated by the project as well as other existing land uses throughout the City. One such example of an in-lieu fee program includes San Diego's Complete Communities Initiative, which is described below.

Case Study – San Diego's Complete Communities: Housing Solutions and Mobility Choices Initiative

San Diego's proposed Complete Communities initiative aims to "connect every San Diegan with safe and convenient mobility choices to jobs, open spaces, shopping, services, neighborhood parks, and other amenities⁵." The program seeks to reduce VMT created by new development in more urban neighborhoods by requiring on-site or site-adjacent VMT reducing amenities and programs while development occurring in non-urban areas would be required to pay an in-lieu fee⁶ that would be used to construct transit, bicycle, and pedestrian infrastructure in more urban areas of the City. Development in non-urban areas would result in the greatest VMT generation; however, VMT reducing amenities in non-urban areas are least effective as they are characterized by being farther away from jobs, services, and shopping (making bicycling and walking difficult) and limited access to transit. This program applies to ministerial and discretionary projects to comprehensively reduce citywide VMT and provides a mechanism for mitigation to address development project VMT impacts that is predictable; however, it does not replace or offset the City's traffic impact fee program.

⁵ For more information on San Diego's program, visit:
<https://www.sandiego.gov/planning/programs/mobility/mobilitychoices>

⁶ An in-lieu fee program requires a 'reasonable relationship between the ordinance and enhancement of public welfare' per decisions such as *California Building Industry Assn. v. City of San Jose* (2015) 61 Cal.4th 435 (CBIA) to establish the nexus for the in-lieu fee. A reasonable relationship could be established by demonstrating that new development increases citywide VMT and the VMT reduction ordinance amenities and construction transit, bicycle, and pedestrian infrastructure reduce citywide VMT.



Chapter 4 of this report includes a more detailed discussion of potential TDM strategies that could be implemented in Petaluma. **Section 3.5** presents TAC recommendations for mitigating VMT impacts in the City of Petaluma as well as recommendations for associated next steps to bolster mitigation options for future projects in the City.

3. Implementation Recommendations

This chapter includes recommendations for VMT metrics, methods, thresholds, screening criteria and mitigation options for the City of Petaluma. The recommendations are based on feedback from the TAC formed for the purposes of SB 743 implementation in the City of Petaluma.

3.1 Metrics

As noted in **Section 2.4.1**, a variety of VMT metrics were submitted to the TAC for their review and feedback. Topics for discussion amongst TAC members included consistency with the OPR *Technical Advisory*, a desire for the metrics to capture a wide range of VMT, and the ability of travel demand models to calculate the metrics.

Technical Advisory Committee Recommendation for VMT Metrics

The TAC discussed how various metrics would more fully capture VMT generated by, and interactions between, various land uses within the City (e.g. residential, office, retail, schools, commercial services, etc.), how the metrics could promote a more sustainable transportation future for the City that encourages walking, bicycling and transit uses between destinations, the ability of travel demand models to calculate the metrics, and the desirability of consistency with the OPR *Technical Advisory*. Based on the desire to find balance amongst these factors, the TAC has recommended the following VMT metrics for adoption by the City of Petaluma:

- **Residential projects:** total home-based VMT per resident
- **Office and other employment-focused projects:** total home-based work VMT per employee
- **Retail and other commercial service projects:** total project effect on VMT within a geographic area

3.2 Methods

As noted in **Section 2.4.2**, three candidate travel demand models were submitted to the TAC for review and feedback. Topics for discussion amongst the TAC members included the level of detail of each model, the schedule of previous/future updates to model data, and the ability of the model to precisely analyze developments that are typical for the City of Petaluma (with respect to project type and scale).

Technical Advisory Committee Recommendation for VMT Methods

The TAC received a presentation from Chris Barney, Senior Transportation Planner at SCTA and SCTA's lead travel demand modeler on the capabilities of the updated SCTA model. He noted that the model

provides better detail on land uses in Sonoma County as well as a robust transportation system for which trips are routed upon; these details are key in the more precise estimate of VMT. The TAC discussed the need to use a travel demand model (as suggested by OPR in the *Technical Advisory*), the detail included in the three reviewed modeling options, the ease of use of each model, and the data update/model maintenance schedule for each model. Based on discussions amongst TAC members about these factors, the SCTA travel demand model is recommended for use in the calculation of VMT for projects in the City of Petaluma.

3.3 Thresholds of Significance

As noted in **Section 2.4.5**, a number of options for thresholds of significance exist. Thresholds should be based on substantial evidence per the CEQA Guidelines, and thresholds may be based on substantial evidence developed by other agencies. The TAC was presented with threshold options including the 15 percent and 16.8 percent below the baseline thresholds recommended by OPR and ARB, respectively. TAC members discussed how the thresholds would consider the City's climate emergency declaration, commitment to sustainability and resiliency, need to address the housing crisis, and other factors contributing to VMT that are outside of the City's control (e.g. the City's location in the region relative to other areas of employment, retail and housing).

Technical Advisory Committee Recommendation for VMT Thresholds

Based on these discussions, the TAC recommended that the City of Petaluma adopt the following thresholds that identify a significant impact with respect to VMT:

A project would result in a significant impact and require mitigation if:

- **For residential projects:** Project total home-based VMT per resident exceeds 16.8 percent below the citywide average. The citywide average baseline value applies until such time that the City of Petaluma exceeds the housing allocation for the City as identified in the Sustainable Communities Strategy (SCS) for the Bay Area region; if the City exceeds the SCS housing allocation, the nine-county Bay Area regional average applies⁷.
- **For office and other employment-focused projects:** Project total home-based work VMT per employee exceeds 16.8 percent below the nine-county Bay Area regional average.
- **For retail and other commercial service projects:** Project results in a net increase in VMT over the geographic area that the project influences.

⁷ The SCS housing allocation limit is suggested by the California State Office of Planning and Research (OPR) in the *Technical Advisory on Evaluating Transportation Impacts in CEQA* as when the use of a citywide average becomes inappropriate for the evaluation of CEQA VMT impacts (in favor of the Bay Area regional average).

- **For mixed-use and other projects:** Project components should be analyzed using the relevant thresholds for residential, office/employment-focus, or retail/commercial service projects. The benefit of a mix of uses on-site can and should be included in the analysis.
- **For transportation projects:** Project results in induced travel and an increase in citywide VMT.
- **For redevelopment projects:** Project results in increased VMT versus current land uses. City staff retain discretion to identify the baseline VMT for use in the calculation (i.e. based on current uses or permitted uses).

Further, the TAC recommended that the City conduct a review of these thresholds of significance after completing the City of Petaluma's Climate Action Plan and General Plan Update to ensure they are consistent with the City's goals for reducing greenhouse gas and VMT. If the above thresholds are not consistent with these goals, then the City shall update the thresholds to ensure alignment.

3.4 Screening Criteria

It is generally recommended that the City use the screening criteria presented in the OPR *Technical Advisory*, with minor modifications or exclusions. The TAC was presented with the *Technical Advisory* screening criteria, and generally recommended their adoption, with some minor modifications (e.g. limiting exemptions for projects with drive-throughs), as described below. A VMT analysis may still be required to provide inputs for the Air Quality, Greenhouse Gas and Energy CEQA analyses; this analysis could be completed using the SCTA travel demand model or other VMT evaluation tools (e.g. CalEEMOD).

Technical Advisory Committee Recommendation for VMT Screening Criteria:

Screening for Small Projects

The TAC has recommended that the City screen projects that generate or attract fewer than 110 trips per day. Based on research for small project triggers, this may equate to nonresidential (e.g., office) projects of 10,000 square feet or less and residential projects of 15 units or less. The City of Petaluma may also screen local-serving retail projects (projects with less than 30,000 square feet of retail) on the basis that they attract trips that would otherwise travel longer distances. Projects with drive-throughs would be excluded from screening under these criteria, and City staff retain discretion to deny the use of the small project exemption if substantial evidence exists that screening is not appropriate. City staff retain the discretion to apply similar qualifications for the small project screening criteria as those that apply for *Projects in Proximity to a Major Transit Stop*.

Screening for Projects Located in Low-VMT Areas

The TAC has recommended that the City screen residential and office projects located in low-VMT areas (per the CEQA thresholds to be established by the City) that incorporate similar features to the nearby developments (i.e., density, mix of uses, and transit accessibility) on the basis that the project will exhibit similarly low VMT. Typically, this screening is performed by utilizing data from a travel demand model (e.g. the SCTA travel demand model) and comparing the project's characteristics to land uses currently in the low-VMT area. If the project is inconsistent with the underlying data (e.g., a single-family project in a zone with no existing single-family residential uses), then screening is not appropriate and a detailed VMT analysis should be conducted to determine whether the project exceeds the VMT. Projects with drive-throughs would be excluded from screening under these criteria, and City staff retain discretion to deny the use of the low-VMT area exemption if substantial evidence exists that screening is not appropriate.

Screening for Projects in Proximity to a Major Transit Stop

The TAC has recommended that the City screen projects that are located within a half mile of an existing or planned high-quality transit corridor or major transit station. Proximity to transit is explicitly listed in the CEQA Guidelines as a reason to presume a project has no significant impacts based on VMT. In Petaluma, this includes the existing Downtown Petaluma SMART station, the planned Petaluma North SMART station (also known as the Corona Station), and at stops for bus routes with 15 minute or less headways. City staff retain the discretion to not allow the screening of projects within a half mile of the Corona Station or other planned transit service expansions until funding is secured.

The OPR *Technical Advisory* notes that a presumption of less than significant should not be applied, and a VMT analysis should be performed, if the project:

- Has a Floor Area Ratio (FAR) of less than 0.75
- Includes more parking than required by the City of Petaluma
- Is inconsistent with Plan Bay Area
- Replaces affordable residential units with a smaller number of moderate- or high-income residential units (although a small market-rate project could qualify for small project screening)

If any of the above conditions apply, a detailed VMT analysis should be conducted to determine whether the project exceeds the VMT thresholds. Projects with drive-throughs would be excluded from screening under these criteria, and City staff retain discretion to deny the use of the proximity to major transit stop exemption if substantial evidence exists that screening is not appropriate.

Screening for Affordable Housing

The TAC has recommended that the City screen residential projects containing 100 percent affordable housing (based on local circumstances and substantial evidence as determined by the City) on the basis that affordable housing generates less VMT than market-rate housing. Furthermore, affordable housing located within infill locations generally improves jobs-housing balance and may thus result in shorter commutes for low-income workers.

Screening for Transportation Projects

The TAC has recommended that the City screen transit projects, bicycle and pedestrian projects, and roadway maintenance projects that do not result in an increase in vehicle capacity or VMT. Refer to pages 20 and 21 of the *Technical Advisory* for a complete list of transportation projects that may be screened out from a VMT analysis.

3.5 Mitigation Options

As noted in **Section 2.4.7**, project VMT in exceedance of thresholds of significance require that a project implement mitigation measures to reduce the number of project trips generated and/or reduce the length of project-generated trips. The TAC was provided with information regarding how mitigation measures may be applied on a project-by-project basis, how citywide TDM programs could be developed whereby projects could pay into an in-lieu fee program to fund the citywide TDM program, and how projects could take advantage of mitigation bank programs that may be developed in the future.

Technical Advisory Committee Recommendation for Mitigating VMT Impacts:

The TAC recommended the following near-term, medium-term and far-term strategies:

- **Near-Term:** The TAC has recommended that mitigation be performed on a project-by-project basis using available TDM effectiveness research as a guide to demonstrate the effectiveness of mitigation strategies. TDM strategies related to promoting transit usage, active transportation, and more sustainable parking strategies should be prioritized.
- **Medium-Term:** The TAC has recommended that the City investigate and implement citywide TDM programs and fund these programs through developer fees.
- **Far-Term:** The TAC has recommended that the City coordinate with SCTA and other agencies in Sonoma County to develop a VMT mitigation banking program, should pilot programs in Contra Costa County and Southern California prove successful.

Chapter 4 provides more information on near-term, project-by-project TDM strategies for use in mitigating land use projects until citywide or County-wide mitigation strategies can be established.

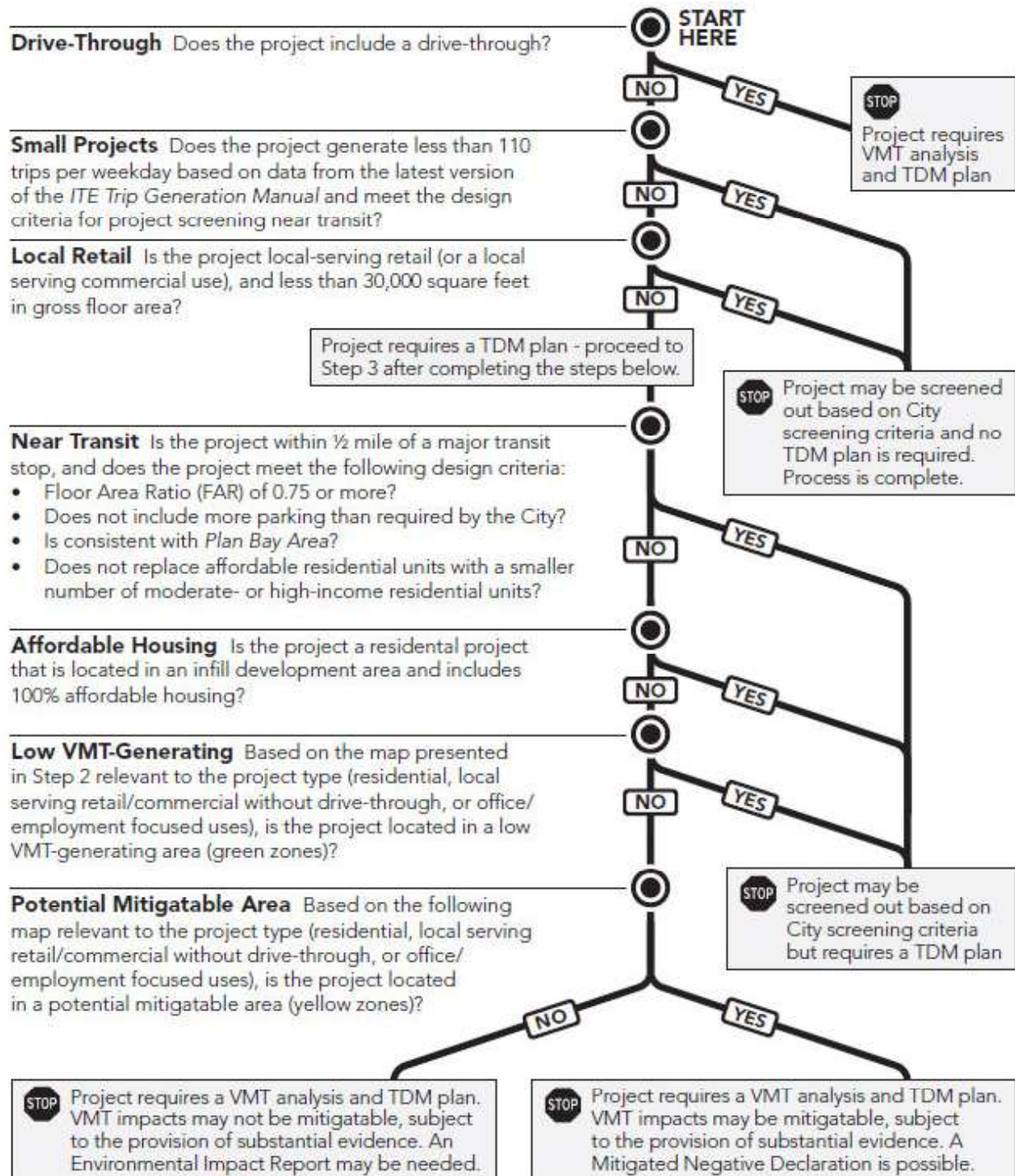
3.6 CEQA VMT Transportation Impact Analysis Guidelines

Fehr & Peers has developed guidelines for the study of a project's transportation impacts using VMT as the CEQA Transportation section metric. These guidelines are provided in **Appendix B**, and provide information on general VMT methodology, thresholds of significance and mitigation strategies; a flowchart of the process of determining if a traffic study is needed is presented on **Figure 2**. These guidelines are anticipated to evolve over time as (1) more data becomes available, (2) the City takes additional steps to implement VMT and mitigation measures in the City, and (3) as a body of CEQA case law develops around the topic of VMT analysis for CEQA Transportation purposes.

3.7 Disruptive Trend Impacts on VMT Estimation

The VMT methodologies and thresholds described above are based on a presumption that future travel behavior will be consistent with recent travel behavior. Disruptive trend changes including current COVID-19 effects, TNCs such as Uber and Lyft, lower fuel prices, and public availability of AVs may change future travel behaviors, resulting in future VMT differing from current forecasts. As these trends evolve, models will need to be updated to reflect them. Generally, the SCTA travel demand model is updated on a five-year update schedule; the City of Petaluma, as one of SCTA's member agencies, could request a supplemental update once the effects of COVID-19, related economic effects, and other disruptive trends become more known and quantified.

Figure 2: Transportation CEQA Process



* See City of Petaluma's *CEQA VMT Transportation Impact Analysis Guidelines* for more information on these steps

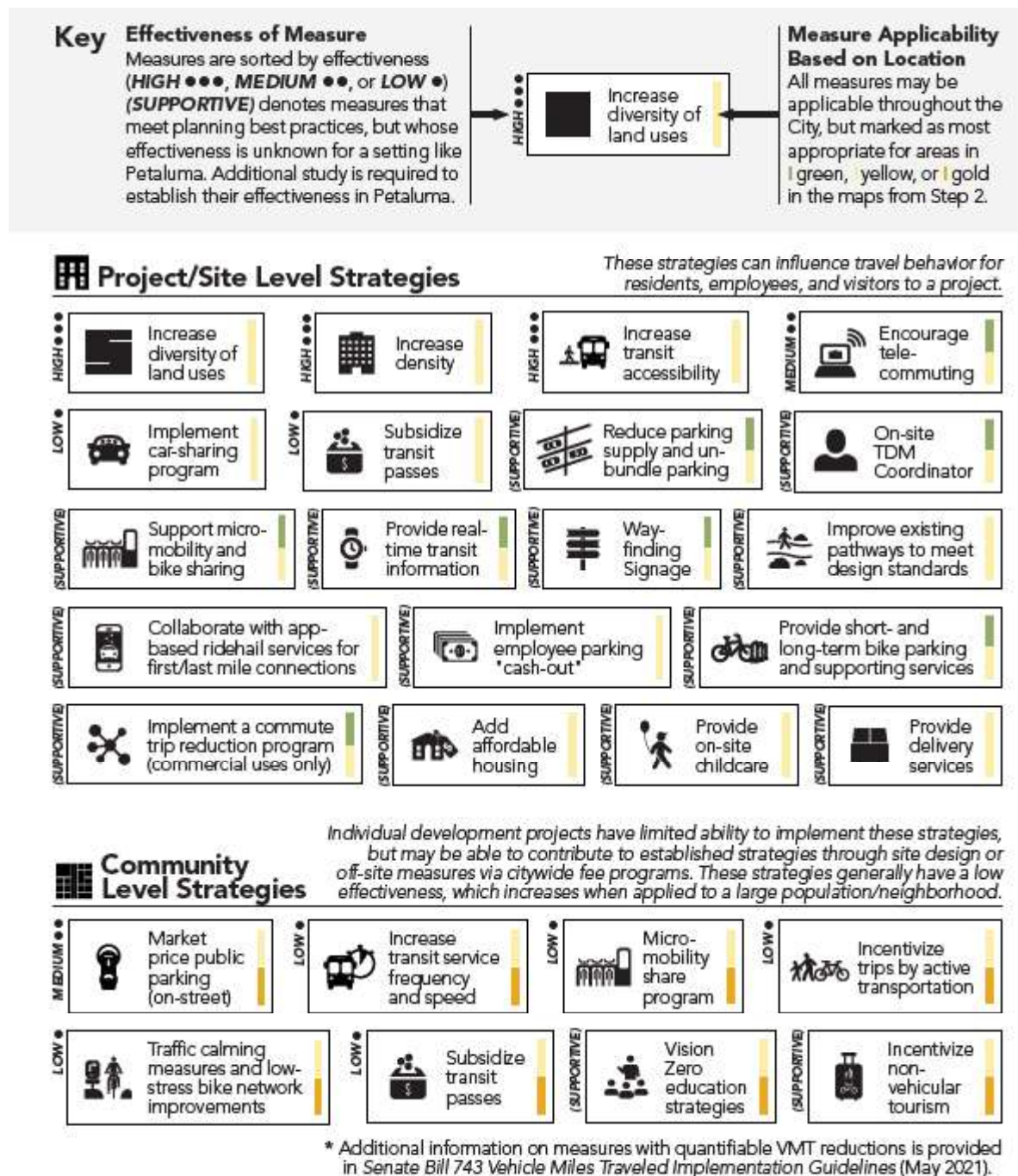
4. TDM Strategy Research

This chapter summarizes an assessment of new research related to transportation demand management (TDM) effectiveness for reducing VMT. The purpose of this work was to compile new TDM information that has been published in research papers since release of the *Quantifying Greenhouse Gas Mitigation Measures* (CAPCOA, August 2010) and to identify those strategies suited to Petaluma given its suburban land use context. This information has informed the development of a menu of mitigation options that are applicable for potential use in Petaluma, as outlined on **Figure 3**.

An important consideration for the effectiveness of these VMT reduction strategies is the appropriate scale of implementation. The strategies described in this section include programmatic strategies (e.g., VMT impact fee programs, VMT exchanges, and VMT banks), city-scale transportation infrastructure strategies (e.g., expanding the transit or bicycle network), and project-level strategies (e.g., building site transportation demand management [TDM] strategies such as parking pricing and transit pass subsidies). The largest reductions in VMT (and resulting emissions) derive from regional policies related to land use location efficiency and infrastructure investments that support transit, walking, and biking. While there are many measures related to site design and building operations that can influence VMT and emissions, these measures typically have smaller effects on VMT reduction and are often dependent on the travel behavior of residents/tenants.

To caveat the information presented in this section, the existing tools and methods for quantifying VMT reduction are prone to a high margin of error due to limited data and research on this topic as a result of recent regulatory changes (i.e., SB 743 and the policy change from LOS to VMT) as well as challenges in understanding the complex factors that influence travel behavior. To some degree, this is consistent with uncertainty that exists with previously acceptable CEQA transportation practices, such as calculations of Level of Service (LOS) based on forecasted intersection volumes. However, unlike LOS, monitoring of TDM effectiveness would be required at the project level as a condition of approval for discretionary projects. The ultimate strategies adopted for VMT reduction should be refined as additional research on the topic of VMT reduction becomes available and, as with all CEQA practice, based on substantial evidence.

Figure 3: Menu of VMT Options



4.1 Recommended VMT Reduction Strategies

Of the strategies included in the tools and research described above, only a few strategies are likely to be effective in a suburban setting such as Petaluma. With Petaluma's land use context in mind, each strategy's effectiveness was considered and nine were selected for detailed review. Strategies 1, 2, 3, and 4 present project-level mitigation, while strategies 5, 6, 7, 8 and 9 present community-level mitigation. Individual development projects have limited ability to implement community-level strategies, but may be able to contribute to established community-level strategies. It is noted that disruptive trends, including but not limited to, transportation network companies (TNCs such as Uber and Lyft), autonomous vehicles (AVs), internet shopping, and micro-transit (e.g., electric scooters) may affect the future effectiveness of these strategies.

4.1.1 Project/Site Level Strategies

1. Increase diversity of land uses – This strategy focuses on inclusion of mixed uses within projects or in consideration of the surrounding area to minimize vehicle travel in terms of both the number of trips and the length of those trips. Typical applications of a mix of uses include ground-floor retail at larger residential developments or the construction of live-work units. This strategy may not be feasible for smaller projects or projects subject to limited uses due to zoning such as single-family residential uses.
2. Increase density – This strategy focuses on increasing residential density within projects, which is associated with lower VMT per capita. Increased residential density in areas with high jobs access may have a greater VMT change than increases in regions with lower jobs access. The provision of Auxiliary Dwelling Units (ADUs) may reduce VMT per capita, depending on their use and person-occupancy. This measure also applies at the city and community level, with neighborhoods of higher density typically having lower VMT per capita.
3. Increase transit accessibility – This strategy focuses on ensuring site design favors access to existing or planned transit stations and is commonly referred to as Transit-Oriented Development (TOD). This strategy includes maximizing the amount of developable space within walking distance to transit stations (typically considered a radius of ¼ to ½ mile of a transit station), and/or deemphasizing automobile facilities such as vehicle parking, garages, and driveways.
4. Encourage telecommuting – This strategy relies on effective internet access/speeds, flex space, and/or accessory office units for individual project sites/buildings that provide the opportunity for telecommuting. The effectiveness of the strategy depends on the ultimate building tenants; this should be a factor in considering the potential VMT reduction, as tenants may change over time.

4.1.2 City/Community Level Strategies

5. Provide pedestrian network improvements – This strategy focuses on creating a pedestrian network and connecting projects to nearby destinations via pedestrian pathways. Projects in the City of Petaluma range in size, so the emphasis of this strategy for smaller projects would likely be the construction of network improvements that connect the project sites directly to nearby destinations. For larger projects, this strategy could focus on the development of a robust pedestrian network within the project itself. Alternatively, implementation could occur through an impact fee program or benefit/assessment district based on local or regional plans.
6. Provide traffic calming measures and low-stress bicycle network improvements – This strategy combines the CAPCOA research focused on traffic calming to provide a low-stress bicycle network. Traffic calming creates networks with low vehicle speeds and volumes that are more conducive to walking and bicycling. Implementation options are similar to those for providing pedestrian network improvements. One potential change in this strategy over time is that e-bikes (and e-scooters) could extend the effective range of travel on the bicycle network, which could enhance the effectiveness of this strategy.
7. Implement market price public parking (on-street) – This strategy focuses on implementing a market-based pricing strategy for on-street parking within central business districts, employment centers, and retail centers to encourage “park once” behavior. This measure deters parking spillover from project supplied parking to other public parking nearby, which undermine the vehicle miles traveled (VMT) benefits of project pricing. It may also generate sufficient area-wide mode shifts to justify increased transit service to the area.
8. Increase transit service frequency and speed – This strategy focuses on improving transit service convenience and travel time competitiveness with driving. While the City of Petaluma has fixed route rail and bus service that could be enhanced, it is possible that new forms of low-cost, demand-responsive transit service could be provided. Given land use density in Petaluma, this strategy may be limited to traditional commuter transit where trips can be pooled at the start and end locations or require new forms of demand-responsive transit service. The demand-responsive service could be provided as subsidized trips by contracting to private transportation network companies (TNCs) or Taxi companies. Alternatively, a public transit operator could provide the subsidized service but would need to improve on traditional cost effectiveness by relying on TNC ride-hailing technology, using smaller vehicles sized to demand, and flexible driver employment terms where drivers are paid by trip versus by hour. Note that implementation of this strategy would require regional or local agency implementation, substantial changes to current transit practices, and would not likely be applicable for individual development projects. Additionally, this strategy is only effective in VMT reduction if it includes a pooling element to increase average vehicle occupancy.

9. Implement a car and micro-mobility (bike or scooter) sharing program – This strategy reduces the need to own a vehicle or reduces the number of vehicles owned by a household by making it convenient to access a shared vehicle for those trips where vehicle use is essential. Bicycle and scooter sharing programs provide convenient connections for short-trips that do not require a car. Note that implementation of this strategy would require regional or local agency implementation and coordination and would not likely be applicable for individual development projects, although individual projects and provide parking and supportive services to these programs.

The VMT reduction strategies can be quantified using CAPCOA calculation methodologies, recent ARB research findings, or SANDAG's VMT calculator. **Appendix C** provides calculation methodologies for each of the mitigations provided above, along with their range of effectiveness.

Additional VMT reduction strategies that are not quantified in this section but may be considered for future implementation in Petaluma include:

- Engagement with bicycle advocacy groups such as the League of American Bicyclists to work towards certification as a bicycle friendly community
- Implement education strategies to inform the public about the Vision Zero strategies to improve road safety, increase health outcomes from active transportation, and decrease VMT
- Add additional wayfinding signage and safety procedures for bicycling through Downtown
- Incentivize non-vehicular tourism in Petaluma through partnerships with SMART and upcoming Bike Share providers as well as providing protected bicycle routes for tourists to major destinations, such as between SMART and Downtown
- Improve Petaluma's existing dirt trails to accommodate wider range of bicyclists
- Incentivize active transportation through market pricing strategies with employers, stores, and public transit⁸
- Collaborate with TNCs to provide first mile/last mile connections to high frequency transit corridors. Transit timing, carpooling, and ride discounts associated with TNC partnerships should be considered as simultaneous strategies, following the lead of other cities implementing such programs.

⁸ The Dutch government pays workers 22 cents for every kilometer they pedal, reported by Huffington Post.
https://www.huffpost.com/entry/netherlands-pays-bike-work-commute_n_5c6dc15ae4b0e2f4d8a23e3e

4.2 Combining VMT Reduction Strategies

Each of the TDM measures described previously can be combined with others to increase the effectiveness of VMT mitigation; however, the interaction between the various TDM measures is complex and sometimes counterintuitive. Generally, with each additional measure implemented, a VMT reduction is achieved, but the incremental benefit of VMT reduction may diminish. To quantify the VMT reduction that results from combining TDM measures, the formula below can be applied absent additional information:

$$\text{Total VMT Reduction} = (1 - P_a) * (1 - P_b) * (1 - P_c) * \dots$$

Where:

P_x = percent reduction of each VMT reduction strategy

This adjustment methodology is a mathematical approach to dampening the potential effectiveness and is not supported by research related to the actual effectiveness of combined TDM strategies. The intent of including this formula is to provide a mechanism for dampening to minimize the potential to overstate the VMT reduction effectiveness.

Another important consideration when combining TDM measures is whether a maximum VMT reduction should be applied based on the land use context. The CAPCOA methodology identifies VMT reduction maximums based on community types tied to land use context. The caps are applied at each step of the VMT reduction calculation (i.e., at the strategy scale, the combined strategy scale, and the global scale). However, these caps are not based on research related to the effectiveness of VMT reduction strategies in different land use contexts. The cap differences are largely based on VMT generation differences within different land use contexts and serves as a proxy for potential limits on VMT reduction strategy effectiveness. For suburban jurisdictions such as Petaluma, CAPCOA identifies a global VMT reduction maximum of 15 percent, although 20 percent may be feasible in suburban center locations, such as locations in transit-oriented and downtown Petaluma. For more information on VMT reduction maximums, see **Appendix D**, which contains an excerpt from the CAPCOA report describing the calculation of combined VMT reduction strategies.

As noted previously, additional data is needed to support and refine the above approach for quantifying the effects of combining VMT reduction strategies. Analysts should consider the available substantial evidence at the time a study is prepared and provide justification to support the effectiveness of TDM measures in order to inform CEQA review. We recommend conducting additional research into the effects of combining VMT reduction strategies, which may include the collection of measurable data from within Petaluma or cities of similar size and land use context, and summarizing the database for use in

developing the justification for the effectiveness of mitigation measures (including supporting a finding of effectiveness beyond the 15 percent maximum reduction suggested in the CAPCOA guidance).

4.3 Implementing VMT Reduction Strategies

Project or site-level VMT reduction strategies often involve increasing land use density, changing the mix of uses, or altering the transportation network. However, a potential limitation of these physical design changes is that they may result in a project that no longer resembles the original applicant submittal. CEQA is intended to disclose the potential impacts of a project and mitigate those impacts but has limitations with regards to using mitigation to fundamentally change the project. Therefore, these strategies may result in an inconsistency with the project description when applied on an ad hoc basis.

Another common strategy is to add a TDM program to the project as a condition of approval. While evidence exists that TDM programs can reduce VMT, their success depends on the performance of future building tenants that can change over time. Hence, an effective TDM mitigation program will often require ongoing monitoring and adjustment to ensure long-term VMT reduction is achieved. The cost to provide this monitoring may not be feasible for all projects.

In response to the limitations of focusing exclusively on site-level TDM strategies, new mitigation concepts are emerging that cover larger areas and rely on citywide programs to achieve VMT reductions. These mitigation concepts (or programs) are outlined below. As with all VMT mitigation, these programs require substantial evidence to document that the projects included in the programs would achieve the expected VMT reductions. Additionally, the discretionary action to adopt the program may require CEQA review.

1. VMT Impact Fee Program – This concept resembles a traditional impact fee program in compliance with the mitigation fee act and uses VMT as a metric. The nexus for the fee program would be a VMT reduction goal consistent with the CEQA threshold established by a lead agency for SB 743 purposes. The main difference from a fee program based on a metric such as vehicle LOS is that the VMT reduction nexus results in a capital improvement program (CIP) consisting largely of transit, bicycle, and pedestrian projects. These types of fee programs are time consuming to develop, monitor, and maintain but are recognized as an acceptable form of CEQA mitigation if they can demonstrate that the CIP projects will be fully funded and implemented. The City of Los Angeles is the first city in California to complete a nexus study for this type of program.
2. VMT Exchanges – This concept (along with VMT banks) borrows mitigation approaches from other environmental analysis such as wetlands. The concept relies on a developer agreement to implement a predetermined VMT-reducing project in exchange for the ability to develop a VMT-generating project. The projects may or may not be located near each other. The concept



requires a facilitating entity (such as the lead agency) to match the VMT generator (the development project) with the VMT-reducing project and ensure through substantial evidence that the VMT reduction is valid (i.e., the VMT reduction is caused by the mitigation and would not occur otherwise; this concept is known as additionality). VMT Exchanges also require a determination of the necessary time period to demonstrate a VMT reduction.

3. **VMT Banks** – This concept attempts to create a monetary value for VMT reduction (e.g., credits) that can be exchanged amongst individual projects. This program is more complicated than a simple exchange and would require more time and effort to set up and implement. Another key challenge of this program is determining how much VMT reduction is associated with each credit. Similar to VMT exchanges, this mitigation program must also demonstrate additionality.

Table 4 compares the pros and cons of the above programs. As seen in **Table 4**, all of the program options have challenges.

Table 4: Comparison of Programmatic VMT Reduction Strategies

Program Structure	Pros	Cons
Impact Fee Program	<ul style="list-style-type: none"> • Common practice • Accepted for CEQA mitigation • Adds certainty to development costs • Allows for regional scale projects 	<ul style="list-style-type: none"> • Time consuming and expensive to develop and maintain • Requires strong nexus
Mitigation Exchange	<ul style="list-style-type: none"> • Limited complexity • Reduced nexus obligation 	<ul style="list-style-type: none"> • Requires additionality • Mismatch between mitigation need and mitigation projects • Unknown timeframe for mitigation life
Mitigation Bank	<ul style="list-style-type: none"> • Adds certainty to development costs • Allows for regional scale projects • Allows regional or state transfers 	<ul style="list-style-type: none"> • Requires additionality • Time consuming and expensive to develop and maintain • Requires strong nexus • Political difficulty distributing mitigation dollars/projects

Although implementation of these programs would require an upfront cost, they have several advantages over site-level TDM strategies:

- **CEQA streamlining** – These programs provide a funding mechanism for project mitigation and require significantly less monitoring to demonstrate that significant impacts are reduced to a less-than-significant level. Additionally, projects could be screened from completing a quantitative VMT analysis; or, if a quantitative VMT analysis is required, the cost would be somewhat less than the cost for analyzing LOS impacts.



- Greater VMT reduction potential – Since these programs coordinate citywide land use and transportation projects, they have the potential to result in greater VMT reduction potential than site-level TDM strategies applied on an ad hoc basis. Additionally, these programs expand the amount of feasible mitigation for reducing VMT impacts.
- Legal defensibility – The VMT reduction programs can help build a case for a nexus between a VMT impact and funding for capital improvement programs.

A General Plan update is a desirable time to identify and implement any preferred VMT reduction programs as it allows for coordination between land development, capital improvement projects, and funding programs. It is recommended that a citywide VMT reduction program be developed as part of the forthcoming General Plan update. These citywide VMT reduction programs have the ability to reduce VMT associated with existing VMT sources and VMT from new developments, thus promoting achievement of citywide sustainability goals on the basis of new and existing development.

5. Considerations for Updating Recommendations

The information in this report is based on the latest research available at the time of publication as well as feedback and recommendations from TAC members. A number of factors may result in the revision of the recommendations in this report to reflect the following change factors:

- Updated technical research on VMT evaluation and VMT mitigation effectiveness research
- Updated technical guidance from the State Office of Planning and Research
- Updated City General Plan goals and policies related to the circulation system and environment
- New State-wide environmental legislation
- New court cases and other laws affecting CEQA (per typical CEQA practice)

Barring major court cases or new state laws affecting CEQA VMT analysis, the thresholds and other related recommendations are anticipated to be valid until the next General Plan update (scheduled to be concluded in the mid-2020s) and may remain valid after the update. At that time, the recommendations in this report may be revisited to reflect updates to the City's General Plan goals and policies; changes may be adopted by the City Council, if deemed necessary, to implement the City's update General Plan goals and policies as part of the General Plan adoption process (including environmental clearance).

Outside of the General Plan update process, the City retains discretion to set CEQA thresholds based on substantial evidence. If evidence exists that the adopted VMT thresholds, the City Council could choose to adopt an ordinance or resolution revising the VMT thresholds. The City also has discretion to use CEQA thresholds on a one-time (i.e. non-general use) basis as long as they are supported by substantial evidence per CEQA; this approach could be helpful if a new CEQA court ruling affects VMT thresholds or VMT analysis approaches.

Appendix A:

Trip Length Adjustments for SB 743

VMT Analysis

Technical Memorandum

Date: November 5, 2019
To: Erik Ruehr, VRPA
Bruce Griesenbeck and Maricela Salazar, SACOG
From: Jimmy Fong, Jinghua Xu, and Ronald T. Milam, Fehr & Peers
Subject: **Trip Length Adjustments for SB 743 VMT Analysis**

Introduction

SB 743 implementation has created the need to modify travel demand models to ensure they capture the full trip length for those trips that start or end outside the model boundary. This need stems from the CEQA guidance listed below and the general desire to avoid arbitrary truncation of trip lengths based on model or political boundaries.

- According to the Technical Advisory, the assessment should cover the full area in which driving patterns are expected to change, including induced growth impacts and cumulative impacts. OPR states that the VMT estimation should not be truncated at a modeling or jurisdictional boundary for convenience of analysis when travel behavior is substantially affected beyond that boundary. (p. 6 and 23 - Technical Advisory on Evaluating Transportation Impacts in CEQA, OPR, December 2018)
- CEQA Guidelines section 15277:
 - "... Any emissions or discharges that would have a significant effect on the environment in the State of California are subject to CEQA where a California public agency has authority over the emissions or discharges." Since VMT is the key input for mobile emissions, tracking the full length of trips is essential for complying with this expectation.

Since all travel demand models in California have boundaries, they truncate trip lengths to varying degrees. Truncation tends to be most severe at the edge of the model boundary and when the modeled area exhibits a high proportion of external travel (i.e., from a suburban area in one region to a job center in another region). To compensate for the influence of model boundaries, the following steps can be used to modify trip lengths through model gateways.



Trip Length Adjustment Process

Adjusting the length of trips leaving a model boundary requires appending extra distance at the model gateway zone (or external centroid) connector as outlined below. This process results in new gateway distances that are weighted based on the amount and location of external travel origins and destinations. Other adjustment methods that are available include appending extra trip lengths to each individual origin-destination (OD) trip pair in the model or expanding the model's zone structure to cover a larger area. Both of the methods are much more resource and time intensive and are not covered further in this memo.

1. Model IX and XI Trips at Gateways

The first step of this process is to determine trip volume leaving or entering the model boundary. These are referred to in the remainder of this memo as internal-to-external (IX) and external-to-internal (XI) trips. This data can be generated either from OD trip matrices or by conducting a select zone analysis to track trips to the model gateways. The volume at the gateways for this purpose should not include external-to-external (XX) through trips. A table that identifies all gateways, IX volume, and XI volume should be prepared similar to the example below from the Mendocino Council of Governments (MCOG) model.

Table 1: Example Model Gateway and IX, XI Link Volumes Table

Gateway ID	Gateway	Link ID	IX Volume	XI Volume
7081	SR 1 - South	7081	1,190	1,190
7083	US 101 - South	7083	5,004	5,004
7082	US 101 - North	7082	567	567
7085	SR 20 - East	7085	3,529	3,529
7086	SR 175 - East	7086	551	551

2. Origin-Destination Data between Model and External Areas

Determining the full length of trips leaving or entering a model boundary requires an OD dataset that includes flows between the model area and the area external to the model. How much of the external area to include is an important question. Per the CEQA guidance cited, the full length of trip between their start and end is desired. Whether this extends outside of California has not been legally tested so it is possible that capturing trip lengths even beyond state limits could be necessary. An appropriate OD dataset should be chosen based on the details of your project, context of the study area, level of CEQA risk, and available time and budget for analysis. An assessment of each of the OD data sources is presented the Table 2.

**Table 2: Origin-Destination Data Assessment**

Origin-Destination Data Sources	Description	Advantages	Disadvantages
Available travel demand model larger than local model	<p>All regional models in California nest within the California State Travel Demand Model (CSTDm).</p> <p>All local models (i.e., city models) nest within the CSTDm and their respective regional models.</p>	<ul style="list-style-type: none"> • CSTDm Includes TAZs for the entire state of California • Regional models are often the source model for local model variants, so they have a high compatibility for making gateway adjustments. • CSTDm and regional models include changes in travel patterns over time between base and future years. 	<ul style="list-style-type: none"> • Larger models may have greater aggregation and only coarse correspondence between TAZs in the smaller model. • Regional models may not fully capture full trip length. • CSTDm has not been recently calibrated and validated. • CSTDm truncates trip at state boundary.
California Household Travel Survey (CHTS)	Survey of California resident travel that documents full length of OD travel.	<ul style="list-style-type: none"> • Robust sample with data available for most cities and counties above 50,000 population. Data may be sufficient for smaller jurisdictions based on a review of the sample • Includes all trip purposes. 	<ul style="list-style-type: none"> • Insufficient detail below city level. • 2012 data may not reflect recent changes in travel patterns. • Does not include data about future travel.
Longitudinal Employer-Household Dynamics Data (LEHD)	Employer/Employee data showing locations of where employees live and work, visualized in an online portal with export to OD tables, produced by the U.S. Census Bureau.	<ul style="list-style-type: none"> • Data available at the census tract level (or custom TAZ structure). • 2017 data is current. • Quick production of OD data. 	<ul style="list-style-type: none"> • Employment data is only relevant for calculating trip lengths for home-based work trips, does not include other trip purposes. • Does not include data about future travel.
Mobile device OD Data	Data from smartphone/GPS devices that can be used to estimate OD trip tables associated with specific gateways.	<ul style="list-style-type: none"> • Data available at small scales (i.e., 250-meter grid cell, census block group, or custom traffic analysis zone). • Data scale allows isolation of specific land uses in many cases. • 2019 data available from multiple vendors. • Data includes all 365 days of the year and can be aggregated. • Limited trip length truncation. • Includes all trip purposes. 	<ul style="list-style-type: none"> • Minimum purchase cost is about \$5000, more expensive if greater detail/number of zones is desired. • Does not include data about future travel.



3. Gateway Identification

After identifying an appropriate OD data source, the next step requires determining the gateway(s) based on the model used in your project, which trips from the OD data source would travel through. An assessment of options for this process is presented in Table 3.

Table 3: Gateway Identification Methods and Assessment

Data Source	Gateway Identification Method
Available travel demand model larger than local model	<ul style="list-style-type: none"> • A highway skimming procedure to determine the gateway used for each OD pair for each assignment time period. This method is not able to track more than one gateway for an OD pair. • A select zone and select link assignment procedure to determine the gateway(s) for an OD pair. This method requires more processing/computing time – dependent on the specific travel model and software.
Mobile Device OD Data	<ul style="list-style-type: none"> • Data purchase includes identification of gateway locations and automatic filtering to create associated OD trip tables.
Streamlined selection with Google Maps (or online mapping program)	<ul style="list-style-type: none"> • Spreadsheet template that creates a link to Google Maps for each OD pair, manual identification of gateway(s) in the routing is required. • An off-model, quick assessment tool, suitable for limited number of OD pairs. • Not able to quantify the split across multiple routes/gateways (if applicable) for an OD pair. • Time consuming; not suitable for large number of OD pairs due to manual process.

4. Weighted Average Trip Length Beyond Model Gateways

The trip length adjustment process ultimately requires calculating the weighted average distance beyond each model gateway. A list of options for this process is identified in Table 4. Some of the processes calculate the distance beyond the model gateway directly; while other processes generate distance between each OD pair first, with a separate calculation for distance beyond the model gateway.

**Table 4: Trip Length Beyond Model Boundary – Methods and Assessment**

Data Source	Trip Length Method Description
Available travel demand model larger than local model	<ul style="list-style-type: none"> Creates a new link variable equal to the link length for all the links external to the local model and 0 for all the links internal to the local model, and then uses a highway skimming procedure to skim this link variable to generate the total distance outside of the gateway for each OD pair for each assignment time period. Uses a select zone and select link assignment procedure to generate the volume distribution for each selected gateway, and calculates the weighted average distance based on the select link volume associated with each gateway.
CHTS	<ul style="list-style-type: none"> Estimates total OD distances between origin-destination for each trip record. Calculates the distance from the trip-end within the model boundary to the gateway for each record, based on the distance skim from the model, and subtracts it from the total CHTS OD distance to generate external trip length for each trip record. Aggregates the external trip distance across all the trip records to generate average external trip distance for each gateway.
Mobile Device OD Data	<ul style="list-style-type: none"> Distance between origins-destinations through each gateway are provided in the dataset. Calculates the distance from the trip-end within the model boundary to the gateway based on the distance skim from the model and subtracts it from the total mobile device OD distance to generate external trip length for each gateway.
Streamlined selection with Google Maps (or online mapping program)	<ul style="list-style-type: none"> Links to Google Maps and generates a path for each OD pair. Calculates the distance between the manually identified gateway(s) and the trip end location external to the model boundary, based on the shortest travel time path between the OD pair.

Process Summary

An analyst can mix and match the procedures based on the most appropriate method for each step. For example, if CHTS is the most appropriate OD dataset to generate external trip length estimates, the user can generate the OD trip matrices based on CHTS while following the TAZ structure of the CSTDM, then identify local model gateways in the CSTDM highway network, and calculate the average trip length beyond each gateway, using the distance skims of the CSTDM, weighted by trips from the CHTS OD trip matrices.



Trip Length Adjustment User Guide and Resources

This section provides a user-guide and links to resources for the data sources and processes previously described in this memorandum.

California Statewide Travel Demand Model (CSTDm)

Caltrans maintains and updates the California Statewide Travel Demand Model, and provides resources regarding the model on their website:

- <https://dot.ca.gov/programs/transportation-planning/multi-modal-system-planning/statewide-modeling>

Information regarding the previous version of the CSTDm is no longer available on Caltrans' website. Caltrans is currently in the process of updating the statewide travel demand model. Requests regarding statewide modeling should be directed to Caltrans.

An example of the CSTDm used for OD data, gateway selection, and trip length beyond local model gateways is described below:

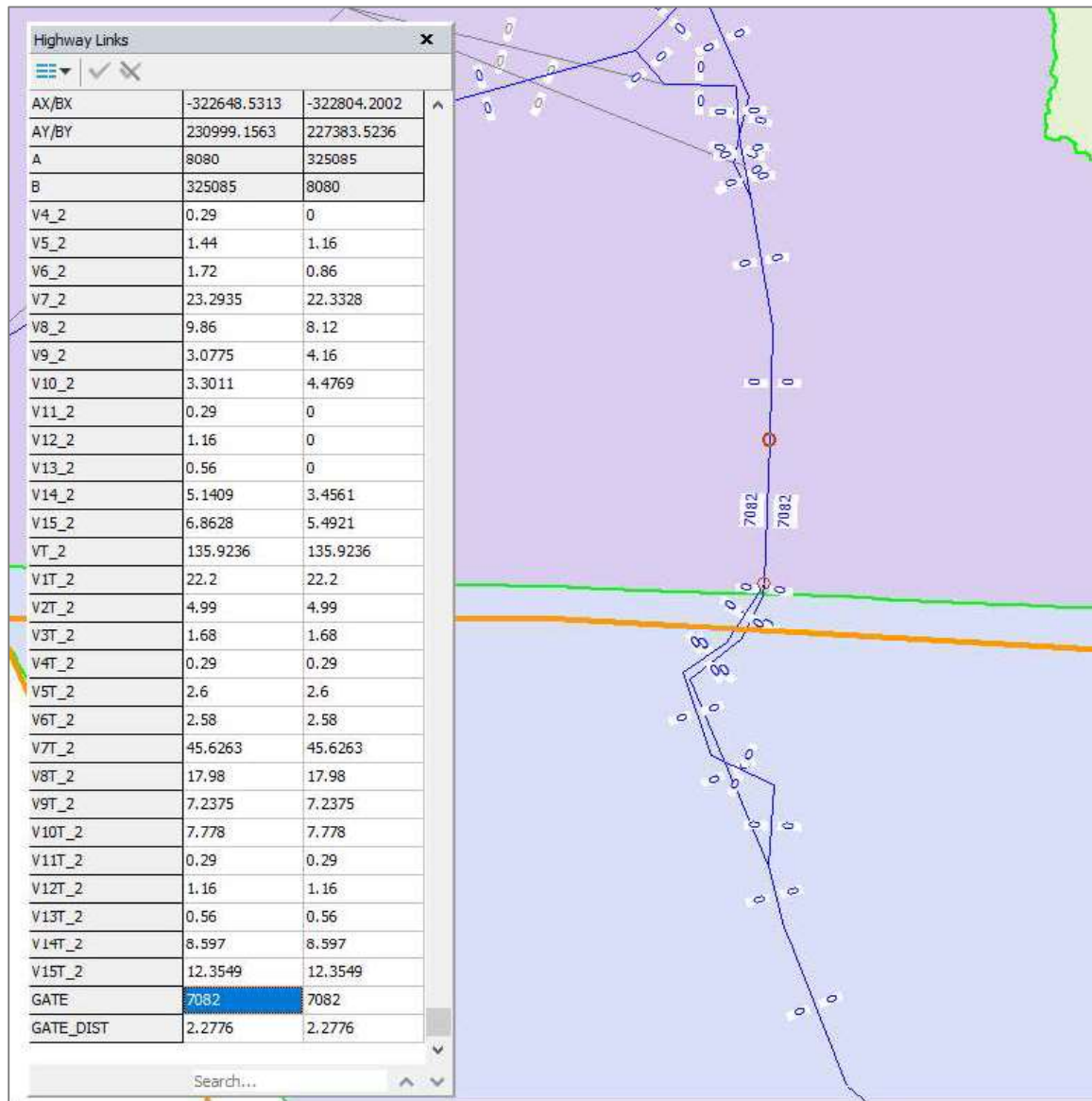
- Create correspondence between Study Area TAZs within local/regional model to the Statewide Model TAZs, similar to the example from the Mendocino Council of Governments (MCOG) Model, as shown in Table 5.

Table 5: Example TAZ Correspondence Table

MCOG TAZ	CSTDm TAZ
1	256
3	259
5	259
6	259
7	259
8	260
9	260
10	260

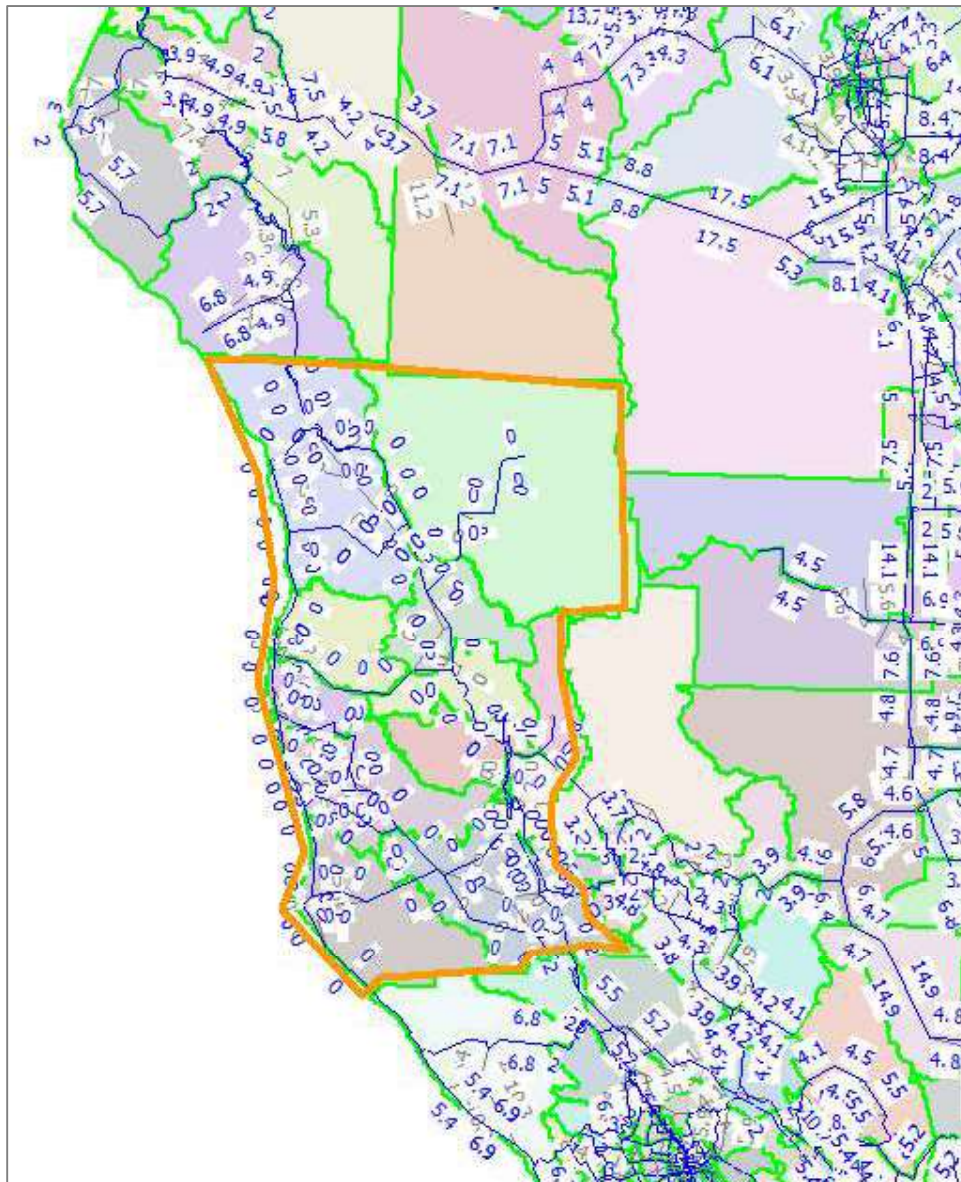


- Add "Gate" attribute to CSTDm roadway network links and set "Gate" equal to gateway id only for those links identified as the locations corresponding to the local/regional model gateways.





- Add "Gate_Dist" attribute to CSTDM roadway network links and set "Gate_Dist" equal to the link distance for those links outside the local/regional model boundary. All the CSTDM roadway links inside the local/regional model boundary will have a "Gate_Dist" attribute of 0.





- Run a highway skim on the CSTDM roadway network to skim the shortest travel time between each OD pair, tracking the gateway and distance outside the local model boundary. A sample Cube Voyager script for this step is included in the Appendix. An example output of this process is presented in Table 6.

Table 6: Example OD with Gate Identification and Distance Beyond Local Model

CSTDM Origin TAZ	CSTDM Destination TAZ	Volume	Gateway ID	Distance Beyond Local Model Boundary (mi)
246	2	0.21	7082	189.31
246	108	0.1	7082	82.73
246	118	0.42	7082	13.65
246	119	0.29	7082	22.88
246	139	0.13	7085	167.35
246	141	0.07	7085	169.53
246	173	0.25	7082	106.45
246	201	0.07	7085	126.73

- For each gateway, summarize the average distance beyond the local model boundary weighted by volume at each gateway. An example is presented in Table 7.

Table 7: Example Weighted Average Distance Beyond Local Model Boundary

Gateway ID	Gateway	Weighted Average Distance Beyond Local Model Boundary (mi)
7081	SR 1 - South	28.4
7083	US 101 - South	63.2
7082	US 101 - North	44.7
7085	SR 20 - East	46.4
7086	SR 175 - East	15.9

- Tag the gateway distance from the above step using CSTDM to the gateways in the local/regional model and multiply to the gateway volume from the local/regional model to determine the gateway external VMT to the local/regional model. Make sure not to double-count any overlap distance that's already accounted for in the VMT calculation from the local/regional model. An example for this calculation for IX trips from the MCOG model is shown in Table 8.

**Table 8: Example Adjustment Gateway and IX, XI Link Volumes Table**

Gateway	Weighted Average Distance Beyond Local Model Boundary (From CSTDM)	MCOG IX Volume	MCOG IX VMT Beyond Local Model Boundary
SR 1 - South	28.4	1,190	33,796
US 101 - South	63.2	5,004	316,253
US 101 - North	44.7	567	25,345
SR 20 - East	46.4	3,529	163,746
SR 175 - East	15.9	551	8,761

California Household Travel Survey (CHTS)

CHTS data was collected by Caltrans and is shared on the following website.

- <https://www.nrel.gov/transportation/secure-transportation-data/tsdc-california-travel-survey.html>

An example of CHTS data filtered for IX trips for Mendocino County is shown below. This example requires processing of the survey data and specific formatting such that it contains trip origin, destination, distance, and volume information.

oTract	oPlace	oCounty	dTract	dPlace	dCounty	distance_fine	time	avgSpeed	numVehTrips
6045010200	Unincorporated	Mendocino	6023011500	Unincorporated	Humboldt	24	30	50	232.2
6045010200	Unincorporated	Mendocino	6023011500	Unincorporated	Humboldt	24	30	50	0
6045010400	Fort Bragg	Mendocino	6033001000	Kelseyville	Lake	86	120	45	491.32
6045010500	Fort Bragg	Mendocino	6001450752	Dublin	Alameda	194	330	35	486.56
6045010700	Willits	Mendocino	6023001000	Arcata	Humboldt	133	170	45	0
6045010700	Willits	Mendocino	6023001000	Arcata	Humboldt	134	170	45	261.41
6045010700	Willits	Mendocino	6023011500	Unincorporated	Humboldt	60	70	50	62.31
6045010700	Willits	Mendocino	6023011500	Unincorporated	Humboldt	72	120	35	210.39
6045010700	Willits	Mendocino	6033000802	Clearlake	Lake	64	65	60	164
6045010700	Willits	Mendocino	6033001000	Kelseyville	Lake	51	70	45	221.9
6045010700	Willits	Mendocino	6075016500	San Francisco	San Francisco	134	155	50	0
6045010700	Willits	Mendocino	6075016500	San Francisco	San Francisco	135	155	50	49.48
6045010700	Willits	Mendocino	6081604800	Millbrae	San Mateo	149	200	45	89.91
6045010700	Willits	Mendocino	6097153403	Sebastopol	Sonoma	89	120	45	0
6045010700	Willits	Mendocino	6105000400	Mad River	Trinity	123	285	25	191.16
6045010801	Unincorporated	Mendocino	6097152000	Santa Rosa	Sonoma	71	90	45	46.84
6045010802	Unincorporated	Mendocino	6055201700	Angwin	Napa	83	120	40	103.69
6045010900	Unincorporated	Mendocino	6023011100	Rio Dell	Humboldt	128	190	40	129.99
6045010900	Unincorporated	Mendocino	6033000300	North Lake	Lake	28	60	30	274.5
6045010900	Unincorporated	Mendocino	6033000400	Lakeport	Lake	34	40	50	916.13
6045011002	Unincorporated	Mendocino	6001421700	Berkeley	Alameda	159	195	50	240.48



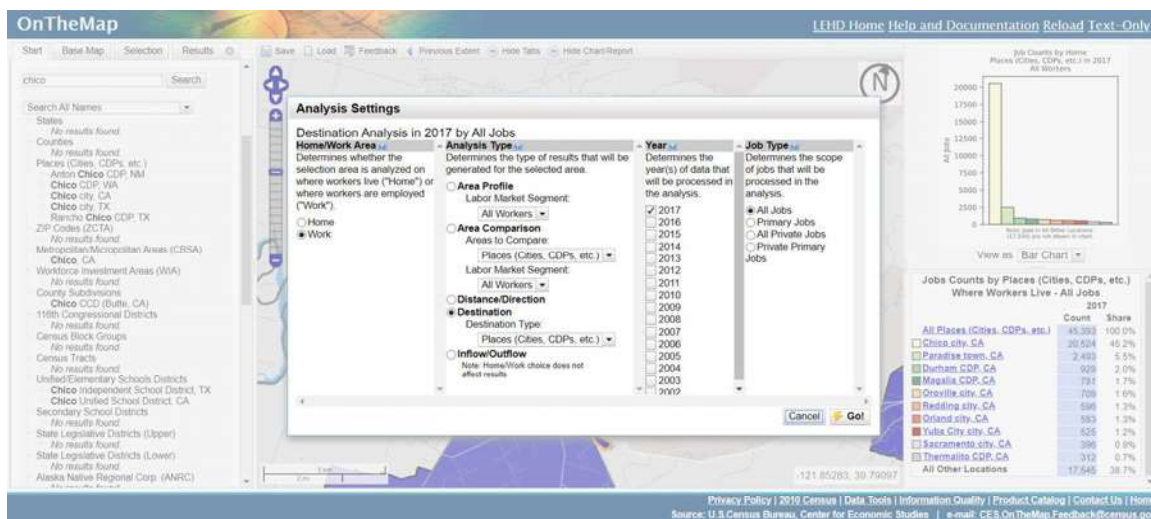
Longitudinal Employer-Household Dynamics Data (LEHD)

LEHD data can be accessed using the following online resource.

- <https://onthemap.ces.census.gov/>

OD data using this resource can be identified by searching a study area (City, County, or can upload a shapefile with specific geography) and looking at the "Destination" Analysis Type.

- For IX trips, use the "Home" setting for Home/Work Area
- For XI trips, use the "Work" setting for Home/Work Area





Mobile Device OD Data

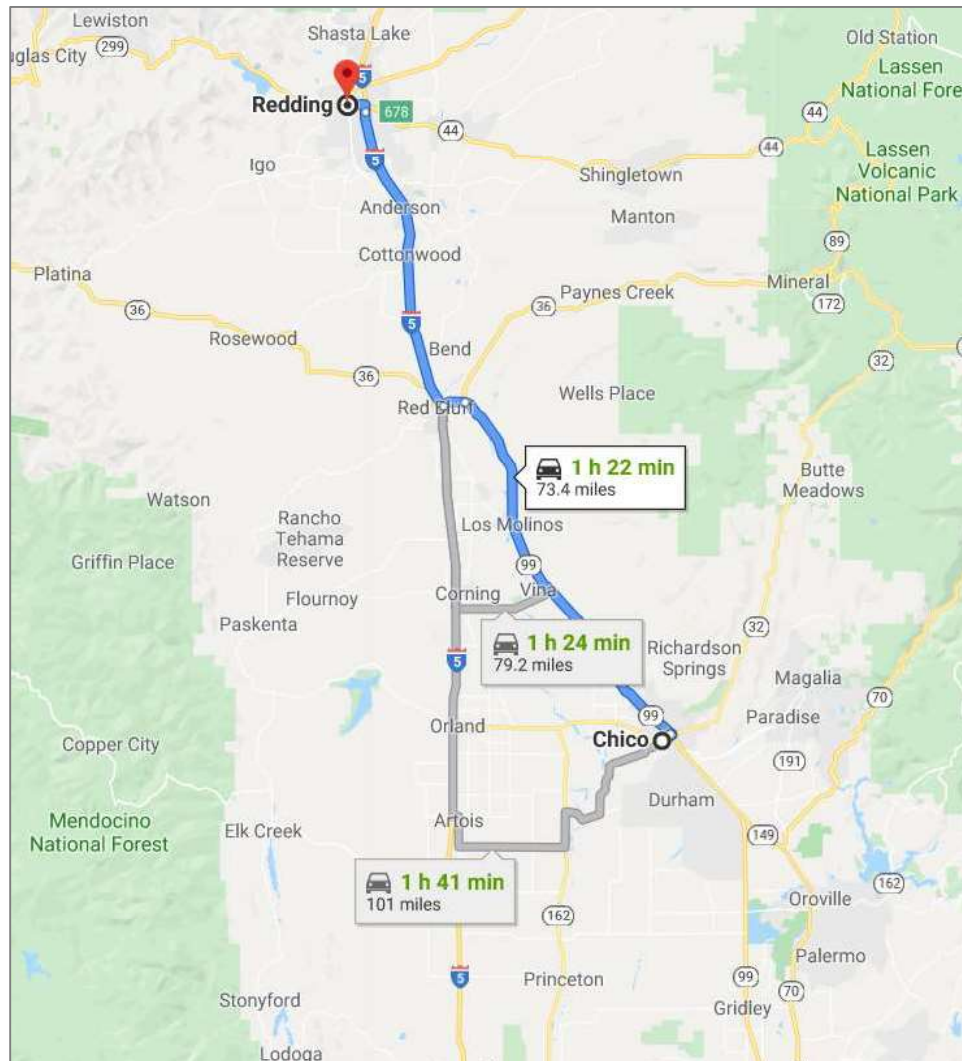
Streetlight is one vendor that can provide data for OD, gateway identification, and trip lengths. A middle filter analysis is needed to determine which particular gateway a trip passes through. An example showing IX trips from Chico to areas beyond the Butte Council of Governments (BCAG) Model boundary is presented below.

Type of Travel	Origin Zone ID	Origin Zone Name	Middle Filter Zone ID	Middle Filter Zone Name	Destination Zone ID	Destination Zone Name	Day Type	Day Part	Total O-M-D Traffic (Sample Trip Counts)
Personal	6	Biggs	1	CA 99 North of	16	Tehama County	1: Weekday (M-Th)	0: All Day (12am-12am)	3
Personal	6	Biggs	1	CA 99 North of	23	Shasta County	1: Weekday (M-Th)	0: All Day (12am-12am)	2
Personal	6	Biggs	9	Honcut Rd	30	Yuba County	1: Weekday (M-Th)	0: All Day (12am-12am)	3
Personal	6	Biggs	11	CA 70 South of	20	Nevada County	1: Weekday (M-Th)	0: All Day (12am-12am)	1
Personal	6	Biggs	11	CA 70 South of	26	Placer County	1: Weekday (M-Th)	0: All Day (12am-12am)	2
Personal	6	Biggs	11	CA 70 South of	30	Yuba County	1: Weekday (M-Th)	0: All Day (12am-12am)	4
Personal	6	Biggs	12	Larkin Rd	28	Sutter County	1: Weekday (M-Th)	0: All Day (12am-12am)	2
Personal	6	Biggs	12	Larkin Rd	30	Yuba County	1: Weekday (M-Th)	0: All Day (12am-12am)	1
Personal	6	Biggs	13	CA 99 South of	19	Glenn County	1: Weekday (M-Th)	0: All Day (12am-12am)	1
Personal	6	Biggs	13	CA 99 South of	26	Placer County	1: Weekday (M-Th)	0: All Day (12am-12am)	1
Personal	6	Biggs	13	CA 99 South of	27	Sacramento Coun	1: Weekday (M-Th)	0: All Day (12am-12am)	49
Personal	6	Biggs	13	CA 99 South of	28	Sutter County	1: Weekday (M-Th)	0: All Day (12am-12am)	174
Personal	6	Biggs	13	CA 99 South of	29	Yolo County	1: Weekday (M-Th)	0: All Day (12am-12am)	7
Personal	6	Biggs	13	CA 99 South of	30	Yuba County	1: Weekday (M-Th)	0: All Day (12am-12am)	17
Personal	6	Biggs	14	Almond Orchard	28	Sutter County	1: Weekday (M-Th)	0: All Day (12am-12am)	3
Personal	6	Biggs	15	Gridley Road	18	Colusa County	1: Weekday (M-Th)	0: All Day (12am-12am)	3
Personal	6	Biggs	17	Biggs-Willows R	18	Colusa County	1: Weekday (M-Th)	0: All Day (12am-12am)	3
Personal	6	Biggs	17	Biggs-Willows R	19	Glenn County	1: Weekday (M-Th)	0: All Day (12am-12am)	8
Personal	6	Biggs	19	Ord Ferry Road	19	Glenn County	1: Weekday (M-Th)	0: All Day (12am-12am)	1
Personal	6	Biggs	20	CA 32 Hamilton	19	Glenn County	1: Weekday (M-Th)	0: All Day (12am-12am)	2
Personal	7	Chico	1	CA 99 North of	16	Tehama County	1: Weekday (M-Th)	0: All Day (12am-12am)	2482
Personal	7	Chico	1	CA 99 North of	19	Glenn County	1: Weekday (M-Th)	0: All Day (12am-12am)	6
Personal	7	Chico	1	CA 99 North of	23	Shasta County	1: Weekday (M-Th)	0: All Day (12am-12am)	643
Personal	7	Chico	1	CA 99 North of	27	Sacramento Coun	1: Weekday (M-Th)	0: All Day (12am-12am)	2
Personal	7	Chico	1	CA 99 North of	30	Yuba County	1: Weekday (M-Th)	0: All Day (12am-12am)	1
Personal	7	Chico	3	CA 32 North of	14	Plumas County	1: Weekday (M-Th)	0: All Day (12am-12am)	19
Personal	7	Chico	3	CA 32 North of	16	Tehama County	1: Weekday (M-Th)	0: All Day (12am-12am)	4



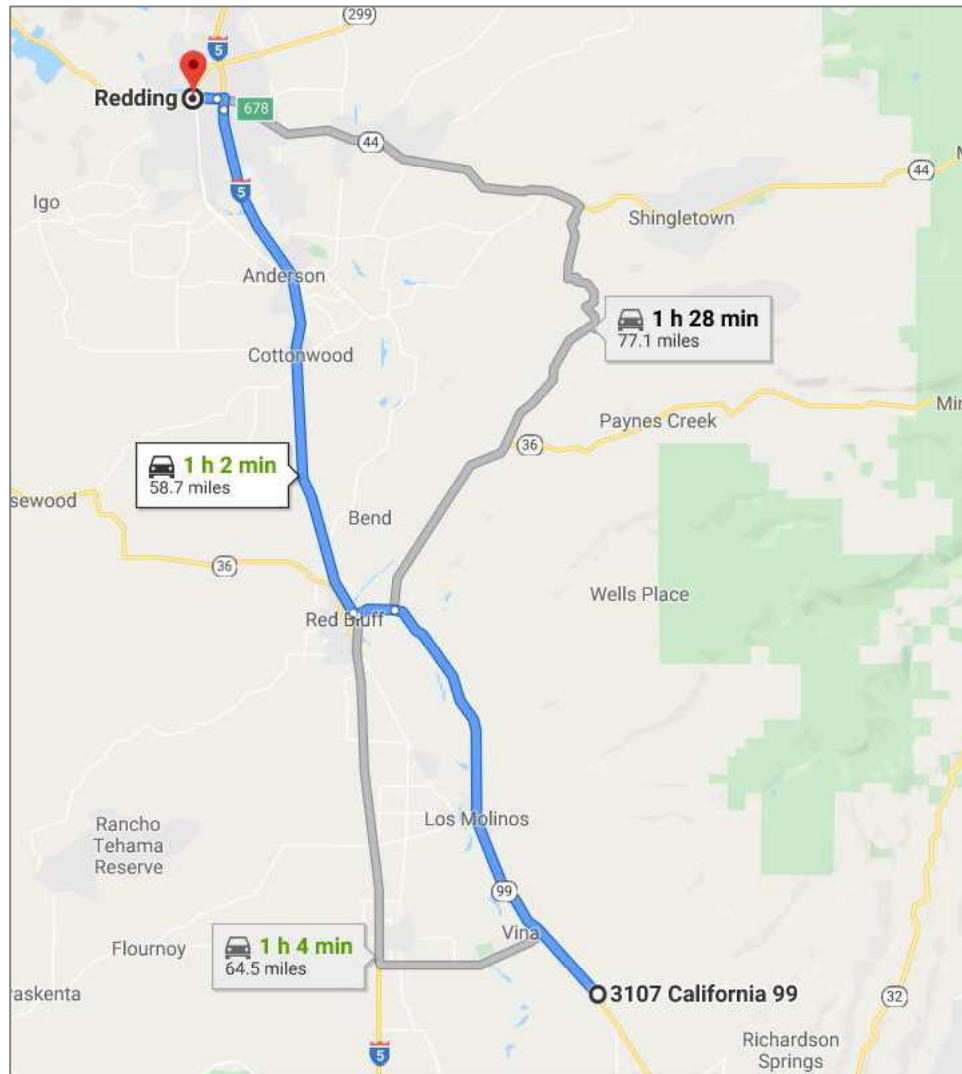
Google Maps (for Gateway Identification and Trip Length Beyond Local Model Gateways)

Google Maps (or similar online mapping tool) can be used as a quick tool for gateway identification and for determining trip lengths beyond a local model boundary. An example of trips from Chico leaving the BCAG model boundary to Redding is shown below. Trips for this OD pair pass through the gateway on SR 99 (based on the shortest travel time).





After a gateway is identified, the distance from the gate location to the trip end outside of the local model boundary can also be searched, as shown below.





Appendix (Cube Voyager Sample Script)

```
;TAZs from local model within the CSTDM
Project1='246-261'
;=====
; PM peak period highway skim
RUN PGM=highway
NETI=..\LoadedNetworks\HwyNetwork_Loaded_PM_?.net          ; input network
MATO=Skim_PM_?.mat, MO=1-4, NAME=TIME,GATE,GATE_DIST,FULL_DIST ; output skim matrix
  PHASE=ILOOP
    PATH=LI.TIME_2,MW[1]=PATHTRACE(LI.TIME_2), MW[2]=PATHTRACE(LI.GATE), MW[3]=PATHTRACE(LI.GATE_DIST),
    MW[4]=PATHTRACE(LI.DISTANCE)
  endphase
ENDRUN
;=====
; Summarize OD Volumes and Skim Matrices
RUN PGM=MATRIX
  MATI[1]=..\TripTables\OD_?.mat
  MATI[2]=Skim_PM_?.mat
  MATO=OD_Gate_VMT_?.mat, MO=1-6, name=VOL_DAY,GATE,GATE_DIST,GATE_VMT_DAY,FULL_DIST,FULL_VMT
  MW[1]=mi.1.1 + mi.1.2 + mi.1.3 + mi.1.4 + mi.1.5 + mi.1.6 + mi.1.7 + mi.1.8 + mi.1.9 + mi.1.10 + mi.1.11 + mi.1.12 +
  mi.1.13 + mi.1.14 + mi.1.15 + mi.1.16 + mi.1.17 + mi.1.18 + mi.1.19 + mi.1.20 + mi.1.21 + mi.1.22 + mi.1.23 + mi.1.24 +
  mi.1.25 + mi.1.26 + mi.1.27 + mi.1.28 + mi.1.29 + mi.1.30 + mi.1.31 + mi.1.32 + mi.1.33 + mi.1.34 + mi.1.35 + mi.1.36 +
  mi.1.37 + mi.1.38 + mi.1.39 + mi.1.40 + mi.1.41 + mi.1.42 + mi.1.43 + mi.1.44 + mi.1.45 + mi.1.46 + mi.1.47 + mi.1.48 +
  mi.1.49 + mi.1.50 + mi.1.51 + mi.1.52 + mi.1.53 + mi.1.54 + mi.1.55 + mi.1.56 + mi.1.57 + mi.1.58 + mi.1.59 + mi.1.60
  MW[2]=mi.2.2
  MW[3]=mi.2.3
  MW[4]=MW[1]*MW[3]
  MW[5]=mi.2.4
  MW[6]=MW[1]*MW[5]
ENDRUN
;=====
; Export to CSV
run pgm=matrix
filei mati[1] = OD_Gate_VMT_?.mat
fileo mato[1]= OD_Gate_VMT_?.IX.csv, MO=1-6, FORMAT=csv, PATTERN=IJM:V, DEC=d, DELIMITER=', '
fileo mato[2]= OD_Gate_VMT_?.XI.csv, MO=7-12, FORMAT=csv, PATTERN=IJM:V, DEC=d, DELIMITER=', '
  IF (I=@Project1@)
    MW[1]=MI.1.1 EXCLUDE=@Project1@
    MW[2]=MI.1.2 EXCLUDE=@Project1@
    MW[3]=MI.1.3 EXCLUDE=@Project1@
    MW[4]=MI.1.4 EXCLUDE=@Project1@
    MW[5]=MI.1.5 EXCLUDE=@Project1@
    MW[6]=MI.1.6 EXCLUDE=@Project1@
  ELSE
    MW[1]=0
    MW[2]=0
    MW[3]=0
    MW[4]=0
    MW[5]=0
    MW[6]=0
  ENDIF

JLOOP
IF (I=@Project1@ & J=@Project1@)
  MW[7]=0
  MW[8]=0
```



```
        MW[9]=0
        MW[10]=0
        MW[11]=0
        MW[12]=0
    ELSEIF (J=@Project1@)
        MW[7]=MI.1.1
        MW[8]=MI.1.2
        MW[9]=MI.1.3
        MW[10]=MI.1.4
        MW[11]=MI.1.5
        MW[12]=MI.1.6
    ELSE
        MW[7]=0
        MW[8]=0
        MW[9]=0
        MW[10]=0
        MW[11]=0
        MW[12]=0
    ENDIF
ENDJLOOP
ENDRUN
```


Appendix B:

CEQA VMT Transportation Impact Analysis Guidelines

Memorandum

Date: July 26, 2021
To: Olivia Ervin, City of Petaluma
From: Ian Barnes and Matt Goyne, Fehr & Peers
Subject: **CEQA VMT Transportation Impact Analysis Guidelines**

SF19-1023

This memorandum summarizes the City of Petaluma's VMT Transportation Impact Analysis (TIA) guidance to project applicants and transportation consultants regarding the need, form, and methods of evaluating a project's impacts to VMT for the purposes of CEQA Transportation section impact analysis. The guidance in this memorandum was developed as part of the City of Petaluma's formal SB 743 VMT implementation process and reflects the recommendations of the Technical Advisory Committee and the decisions of the City Council as part of the formal implementation process.

It is noted that City staff retain discretion to deviate from the guidance in the memorandum, or when substantial evidence exists to deviate from the guidance. These VMT TIA Guidelines may be periodically updated at the staff level to reflect best practices based on industry standards. Also, the guidance in this memorandum is provided for VMT analysis only, the City may (at its discretion) require an informational analysis of congestion using Level of Service (LOS) or other metrics as part of a non-CEQA analysis. The change to VMT analysis as part of the CEQA Transportation analysis process does not replace the need to study previously-required topics such as construction phase impacts, impacts to the bicycle, pedestrian and transit modes, emergency vehicle access and circulation, and the implementation of hazardous design features and/or incompatible uses of the roadway system.

It is noted that these VMT TIA Guidelines are related to the evaluation of VMT for CEQA Transportation analysis purposes only. Other recent Senate Bill 743-related policies released by Caltrans in July 2020 will require that safety impacts are analyzed in the future. Safety analysis guidelines will be prepared by the City as a future effort after the adoption of the VMT TIA Guidelines.



1. When is a TIA Required?

An applicant seeking project approval will submit the proposed project to the City of Petaluma Planning Division with an application for project review and approval. The project planner will transmit the application to Public Works for preliminary review, as part of the project review process. After a preliminary review of the project by Public Works, the applicant will be notified by the project planner in writing within 30 days of the application submittal date as to whether a TIA is required. The decision-making process will be based, in part or in whole, on the flow chart presented in **Attachment A**.

A TIA and VMT assessment shall be required for a proposed project that does not satisfy any of the identified project screening criteria (specifics discussed further in **Section 2.1**):

- Small projects
- Local serving retail less than 30,000 square feet
- Projects in a Low-VMT area
- Projects in proximity to a major transit stop
- 100 percent affordable housing in a jobs-rich area
- Transportation projects that will not result in an increase in vehicle capacity or VMT

Projects with drive-throughs are not eligible for screening and must complete a VMT analysis.

In cases where insufficient information is available to make a preliminary assessment of a proposal's effect on VMT, additional information may be requested or Public Works staff shall determine, at their discretion, whether a TIA will be required. The Planning Division may recommend that a VMT analysis be performed in cases where there is heightened CEQA risk for a project. Similarly, in cases where City staff have determined that it is in the public interest to complete a VMT analysis, a TIA may be required at City staff discretion even if the project meets one of the screening criteria.

A TIA must be prepared under the direction of a registered California traffic engineer or a registered California civil engineer with documented experience in traffic engineering and transportation planning. The TIA shall be submitted to Public Works and the Planning Division in a draft form. Comments relative to the analysis shall be provided by City staff (in writing) to the project proponent and its engineer so that any necessary revisions can be made prior to final submittal. The TIA is not deemed complete or final until it incorporates all necessary revisions and is prepared to the City's satisfaction.



2. Analysis Methodology

For purposes of SB 743 compliance and satisfying CEQA Guidelines §15064.3, a VMT analysis should be conducted for land use projects as deemed necessary by the City Traffic Engineer and would apply to projects that have the potential to result in VMT in excess of a percentage of the baseline VMT per capita (i.e., per resident or per employee) for the land use.

2.1. Project Screening Categories

There are six types of screening that may be applied to projects to allow for the bypassing of project-level VMT assessment. These screening criteria are summarized below:

- *Small Projects*: Projects that generate or attract fewer than 110 trips per day, which is equivalent to a 15-unit residential project or a non-residential project of 10,000 square feet or less. City staff retain the discretion to apply similar qualifications for the small project screening criteria as those that apply for *Projects in Proximity to a Major Transit Stop*.
- *Local Serving Retail*: Local-serving retail projects of less than 30,000 square feet may be screened on the basis that they may attract trips that would otherwise travel longer distances.
- *Projects in Low-VMT Area*: Residential and office/employment-focused projects that are in low-VMT areas (based on adopted VMT thresholds of significance) that are similar in similar to nearby developments in terms of density, mix of uses, and transit accessibility. Maps of low-VMT areas in the City are presented in **Attachment A**. It is noted that the TIA preparer should verify that the data in the maps, such as the baseline year and consistency of the development type with the SCTA land uses, is still appropriate for use. If the project is inconsistent with the underlying data (e.g., a single-family project in a zone with no existing single-family residential uses), then a detailed VMT analysis should be conducted to determine whether the project exceeds the VMT.
- *Projects in Proximity to a Major Transit Stop*: Projects within one-half mile (walking distance) of an existing or planned high-quality transit corridor or major transit station. These areas are generally delineated in the VMT maps in **Attachment A**; the TIA preparer must verify that the project site is within the one-half mile walking distance of the major transit stop. City staff retain the discretion to not allow the screening of projects within a half mile of the Corona Station or other planned transit service expansions until funding is secured. To qualify for this exemption, the following additional project design criteria must be met:
 - Floor Area Ratio (FAR) of 0.75 or more
 - Does not include more parking than required by the City of Petaluma
 - Is consistent with Plan Bay Area



- Does not replace affordable residential units with a smaller number of moderate- or high-income residential units (although a small market-rate project could qualify for small project screening)
- *Affordable Housing in Jobs-Rich Areas*: Projects with 100 percent affordable housing that are located in infill locations and areas with a high jobs-housing imbalance.
- *Transportation Projects*: Transit, bicycle, and pedestrian projects, and roadway maintenance projects that do not result in an increase in vehicle capacity or VMT.

As noted previously, projects with drive-throughs are not eligible for screening and must complete a VMT analysis unless otherwise exempted by City staff. City staff retain discretion to deny the use of a screening criteria if substantial evidence (as defined for CEQA purposes) exists that screening is not appropriate. Also, screening does not necessarily remove the requirement to analyze VMT for the purposes of the CEQA Air Quality, Greenhouse Gas and Energy analysis sections. City staff may require that a technical memorandum be prepared to support the rationale that a project meets screening criteria.

2.2. VMT Assessment for Non-Screened Development

Projects not screened through the steps above should complete VMT analysis and forecasting through the latest version of the Sonoma County Transportation Authority (SCTA) travel demand model to determine if the project results in a significant VMT impact. The version of the model being used should be approved by City staff and the release date of the model should be clearly documented in the TIA. This analysis should include "project generated VMT" and "project effect on VMT" estimates (where applicable) for the project TAZ (or TAZs) under the following scenarios:

- **Baseline conditions** – For residential and retail/commercial service information, baseline VMT information is available from the SCTA model. For office and employment-focused uses, baseline VMT information is available from the MTC model or published data sources from MTC; note that while baseline information of office and employment-focused projects is based on data from MTC, the SCTA model will be used in the evaluation of project impacts (see discussion is **Section 2.3**). Baseline conditions are defined as at the time of the release of the Notice of Preparation (NOP) when an Environmental Impact Report is being prepared or upon a determination that the project application is complete if an Initial study is being prepared. If baseline conditions at the time of NOP are not suitable based on substantial evidence, a historical baseline may be used. It is noted that the off-the-shelf SCTA base year (2015) travel demand model does not include the effects of SMART (which began revenue service in 2017); engineers completing traffic analyses are advised to justify and document selection of the baseline



- year and to secure acceptance by the City. Future iterations of the SCTA travel demand model base year are expected to include SMART. SCTA updates the travel demand model every two to three years and the traffic engineer should check to confirm they are using data from the latest available model version.
- **Baseline plus project conditions** - The project land use would be added to the project TAZ or a separate TAZ would be created to contain the project land uses. A full base year SCTA model run would be performed and VMT changes would be isolated for the project TAZ and across the full model network. The model output must include reasonableness checks of the production and attraction balancing to ensure the project effect is accurately captured. If this scenario results in a significant impact, then a Cumulative scenario analysis may be required at City staff discretion. Cumulative scenario analysis may reveal that the baseline plus project significant impact is temporary in nature if buildout of the General Plan land use pattern and multimodal transportation system results in a more efficient land use patterns and multimodal transportation connections (as measured by VMT per capita metrics).
 - **Cumulative conditions (if required)** - This data is available from the SCTA model. Cumulative conditions are defined as Year 2040 conditions and include land use and transportation network buildout of the adopted City General Plan. Engineers completing traffic analyses are advised to check the model land use and transportation network inputs to verify that they represent appropriate Year 2040 assumptions.
 - **Cumulative plus project conditions (if required)** - The project land use would be added to the project TAZ or a separate TAZ would be created to contain the project land uses. A full Year 2040 SCTA model run would be performed and VMT changes would be isolated for the project TAZ and across the full model network. The model output must include reasonableness checks of the production and attraction balancing to ensure the project effect is accurately captured.

The model output should include VMT per the relevant metric for the land use being studied. The VMT metrics by land use project type include:

- **Residential projects:** total home-based VMT per resident
- **Office and other employment-focused projects:** total home-based work VMT per employee
- **Retail and other commercial service projects:** total project effect on VMT within a geographic area



- **Redevelopment projects:** total project effect on VMT within a geographic area¹

Project-generated VMT shall be extracted from the travel demand forecasting model using the origin-destination trip matrix and shall multiply that matrix by the final origin-destination assignment “skim” matrices in the model. The project-effect on VMT in a geographic area shall be estimated considering all VMT within the geographic boundary; the geographic boundary shall be defined based on the project’s area of influence. In many cases, project-generated VMT and project-effect on VMT will be equal; engineers are advised to justify and document this assumption, if made.

2.3. Split-Model Approach for Office and Employment-Focused Uses

As noted in **Section 2.2** and as included in the thresholds for office and employment-focused uses provide in **Section 3**, analysis for these uses rely on a metric of total home-based work VMT per employee measured at the nine-county Bay Area level. This is due to the desire to maintain consistency with the OPR *Technical Advisory*. Data from the MTC model (or other published data from MTC) is suggested for the setting of baseline VMT values for this metric as it provides better information about home-based work VMT per employee for the entire Bay Area.

While the baseline information is based on the MTC model, the SCTA model should be used in the evaluation of VMT impacts. The SCTA model has been updated to include trip lengths on model gateway boundaries (at the border of Sonoma County with neighboring counties) based on location-based service “Big Data”, thus the SCTA model is able to account for the length of project trips beyond the county boundary. Based on discussions with SCTA staff, this split-model approach is valid because the SCTA model does effectively model the length of trips between Sonoma County and other destinations in the Bay Area through the use of Big Data. As such, the SCTA model also provides data on the length of trips between Petaluma and Mendocino County, something that the MTC does not provide well.

Ultimately this split model approach provides for a more conservative calculation because the roadway network detail in the SCTA model is more robust than the MTC model. Thus, the calculation using the SCTA model generally leads to slightly higher estimates of home-based work VMT per worker than the MTC model. Using a higher estimate of the project’s effect on VMT from the SCTA model versus the comparatively lower baseline value from the MTC model (or

¹ For redevelopment projects, City staff retain discretion to require a VMT analysis use the residential, office/employment, and/or retail thresholds if substantial evidence indicates that the redevelopment metric is not appropriate for a given project.



published information) yields a more conservative assessment of the projects CEQA impacts related to VMT.

2.4. Relationship between VMT and LOS Analyses

As noted previously, an analysis of congestion using Level of Service (LOS) or similar metrics may continue to be required by the City Traffic Engineer as part of an informational assessment of the project's effects on the operations of the City's circulation system. Guidelines for the conduction of informational, LOS-based congestion analysis are provided in a separate document. If the City requires improvement measures that add roadway capacity, the induced VMT effects of these improvements must be captured in the CEQA VMT analysis. The State Office of Planning and Research's *Technical Advisory on Evaluating Transportation Impacts in CEQA* contains a list of transportation system improvements that are presumed to not result in induced VMT; many typical LOS-related improvement strategies (installing traffic signals, installing turn pockets, etc.) are listed as presumed to not result in induced VMT.

2.5. CEQA Safety Analysis

In July 2020, Caltrans released interim guidance to its districts on how to review potential safety impacts for projects that affect the state highway system (<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-07-01-interim-lidigr-safety-guidance-a11y.pdf>). Guidelines for safety analysis will be released in the future after the VMT TIA Guidelines have been adopted, although it is noted that Caltrans may begin to provide safety analysis-related comments on Notices of Preparation or draft environmental documents at their discretion.

3. CEQA VMT Impact Thresholds

The following CEQA VMT impact thresholds have been adopted by the City Council through Resolution No. 2021-112. Projects resulting in a significant VMT impact are required to implement mitigation measures to alleviate the significant impact.

A project would result in a significant impact and require mitigation if:

- **For residential projects:** Project total home-based VMT per resident exceeds 16.8% of the City-wide average. The City-wide average baseline value applies until such time that the City of Petaluma exceeds the housing allocation for the City as identified in the Sustainable Communities Strategy (SCS) for the Bay Area region; if the City exceeds the SCS housing allocation, the nine-county Bay Area regional average applies.



- **For office and other employment-focused projects:** Project total home-based work VMT per employee exceeds 16.8% of the nine-county Bay Area regional average
- **For retail and other commercial service projects:** Project results in a net increase in VMT over the geographic area that the project influences.
- **For mixed-use and other projects:** Project components should be analyzed using the relevant thresholds for residential, office/employment-focus, or retail/commercial service projects. The benefit of a mix of uses on-site can and should be included in the analysis.
- **For transportation projects:** Project results in induced travel and an increase in City-wide VMT²
- **For redevelopment projects:** Project results in increased VMT versus current land uses. City staff retain discretion to identify the baseline VMT for use in the calculation (i.e. based on current uses or permitted uses).

4. VMT Mitigation Measures

To mitigate VMT impacts, the following choices are available to the applicant:

1. Modify the project's built environment characteristics (density, design diversity of uses, distance to transit, etc.) to reduce VMT generated by the project.
2. Implement Transportation Demand Management (TDM) measures to reduce VMT generated by the project.
3. Participate in a VMT fee program and/or VMT mitigation exchange/banking program (if available) to reduce VMT from the project or other land uses to achieve acceptable levels.

Measures appropriate for most of the City of Petaluma are summarized in Chapter 4 of the City's *Senate Bill 743 Vehicle-Miles Traveled Implementation Report*. Other TDM measures may be included as part of mitigation if substantial evidence exists that they are relevant to the project being analyzed.

VMT reductions should be evaluated using state-of-the-practice methodologies recognizing that many of the TDM strategies are dependent on building tenant performance over time. As such, actual VMT reduction cannot be reliably predicted, and monitoring may be necessary to gauge performance related to mitigation expectations.

When a project is found to have a significant impact under CEQA, the City of Petaluma requires developers and the business community to assist in reducing total vehicular trips and VMT by

² Analysis for non-screened transportation projects require the use of SCTA travel demand model runs for the No Project and Plus Project scenario and may include an assessment of induced VMT using the [UC Davis Induced Travel Calculator](#) or published literature on the topic (e.g. elasticities from *The Fundamental Law of Road Congestion: Evidence from US Cities*. (Duranton and Turner, 2012).



implementing TDM plans. The potential of a proposed project to reduce traffic through the use of a TDM plan should be addressed in the TIA.

If a TDM plan is proposed as a mitigation measure for a project, and the TIA attributes a reduction in VMT to the TDM plan, the following information must be provided:

1. A detailed description of the major components of the TDM plan and how it would be implemented and maintained on a continuing basis.
2. Case studies or empirical data that supports the anticipated reduction of traffic attributed to the TDM plan.
3. Enforcement Measures – how it will be monitored and enforced.

5. TIA Procedures

This section outlines the typical procedure for conducting a Transportation Impact Analysis (TIA) in Petaluma. The purpose of this procedure is to outline the process for securing necessary City staff concurrence and feedback on key study parameters, assumptions, results and conclusions throughout the TIA development process. This typical procedure can be modified at City staff discretion, but is a useful framework for communication between preparers of TIAs and City staff.

Step 1. Identify Scope of VMT Analysis: Using the flowchart presented in **Attachment A**, review the project description and characteristics such as types of uses, size, location, etc. to determine the level of VMT analysis required. Other required analysis beyond VMT analysis may include, but are not limited to, safety analysis, construction impact analysis, analysis of hazardous design features and incompatible uses, emergency vehicle access and circulation, analysis of the multimodal system (transit, bicycle and pedestrian modes), and informational LOS analysis.

Step 2. Develop Scope of Work and Submit for Approval: Develop scope of work for the TIA, including whether documentation will include a formal report or technical memorandum. Submit scope of work and supporting information and assumptions behind development of the scope to the City Traffic Engineer for review and approval. Additional review by other functional groups in the Public Works Department and Planning Division may be required for approval. Revise scope as necessary based on City staff comments.

Step 3. Prepare Draft TIA and Submit for Review: Conduct TIA and document in a formal report or memorandum (documentation assumption to be confirmed as part of scope review in Step 2). Documentation should include, at a minimum, relevant



information about the project description, discussion of analysis assumptions, methods and procedures, summary of calculations and results, and CEQA findings and mitigation measures (if necessary). It is recommended that the CEQA analysis and informational LOS analyses be provided in separate sections in the documentation. Submit documentation to City staff for review and comment. City staff will review the calculations, results and findings of the TIA and provide questions and comments for the TIA preparer to respond to.

Step 4. Respond to Comments and Submit for Approval: Revise TIA documentation based on City comments and respond to questions as appropriate. Submit a redline version of the documentation with edits and responses to comments (as appropriate). City staff will review the updated documentation and approve the documentation or provide additional questions or comments. *It is noted that the City strives to approve TIA reports or memoranda after one round of comments, but the City retains discretion to request additional information or provide additional comments/questions based on the responses/modifications provided in the updated TIA documentation.*

Attachment A

Citywide TDM Requirements

City of Petaluma

Final Citywide TDM Requirements

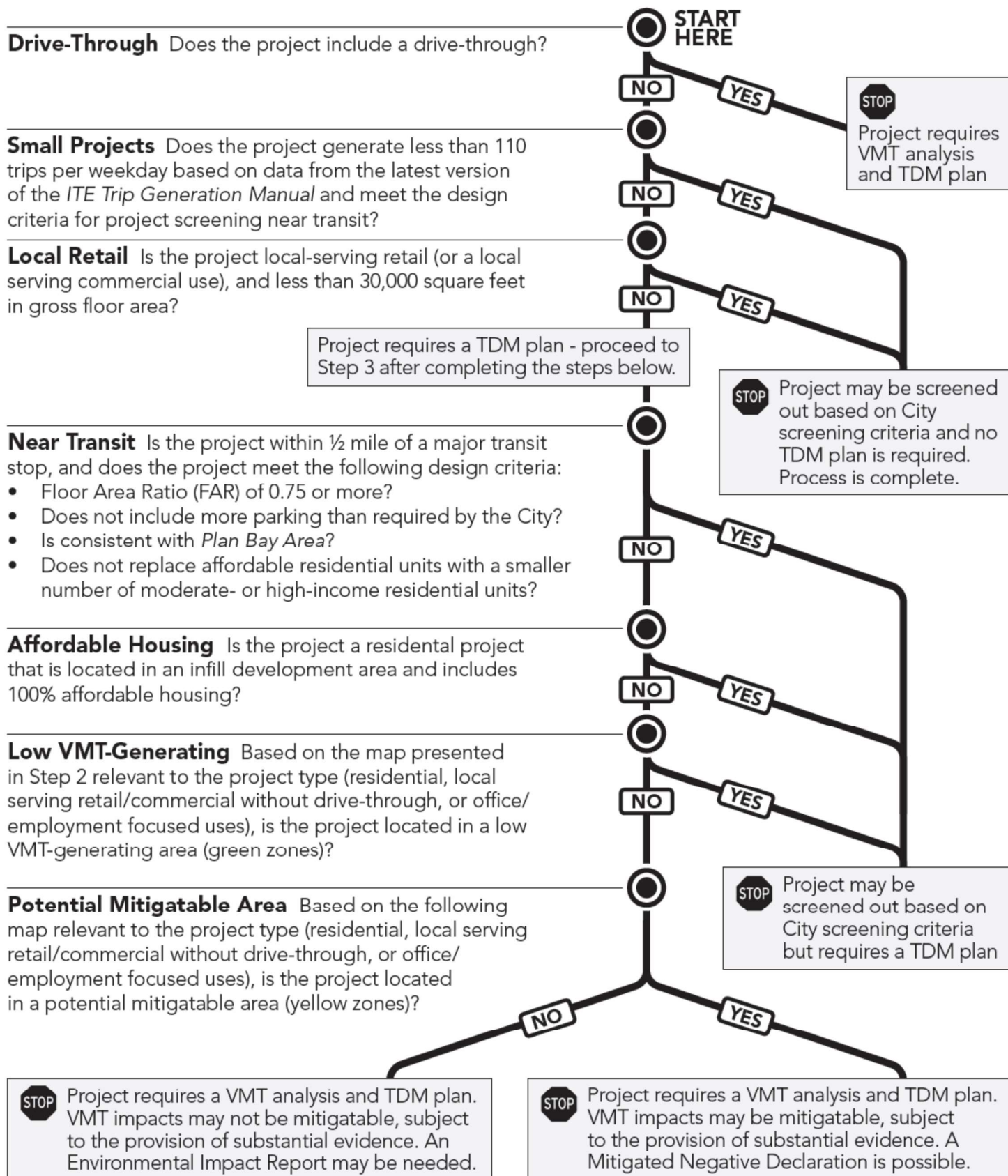
July 2021

prepared by

FEHR  PEERS

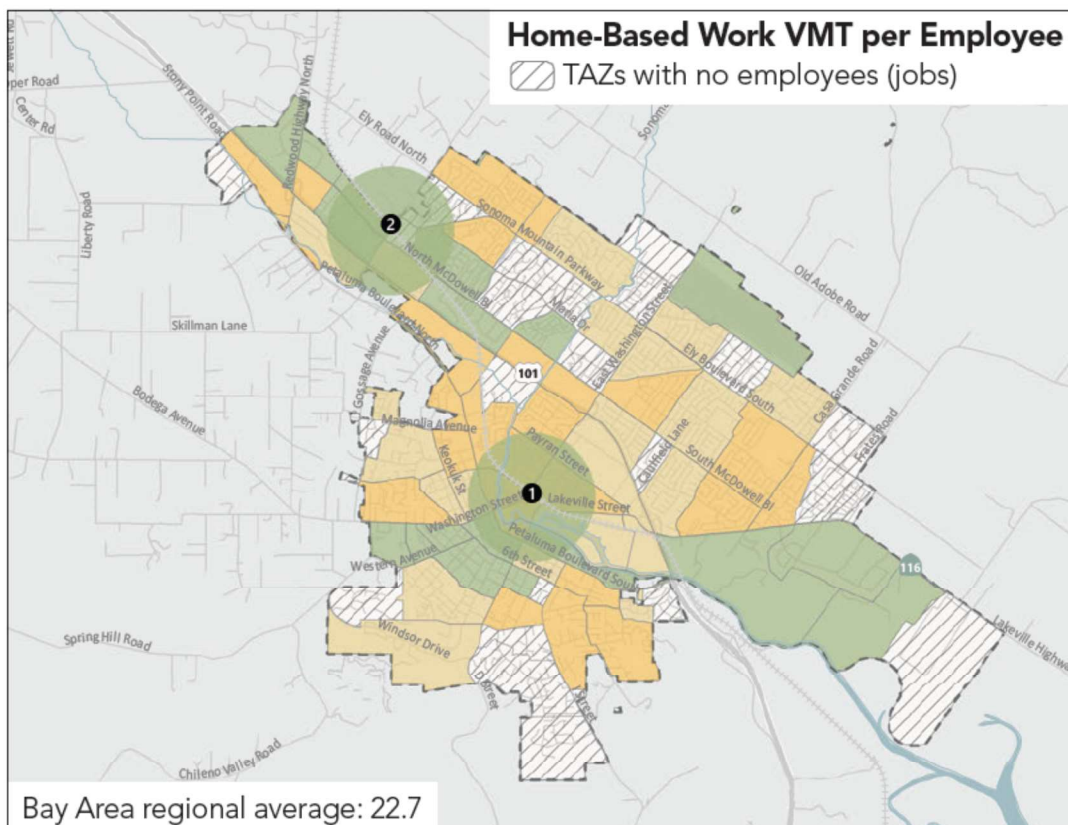


Step 1: Transportation CEQA Process



* See City of Petaluma's *CEQA VMT Transportation Impact Analysis Guidelines* for more information on these steps

Step 2: VMT Maps



Legend

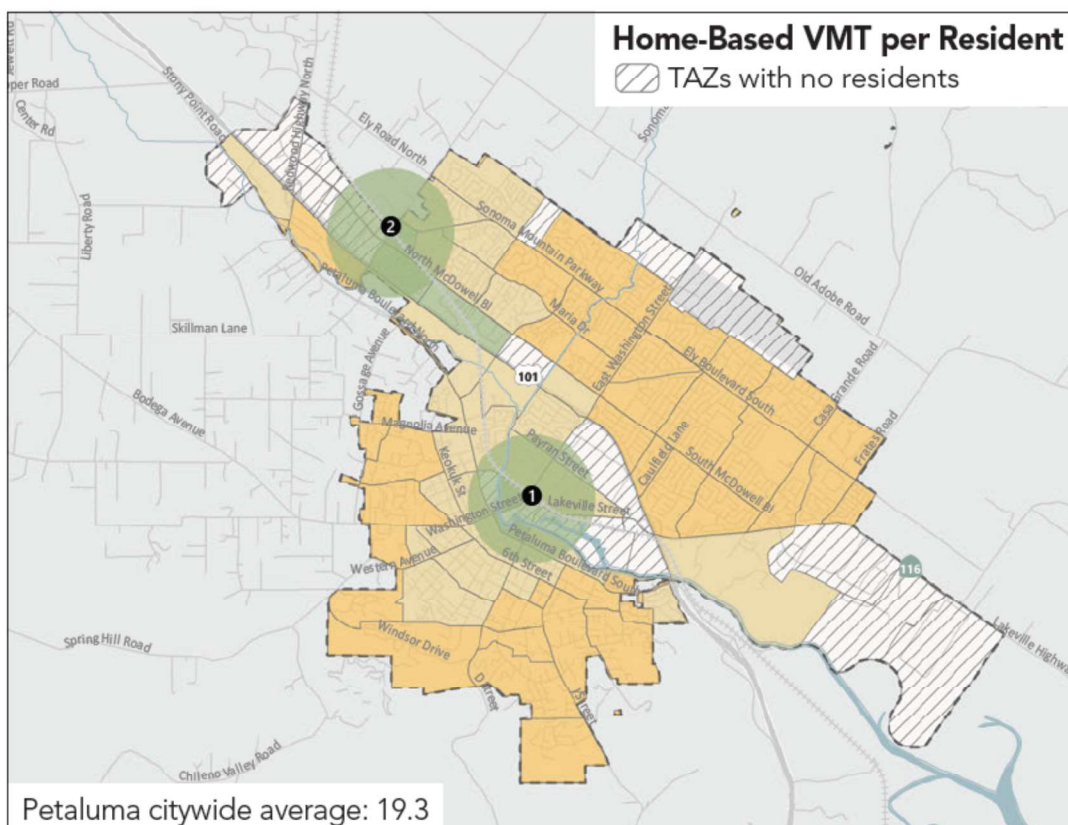
Data from Sonoma County Travel Demand Model

- 16.8% or more below average
- Between 16.8% and 0% below average
- Above average

- 1** Petaluma Downtown SMART station
- 2** Petaluma North SMART station (future - staff discretion remains for screening pending funding)

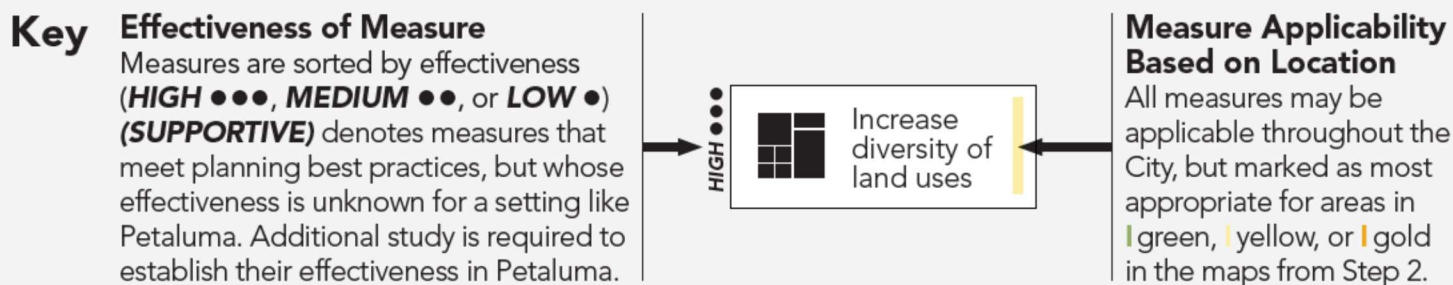
1/2-mile station buffer

City limits



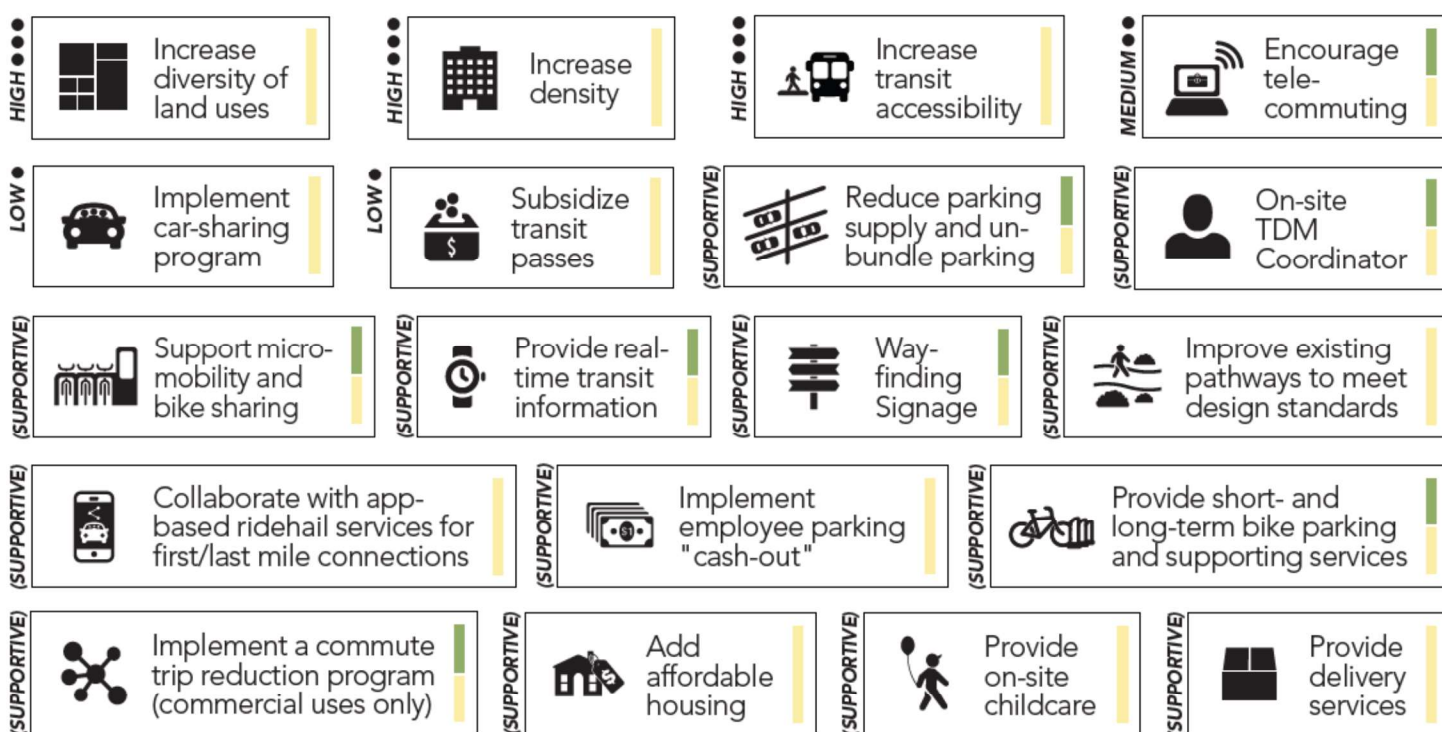
* These values were calculated using the 2015 base year of the August 2020 version of the Sonoma County Transportation Authority (SCTA) travel demand model. This model incorporates 'Big Data' to refine trip length estimates for inter-county trips. The 2015 horizon year was chosen as a baseline due to the effects of 2017 and 2019 Sonoma County wildfires and the 2020 COVID-19 pandemic. **These values should be updated with new baseline SCTA model information as it becomes available.**

Step 3: Draft Menu of TDM Measures



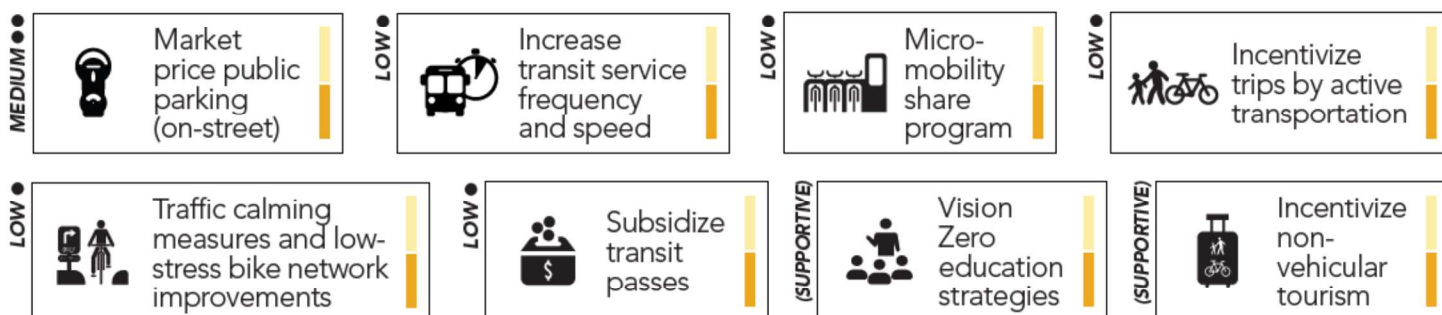
Project/Site Level Strategies

These strategies can influence travel behavior for residents, employees, and visitors to a project.



Community Level Strategies

Individual development projects have limited ability to implement these strategies, but may be able to contribute to established strategies through site design or off-site measures via citywide fee programs. These strategies generally have a low effectiveness, which increases when applied to a large population/neighborhood.



* Additional information on measures with quantifiable VMT reductions is provided in Senate Bill 743 Vehicle Miles Traveled Implementation Guidelines (July 2021).

Appendix C:

Methodologies to Quantify VMT Reductions

APPENDIX C – Methodologies to Quantify VMT Reduction



Increase Diversity of Urban and Suburban Developments (Mixed Use)

Range of Effectiveness:

0 – 12% vehicle miles traveled (VMT) reduction due to a mix of land uses within a single development (Ewing and Cervero, 2010).

0.3 – 4% VMT reduction due to change in land use entropy index (i.e., land use mix) within a project's sphere of influence (Zhang).

Measure Description:

Having different types of land uses near one another can decrease VMT since trips between land use types are shorter and may be accommodated by non-auto modes of transport. For example, when residential areas are in the same neighborhood as retail and office buildings, a resident does not need to travel outside of the neighborhood to meet his/her trip needs. A description of diverse uses for urban and suburban areas is provided below (CAPCOA 2010, p. 162)

Urban:

An urban project is predominantly characterized by properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with functional interrelationships and a coherent physical design. These mixed-use developments should encourage walking and other non-auto modes of transport from residential to office/commercial/institutional locations (and vice versa). The residential units should be within a quarter mile of parks, schools, or other civic uses. These projects minimize the need for external trips by including services/facilities for day care, banking/ATM, restaurants, vehicle refueling, and shopping (CAPCOA 2010, p. 162).

Suburban:

A suburban project has at least three of the following on site and/or offsite within a quarter mile: residential development, retail development, park, open space, or office. These mixed-use developments should encourage walking and other non-auto modes of transport from residential to office/commercial locations (and vice versa). These projects minimize the need for external trips by including services/facilities for day care, banking/ATM, restaurants, vehicle refueling, and shopping (CAPCOA 2010, p. 162).

Measure Applicability:

- Urban and suburban context
- Negligible impact in a rural context (unless the project is a master-planned community)
- Appropriate for mixed-use projects

Inputs:

The following information needs to be provided by the project applicant:

- Percentage of each land use type in the project

Mitigation Method:

$$\% \text{ VMT Reduction} = \text{Land Use} \times E_{\text{Diversity}}$$

(not to exceed 15% for non – work trips and 25% for commute trips)

Where:

$$\text{Land Use} = (\text{Land Use Index} - 0.15)/0.15 \text{ (not to exceed 500\% increase)}$$

$$\text{Land Use Index} = -a/\ln(6)$$

$$a = \sum_{i=1}^6 a_i \times \ln(a_i) \text{ (Song and Knaap, 2004)}$$

$$a_i = \text{Building floor area of land use } i / \text{total square feet of project land area}$$

- $a_1 = \text{Single family residential}$
- $a_2 = \text{Multifamily residential}$
- $a_3 = \text{Commercial}$
- $a_4 = \text{Industrial}$
- $a_5 = \text{Institutional}$
- $a_6 = \text{Park}$

$$E_{\text{Diversity}} = \text{Elasticity of VMT with respect to land use index} = 0.02 \text{ to } 0.08 \text{ [4]}$$

If land use a_i is not present, set a_i equal to 0.01

Discussion:

In the above calculation, a land use index of 0.15 is used as a baseline representing a development with a single land use. There are two separate maxima that should be noted: an effective cap of 500% on the allowable percentage increase of land use index and a cap of 15% and 25% on percent VMT reduction for non-work and commute trips, respectively. The 500 percent cap reflects the expected change in a land use index from 0.15 to 0.90, or from single use to a nearly equal balance of all six uses included in this method. The purpose for the 15% and 25% caps is to limit the influence of any single environmental factor (such as diversity). This emphasizes that community designs that implement multiple land use strategies (such as density, design, diversity, etc.) will show more of a reduction than relying on improvements from a single land use factor (CAPCOA 2010, p. 164).

The land use (or entropy) index measurement looks at the mix of land uses of a development. An index of 0 indicates a single land use while 1 indicates a full mix of uses. The preferred elasticity of VMT with respect to the land use mix index for Riverside County is 0.02, per work examining policy effects on VMT conducted by Salon et al for the Air Resource Board.

Example:

Sample calculations are provided below:

90% single family homes, 10% commercial

- $Land\ use\ index = -[0.9 \times \ln(0.9) + 0.1 \times \ln(0.1) + 4 \times 0.01 \times \ln(0.01)]/\ln(6) = 0.3$
- $Low\ Range\ \% VMT\ Reduction = (0.3 - 0.15)/0.15 \times 0.02 = 2\%$

1/6 single family, 1/6 multi-family, 1/6 commercial, 1/6 industrial, 1/6 institutional, 1/6 parks

- $Land\ use\ index = -[6 \times 0.17 \times \ln(0.17)]/\ln(6) = 1$
- $High\ Range\ \% VMT\ Reduction\ (land\ use\ index = 1)$
- $Land\ use = (1 - 0.15)/0.15 = 5.6\ or\ 566\%.$ Since this is greater than 500%, set to 500%
- $\% VMT\ Reduction = (5 \times 0.02) = 10\%$

References:

Ewing, R. and Cervero, R. (2010). Travel and the Built Environment - A Meta-Analysis. Journal of the American Planning Association, 76(3), 265-294. Cited in California Air Pollution Control Officers Association. (2010). Quantifying Greenhouse Gas Mitigation Measures. Retrieved from: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

Frank, L., Greenwald, M., Kavage, S. and Devlin, A. (2011). An Assessment of Urban Form and Pedestrian and Transit Improvements as an Integrated GHG Reduction Strategy. WSDOT Research Report WA-RD 765.1. Washington State Department of Transportation. Retrieved from: <http://www.wsdot.wa.gov/research/reports/fullreports/765.1.pdf>

Nasri, A. and Zhang, L. (2012). Impact of Metropolitan-Level Built Environment on Travel Behavior. Transportation Research Record: Journal of the Transportation Research Board, 2323(1), 75-79.

Sadek, A. et al. (2011). Reducing VMT through Smart Land-Use Design. New York State Energy Research and Development Authority. Retrieved from: https://www.dot.ny.gov/divisions/engineering/technical-services/trans-r-and-d-repository/C-08-29%20Final%20Report_December%202011%20%282%29.pdf

Salon, D., Boarnet, M. G., Handy, S., Spears, S., & Tal, G. (2012). How do local actions affect VMT? A critical review of the empirical evidence. *Transportation research part D: transport and environment*, 17(7), 495-508

Song, Y., and Knaap, G., "Measuring the effects of mixed land uses on housing values." Regional Science and Urban Economics 34 (2004) 663-680.(p. 669)
http://urban.csuohio.edu/~sugie/papers/RSUE/RSUE2005_Measuring%20the%20effects%20of%20mixed%20land%20use.pdf

Spears, S. et al. (2014). Impacts of Land-Use Mix on Passenger Vehicle Use and Greenhouse Gas Emissions- Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: <https://arb.ca.gov/cc/sb375/policies/policies.htm>

Quantifying Greenhouse Gas Mitigation Measures, California Air Pollution Control Officers Association (CAPCOA), 2010. Chapter 3.1.3 Increase Diversity of Urban and Suburban Developments (Mixed Use).

Zhang, Wengia et al. "Short- and Long-Term Effects of Land Use on Reducing Personal Vehicle Miles of Travel."

Increase Residential Density

Range of Effectiveness:

0.4% – 10.75% VMT reduction due to increasing residential density

Measure Description:

Designing the Project with increased densities, where allowed by the General Plan and/or Zoning Ordinance reduces GHG emissions associated with traffic in several ways. Density is usually measured in terms of persons, jobs, or dwellings per unit area. Increased densities affect the distance people travel and provide greater options for the mode of travel they choose. This strategy also provides a foundation for implementation of many other strategies which would benefit from increased densities. For example, transit ridership increases with density, which justifies enhanced transit service.

The reductions in GHG emissions are quantified based on reductions to VMT. The relationship between density and VMT is described by its elasticity (CAPCOA 2010, p. 155). The range of reductions is based on a range of elasticities from -0.04 to -0.22. The low end of the reductions represents a -0.04 elasticity of demand in response to a 10% increase in residential units or employment density and a -0.22 elasticity in response to 50% increase to residential/employment density.

Measure Applicability:

- Urban and suburban context
 - Negligible impact in a rural context
- Appropriate for residential, retail, office, industrial, and mixed-use projects

Inputs:

The following information needs to be provided by the project applicant:

- Number of housing units per acre or jobs per job acre

Mitigation Method:

$$\% \text{ VMT Reduction} = A * B \text{ [not to exceed 30\%]}$$

Where:

A = Percentage increase in housing units per acre or jobs per job acre = (number of housing units per acre or jobs per job acre – number of housing units per acre or jobs per job acre for typical ITE development) / (number of housing units per acre or jobs per job acre for typical ITE development). For small and medium sites (less than ½ mile in radius) the calculation of housing and jobs per acre should be performed for the development site as a whole, so that the analysis does not erroneously attribute trip reduction benefits to measures that simply shift jobs and housing within the site with no overall increase in site density. For larger sites, the analysis should address the development as several ½-mile-radius sites, so that shifts from one area to another would increase the density of the receiving area but reduce

the density of the donating area, resulting in trip generation rate decreases and increases, respectively, which cancel one another.

B = Elasticity of VMT with respect to density (from literature)

Detail:

- A: [not to exceed 500% increase]
 - If housing: $(\text{Number of housing units per acre} - 7.6) / 7.6$
 - If jobs: $\text{Number of jobs per acre} - 20 / 20$
- B: -0.04 elasticity in response to a 10% increase in residential units or employment density and a - 0.22 elasticity in response to 50% increase to residential/employment density

Discussion:

The VMT reductions for this strategy are based on changes in density versus the typical suburban residential and employment densities in North America (referred to as “ITE densities”). These densities are used as a baseline to mirror those densities reflected in the ITE Trip Generation Manual, which is the baseline method for determining VMT. There are two separate maxima noted in the fact sheet: a cap of 500% on the allowable percentage increase of housing units or jobs per acre (variable A) and a cap of 30% on % VMT reduction. The rationale for the 500% cap is that there are diminishing returns to any change in environment. For example, it is reasonably doubtful that increasing residential density by a factor of six instead of five would produce any additional change in travel behavior. The purpose for the 30% cap is to limit the influence of any single environmental factor (such as density). This emphasizes that community designs that implement multiple land use strategies (such as density, design, diversity, etc.) will show more of a reduction than relying on improvements from a single land use factor.

References:

Boarnet, M. and Handy, S. (2014). Impacts of Residential Density on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: <https://arb.ca.gov/cc/sb375/policies/policies.htm>

Quantifying Greenhouse Gas Mitigation Measures, California Air Pollution Control Officers Association (CAPCOA), 2010. Chapter 3.1.1 Increase Density

Stevens, M. (2017). Does Compact Development Make People Drive Less? Journal of the American Planning Association, 83(1), 7-18.

Increase Transit Accessibility

Range of Effectiveness:

- 1) 0 – 5.8% VMT reduction

VMT reduction when transit station is provided within 1/2 mile of development (compared to VMT for sites located outside 1/2 mile radius of transit). Locating high density development within 1/2 mile of transit will facilitate the use of transit by people traveling to or from the Project site. The use of transit results in a mode shift and therefore reduced VMT.

- 2) 0 – 7.3% VMT reduction

Reduction in vehicle trips due to implementing TOD. A project with a residential/commercial center designed around a rail or bus station, is called a transit-oriented development (TOD). The project description should include, at a minimum, the following design features:

- A transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk (or roughly ¼ mile from stop to edge of development), and/or
- A rail station located within a 20 minute walk (or roughly ½ mile from station to edge of development)
- Fast, frequent, and reliable transit service connecting to a high percentage of regional destinations
- Neighborhood designed for walking and cycling

Measure Description:

Locating a project with high density near transit will facilitate the use of transit by people traveling to or from the Project site. The use of transit results in a mode shift and therefore reduced VMT. A project with a residential/commercial center designed around a rail or bus station, is called a transit-oriented development (TOD). The project description should include, at a minimum, the following design features:

- A transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk (or roughly ¼ mile from stop to edge of development), and/or
- A rail station located within a 20 minute walk (or roughly ½ mile from station to edge of development)
- Fast, frequent, and reliable transit service connecting to a high percentage of regional destinations
- Neighborhood designed for walking and cycling

Measure Applicability:

- Urban and suburban context

- Appropriate in a rural context if development site is adjacent to a commuter rail station with convenient rail service to a major employment center
- Appropriate for residential, retail, office, industrial, and mixed-use projects

Inputs:

The following information needs to be provided by the project applicant:

- Distance to transit station in project

Mitigation Method:

$$\% \text{ VMT Reduction} = \text{Transit} * B [\text{not to exceed } 30\%]$$

Where:

Transit = Increase in transit mode share = % transit mode share for project - % transit mode share for typical ITE development

% transit mode share for project (see Table)

Distance to transit Transit mode share calculation equation	Distance to transit Transit mode share calculation equation
(where x = distance of project to transit)	(where x = distance of project to transit)
0 – 0.5 miles $-50*x + 38$	0 – 0.5 miles $-50*x + 38$
0.5 to 3 miles $-4.4*x + 15.2$	0.5 to 3 miles $-4.4*x + 15.2$
> 3 miles no impact	

B = adjustments from transit ridership increase to VMT (0.67)

Discussion:

The purpose for the 30% cap on percent VMT reduction is to limit the influence of any single environmental factor (such as transit accessibility). This emphasizes that community designs that implement multiple land use strategies (such as density, design, diversity, transit accessibility, etc.) will show more of a reduction than relying on improvements from a single land use factor.

References:

- 1) Lund, H. et al. (2004). Travel Characteristics of Transit-Oriented Development in California. Oakland, CA: Bay Area Rapid Transit District, Metropolitan Transportation Commission, and Caltrans.

Tal, G. et al. (2013). Policy Brief on the Impacts of Transit Access (Distance to Transit) Based on a Review of the Empirical Literature. California Air Resources Board. Retrieved from: https://www.arb.ca.gov/cc/sb375/policies/transitaccess/transit_access_brief120313.pdf
- 2) Zamir, K. R. et al. (2014). Effects of Transit-Oriented Development on Trip Generation, Distribution, and Mode Share in Washington, D.C., and Baltimore, Maryland. Transportation Research Record: Journal of the Transportation Research Board. 2413, 45–53. DOI: 10.3141/2413-05

Encourage Telecommuting and Alternative Work Schedules

Range of Effectiveness:

0.2 – 4.5% commute VMT reduction.

Measure Description:

Encouraging telecommuting and alternative work schedules reduces the number of commute trips and therefore VMT traveled by employees. Alternative work schedules could take the form of staggered starting times, flexible schedules, or compressed work weeks (CAPCOA 2010, p. 236).

Measure Applicability:

- Urban, suburban, and rural context
- Appropriate for retail, office, industrial, and mixed-use projects
- VMT reduction is dependent on the performance of individual building tenants and may change over time. On-going monitoring and adjustment is necessary to achieve sustained reductions in VMT.

Inputs:

The following information needs to be provided by the project applicant:

- Percentage of employees participating (1 – 25%)
- Telecommute elasticity (see discussion below)

Mitigation Method:

$$\% \text{ Commute VMT Reduction} = E_{\text{Telecommute}} * \text{Telecommute Delta}$$

Where:

$$\text{Telecommute Delta} = \% \text{ change in workers telecommuting with TDM Program}$$

$$E_{\text{Telecommute}} = \% \text{ change in VMT per \% change in workers telecommuting}$$

$$E_{\text{Telecommute}} = 0.18 \text{ to } 0.90$$

Discussion:

Telecommute Delta and $E_{\text{Telecommute}}$ should consider the potential for building tenants to change over time. Higher values require the employer at the site to be known and unlikely to change over time. $E_{\text{Telecommute}}$ will be lower in places with higher non-drive alone mode share, and higher in places with more drive alone vehicle mode share.

References:

Handy, Tal, Boarnet. 2013. "Policy Brief on the Impacts of Telecommuting Based on a Review of the Empirical Literature."

https://www.arb.ca.gov/cc/sb375/policies/telecommuting/telecommuting_brief120313.pdf

Quantifying Greenhouse Gas Mitigation Measures, California Air Pollution Control Officers Association (CAPCOA), 2010. Chapter 3.4.6 Encourage Telecommuting and Alternative Work Schedules

Provide Pedestrian Network Improvements

Range of Effectiveness:

0.5 – 5.7% VMT reduction

Measure Description:

Providing pedestrian access at and near a project site encourages people to walk instead of drive, presuming that desirable destinations exist within walking distance of the project. This mode shift results in people driving less and thus a reduction in VMT. The pedestrian access network should internally link all uses and connect to all existing or planned external streets and pedestrian facilities contiguous with the project site. It should also minimize barriers to pedestrian access and interconnectivity. Physical barriers such as walls, landscaping, and slopes that impede pedestrian circulation should be eliminated (CAPCOA 2010, p. 186).

Measure Applicability:

- Urban, suburban, and rural context
- Appropriate for residential, retail, office, industrial, and mixed-use projects
- Reduction benefit only occurs if the project has both pedestrian network improvements on site and connections to the larger off-site network. All calculations should incorporate the status of the network in the project's watershed (i.e., within a ¼ mile radius).
- Desirable destinations external to the project site must be within walking distance (i.e., preferably within a ¼ mile and no greater than ½ mile).

Inputs:

The project applicant must provide information regarding pedestrian access and connectivity within the project and to/from off-site destinations. The change in sidewalk coverage should represent the share of quality sidewalk and pedestrian facilities available in the surrounding area; for instance, if one block-face of ten is missing sidewalks, the existing coverage is 90%. This measure is not effective in reducing VMT in locations with already fully-developed, high quality sidewalk networks.

Mitigation Method:

$$\% \text{ VMT Reduction} = E_{PedAccess} \times \text{Sidewalk Delta}$$

Where:

$$E_{PedAccess} = \% \text{ Change in VMT per \% Increase in Sidewalk Coverage}$$

$$\text{Sidewalk Delta} = \text{Assumed change in sidewalk coverage compared to background condition}$$

Detail:

$$E_{PedAccess} = 0.0 \text{ to } 0.14 \text{ (0.07 preferred in absence of other data)}$$

$$\text{Sidewalk Delta} = 5\% \text{ to } 100\%$$

Discussion:

Pedestrian Access Elasticity varies at the local level and is dependent on many factors such as the urban form of the immediate area and population characteristics. When reliable studies are available and applicable to the project area, this elasticity should be calculated. Otherwise, 0.07 is recommended based on the range provided by Handy, S. et al.

References:

Handy, S. et al. (2014). Impacts of Pedestrian Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions – Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: <https://arb.ca.gov/cc/sb375/policies/policies.htm>

Quantifying Greenhouse Gas Mitigation Measures, California Air Pollution Control Officers Association (CAPCOA), 2010. Chapter 3.2.1 Provide Pedestrian Network Improvements.

Provide Traffic Calming Measures

Range of Effectiveness:

0 – 1.7% VMT reduction

Measure Description:

Providing traffic calming measures encourages people to walk or bike instead of using a vehicle. This mode shift results in a decrease in VMT. Project design should include pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements. Roadways should be designed to reduce motor vehicle speeds and encourage pedestrian and bicycle trips with traffic calming features. Traffic calming features may include: marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, etc. (CAPCOA 2010, p. 190).

Measure Applicability:

- Urban, suburban, and rural context
- Appropriate for residential, retail, office, industrial and mixed-use projects

Inputs:

The following information needs to be provided by the project applicant:

- Percentage of streets within project with traffic calming improvements
- Percentage of intersections within project with traffic calming improvements

Mitigation Calculation:

The VMT reduction is a function of the percentage of streets and intersections within the project with traffic calming improvements based on the following look up table.

% VMT Reduction		% of Streets with Improvements			
		25%	50%	75%	100%
% of Intersections with Improvements	25%	0.425%	0.425%	0.85%	0.85%
	50%	0.425%	0.85%	0.85%	1.275%
	75%	0.85%	0.85%	1.275%	1.275%
	100%	0.85%	1.275%	1.275%	1.7%

Discussion:

The table above allows the project applicant to calculate a VMT reduction estimate based on the project's street and intersection design with respect to traffic calming. The applicant should look at the rows on the left and choose the percent of intersections within the project which will have traffic calming improvements. Then, the applicant should look at the columns along the top and choose the percent of streets within the project which will have traffic calming improvements. The intersection cell of the row and column selected in the matrix is the VMT reduction estimate.

Though the literature provides some difference between a suburban and urban context, the difference is small and thus the lower VMT reduction estimate was used to be applied to all contexts. Rural context is not specifically discussed in the literature but is presumed to have little to no effect on VMT reduction due to the long-distances between trip origins and destinations.

Research by Zahabi, S. et al. attributes up to a 1.7% VMT reduction to traffic calming measures. The table above illustrates the range of VMT reductions based on the percent of streets and intersections with traffic calming measures implemented. CAPCOA 2010 used a range of 0.25% to 1% for VMT reduction. The VMT reductions were updated using the same methodology to allow for reductions up to 1.7%.

Because of the high potential for double-counting, caution should be used when combining this measure with "Provide Pedestrian Network Improvements."

References:

California Air Resources Board. (2016). Greenhouse Gas Quantification Methodology for the California Transportation Commission Active Transportation Program Greenhouse Gas Reduction Fund Fiscal Year 2016-17. Retrieved from: https://www.arb.ca.gov/cc/capandtrade/auctionproceeds/ctc_atp_finalqm_16-17.pdf.

Quantifying Greenhouse Gas Mitigation Measures, California Air Pollution Control Officers Association (CAPCOA), 2010. Chapter 3.2.2 Provide Traffic Calming Measures.

Zahabi, S. et al. (2016). Exploring the link between the neighborhood typologies, bicycle infrastructure and commuting cycling over time and the potential impact on commuter GHG emissions. Transportation Research Part D: Transport and Environment. 47, 89-103.

Implement Market Price Public Parking (On-Street)

Range of Effectiveness:

2.8% - 14.5% VMT reduction.

Measure Description:

Implement a pricing strategy for parking by pricing all central business district/employment center/retail center on-street parking. It will be priced to encourage park once" behavior. The benefit of this measure above that of paid parking at the project only is that it deters parking spillover from project supplied parking to other public parking nearby, which undermine the vehicle miles traveled (VMT) benefits of project pricing. It may also generate sufficient area-wide mode shifts to justify increased transit service to the area.

The VMT reduction applies to VMT from visitor/customer trips only. Reductions higher than top end of range from CAPCOA report apply only in conditions with highly constrained on-street parking supply and lack of comparably priced off-street parking.

Inputs:

The following information needs to be provided by the project applicant:

- Location of project site: low density suburb, suburban center, or urban location
- Percent increase in on-street parking prices (minimum 25% needed)

Mitigation Method:

$$\% \text{ VMT Reduction} = \text{Park\$} * B$$

Where:

$$\text{Park\$} = \text{Percent increase in on street parking prices (minimum 25\% increase)}$$

$$B = \text{Elasticity of VMT with respect to parking price}$$

Discussion:

The range of parking price increases should be a minimum of 25% and a maximum of 50%. The minimum is based on Moving Cooler discussions, which state that a less than 25% increase would not be a sufficient amount to reduce VMT. The case study looked at a 50% price increase, and thus no conclusions can be made on the elasticities above a 50% increase. This strategy may certainly be implemented at a higher price increase, but VMT reductions should be capped at results from a 50% increase to be conservative.

References:

Clinch, J.P. and Kelly, J.A. (2003). Temporal Variance Of Revealed Preference On-Street Parking Price Elasticity. Dublin: Department of Environmental Studies, University College Dublin. Retrieved from: <http://www.ucd.ie/gpep/research/workingpapers/2004/04-02.pdf>. Cited in Victoria Transport Policy

Institute (2017). Transportation Elasticities: How Prices and Other Factors Affect Travel Behavior. Retrieved from: <http://www.vtpi.org/tdm/tdm11.htm>

Hensher, D. and King, J. (2001). Parking Demand and Responsiveness to Supply, Price and Location in Sydney Central Business District. *Transportation Research A*. 35(3), 177-196.

Millard-Ball, A. et al. (2013). Is the curb 80% full or 20% empty? Assessing the impacts of San Francisco's parking pricing experiment. *Transportation Research Part A*. 63(2014), 76-92.

Shoup, D. (2011). *The High Cost of Free Parking*. APA Planners Press. p. 290. Cited in Pierce, G. and Shoup, D. (2013). Getting the Prices Right. *Journal of the American Planning Association*. 79(1), 67-81.

Increase Transit Service Frequency/Speed

Range of Effectiveness:

0.03 – 6.3% VMT reduction.

Measure Description:

This measure reduces transit-passenger travel time through reduced headways and increased speed and reliability. This makes transit service more attractive and may result in a mode shift from auto to transit which reduces VMT (CAPCOA 2010, p. 280).

Inputs:

The following information needs to be provided by the project applicant:

- Percentage reduction in headways (increase in frequency) for applicable transit routes
- Level of implementation
- Project setting: urban center, urban, suburban
- Existing transit mode share

Mitigation Method:

$$\% \text{ VMT Reduction} = \text{Headway} \times B \times C \times \text{Mode}$$

Where:

$$\text{Headway} = \% \text{ reduction in headways}$$

$$B = \text{Elasticity of transit ridership with respect to increased frequency of service}$$

$$C = \text{Ratio of vehicle trips reduced to number of new transit riders}$$

$$\text{Mode} = \text{Existing transit mode share}$$

Detail:

$$B = 0.50$$

$$C = 25\% \text{ to } 75\%$$

Discussion:

A 1% reduction in headways leads to 0.5% increase in transit ridership. This change is translated into a VMT reduction by applying a mode shift adjustment to account for new transit trips that do not represent displaced vehicle trips in addition to considering the existing transit mode share.

Variable C should be calculated based on local data. It is calculated by taking the length of an average transit trip within the sphere of influence of the project divided by the average vehicle trip length within the sphere of influence of the project.

References:

Handy, Lovejoy, Boarnet, Spears. 2013. "Impacts of Transit Service Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions." http://www.arb.ca.gov/cc/sb375/policies/transitservice/transit_brief.pdf

Litman, T. (2004). Transit price elasticities and cross-elasticities. *Journal of Public Transportation*, 7(2), 3.

Taylor, B. D., Miller, D., Iseki, H., & Fink, C. (2009). Nature and/or nurture? Analyzing the determinants of transit ridership across US urbanized areas. *Transportation Research Part A: Policy and Practice*, 43(1), 60-77.

Quantifying Greenhouse Gas Mitigation Measures, California Air Pollution Control Officers Association (CAPCOA), 2010. Chapter 3.5.4 Implement Transit Service Frequency/Speed

Implement Car-Sharing Program

Range of Effectiveness:

0.3 – 1.6% VMT reduction

Measure Description:

Implementation of a car-sharing program allows people to have on-demand access to a shared fleet of vehicles on an as-needed basis. VMT reduction occurs due to reductions in private vehicle ownership, lower convenience associated with indirect vehicle access, and the transparent cost of vehicle use. User costs are typically determined through mileage or hourly rates, with deposits and/or annual membership fees. The car-sharing program could be created through a local partnership or through one of many existing car-share companies. Car-sharing programs may be grouped into three general categories: residential- or citywide-based, employer-based, and transit station-based. Transit station-based programs focus on providing the “last-mile” solution and link transit with commuters’ final destinations. Residential-based programs work to substitute entire household-based trips. Employer-based programs provide a means for business/day trips for alternative mode commuters and provide a guaranteed ride home option (CAPCOA 2010, p. 245).

Measure Applicability:

- Urban and suburban context
- Negligible in a rural context
- Appropriate for residential, retail, office, industrial, and mixed-use projects

Inputs:

The following information needs to be provided by the project applicant:

- % reduction in car share member annual VMT
- Number of car share members per household

Mitigation Method:

$$\% \text{ VMT Reduction} = P_{\text{CarShare}} \times \text{Adoption Rate}$$

Where:

$$P_{\text{CarShare}} = \% \text{ reduction in car share member annual VMT}$$

$$\text{Adoption Rate} = \text{number of car share members per household}$$

Detail:

$$P_{\text{CarShare}} = 26.9 \text{ to } 37\%$$

$$\text{Adoption Rate} = 1\% \text{ to } 2\%$$

Discussion:

The applicant must consider the demand for car-shares in a community before calculating a VMT reduction. If a community cannot support the proposed number of cars deployed, VMT reduction may be overestimated.

The percent reduction in car share member annual VMT is dependent on characteristics of the community, its residents, and for what purposes the car-sharing program is to be used for. Analysts should consult the literature to understand how these variables affect the range of reductions prior to completing the calculation of VMT reduction.

References:

Clewlow, Regina R. and Mishra, Gouri Shankar, (2017). Disruptive Transportation: The Adoption, Utilization, and Impacts of Ride-Hailing in the United States. UC Davis, Institute of Transportation Studies. Research Report - UCD-ITS-RR-17-07.

Lovejoy, K. et al. (2013). Impacts of Carsharing on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: <https://arb.ca.gov/cc/sb375/policies/policies.htm>

Quantifying Greenhouse Gas Mitigation Measures, California Air Pollution Control Officers Association (CAPCOA), 2010. Chapter 3.4.9 Implement Car-Sharing Program

Appendix D:

CAPCOA Guidance on Combining TDM Strategies

APPENDIX D – CAPCOA Guidance on Combining TDM Strategies



Chart 6-2: Transportation Strategies Organization

Transportation Measures (Five Subcategories) Global Maximum Reduction (all VMT): urban = 75%; compact infill = 40%; suburban center or suburban with NEV = 20%; suburban = 15%					Global Cap for Road Pricing needs further study	
Transportation Measures (Four Categories) Cross-Category Max Reduction (all VMT): urban = 70%; compact infill = 35%; suburban center or suburban with NEV = 15%; suburban = 10%				Max Reduction = 15% overall; work VMT = 25%; school VMT = 65%;	Max Reduction = 25% (all VMT)	
Land Use / Location Max Reduction: urban = 65%; compact infill = 30%; suburban center = 10%; suburban = 5%	Neighborhood / Site Enhancement Max Reduction: without NEV = 5%; with NEV = 15%	Parking Policy / Pricing Max Reduction = 20%	Transit System Improvements Max Reduction = 10%	Commute Trip Reduction (assumes mixed use) Max Reduction = 25% (work VMT)	Road Pricing Management Max Reduction = 25%	Vehicles
Density (30%)	Pedestrian Network (2%)	Parking Supply Limits (12.5%)	Network Expansion (8.2%)	CTR Program Required = 21% work VMT Voluntary = 6.2% work VMT	Cordon Pricing (22%)	Electrify Loading Docks
Design (21.3%)	Traffic Calming (1%)	Unbundled Parking Costs (13%)	Service Frequency / Speed (2.5%)	Transit Fare Subsidy (20% work VMT)	Traffic Flow Improvements (45% CO2)	Utilize Alternative Fueled Vehicles
Location Efficiency (65%)	NEV Network (14.4) <NEV Parking>	On-Street Market Pricing (5.5%)	Bus Rapid Transit (3.2%)	Employee Parking Cash-out (7.7% work VMT)	Required Contributions by Project	Utilize Electric or Hybrid Vehicles
Diversity (30%)	Car Share Program (0.7%)	Residential Area Parking Permits	Access Improvements	Workplace Parking Pricing (19.7% work VMT)		
Destination Accessibility (20%)	Bicycle Network <Lanes> <Parking> <Land Dedication for Trails>		Station Bike Parking	Alternative Work Schedules & Telecommute (5.5% work VMT)		
Transit Accessibility (25%)	Urban Non-Motorized Zones		Local Shuttles	CTR Marketing (5.5% work VMT)		
BMR Housing (1.2%)			Park & Ride Lots*	Employer-Sponsored Vanpool/Shuttle (13.4% work VMT)		
Orientation Toward Non-Auto Corridor				Ride Share Program (15% work VMT)		
Proximity to Bike Path				Bike Share Program		
				End of Trip Facilities		
				Preferential Parking Permit		
				School Pool (15.8% school VMT)		
				School Bus (6.3% school VMT)		
	Note: Strategies in bold text are primary strategies with reported VMT reductions; non-bolded strategies are support or grouped strategies.					

Note: Strategies in bold text are primary strategies with reported VMT reductions; non-bolded strategies are support or grouped strategies.

Grouping of Strategies

Strategies noted as “grouped” are separately documented in individual Fact Sheets but must be paired with other strategies within the category. When these “grouped” strategies are implemented together, the combination will result in either an enhancement to the primary strategy by improving its effectiveness or a non-negligible reduction in effectiveness that would not occur without the combination.

Rules for Combining Strategies or Measures

Mitigation measures or strategies are frequently implemented together with other measures. Often, combining measures can lead to better emission reductions than implementing a single measure by itself. Unfortunately, the effects of combining the measures are not always as straightforward as they might at first appear. When more and more measures are implemented to mitigate a particular source of emissions, the benefit of each additional measure diminishes. If it didn't, some odd results would occur. For example, if there were a series of measures that each, independently, was predicted to reduce emissions from a source by 10%, and if the effect of each measure was independent of the others, then implementing ten measures would reduce all of the emissions; and what would happen with the eleventh measure? Would the combination reduce 110% of the emissions? No. In fact, each successive measure is slightly less effective than predicted when implemented on its own.

On the other hand, some measures enhance the performance of a primary measure when they are combined. This Report includes a set of rules that govern different ways of combining measures. The rules depend on whether the measures are in the *same* category, or different categories. Remember, the categories include: Energy, Transportation, Water, Landscape Equipment, Solid Waste, Vegetation, Construction, Miscellaneous Categories, and General Plans.

Combinations Between Categories: The following procedures must be followed when combining mitigation measures that fall in separate categories. In order to determine the overall reduction in GHG emissions compared to the baseline emissions, the relative magnitude of emissions between the source categories needs to be considered. To do this, the user should determine the percent contribution made by each individual category to the overall baseline GHG emissions. This percent contribution by a category should be multiplied by the reduction percentages from mitigation measures in that category to determine the scaled GHG emission reductions from the measures in that category. This is done for each category to be combined. The scaled GHG emissions for each category can then be added together to give a total GHG reduction for the combined measures in all of the categories.

For example, consider a project whose total GHG emissions come from the following categories: transportation (50%), building energy use (40%), water (6%), and other (4%). This project implements a transportation mitigation measure that results in a 10% reduction in VMT. The project also implements mitigation measures that result in a 30% reduction in water usage. The overall reduction in GHG emissions is as follows:

Reduction from Transportation: $0.50 \times 0.10 = 0.5$ or 5%

Reduction from Water: $0.06 \times 0.30 = 0.018$ or 1.8%

Total Reduction: $5\% + 1.8\% = 6.8\%$

This example illustrates the importance of the magnitude of a source category and its influence on the overall GHG emission reductions.

The percent contributions from source categories will vary from project to project. In a commercial-only project it may not be unusual for transportation emissions to represent greater than 75% of all GHG emissions whereas for a residential or mixed use project, transportation emissions would be below 50%.

Combinations Within Categories: The following procedures must be followed when combining mitigation measures that fall within the same category.

Non-Transportation Combinations: When combining non-transportation subcategories, the total amount of reductions for that category should not exceed 100% except for categories that would result in additional excess capacity that can be used by others, but which the project wants to take credit for (subject to approval of the reviewing agency). This may include alternative energy generation systems tied into the grid, vegetation measures, and excess graywater or recycled water generated by the project and used by others. These excess emission reductions may be used to offset other categories of emissions, with approval of the agency reviewing the project. In these cases of excess capacity, the quantified amounts of excess emissions must be carefully verified to ensure that any credit allowed for these additional reductions is truly surplus.

Category Maximum- Each category has a maximum allowable reduction for the combination of measures in that category. It is intended to ensure that emissions are not double counted when measures within the category are combined. Effectiveness levels for multiple strategies within a subcategory (as denoted by a column in the appropriate chart, above) may be multiplied to determine a combined effectiveness level up to a maximum level. This should be done first to mitigation measures that are a source reduction followed by those that are a reduction to emission factors. Since the combination of mitigation measures and independence of mitigation measures are both complicated, this Report recommends that mitigation measure reductions within a category be multiplied unless a project applicant can provide substantial evidence indicating that emission reductions are independent of one another. This will take the following form:

$$\text{GHG emission reduction for category} = 1 - [(1-A) \times (1-B) \times (1-C)]$$

Where:

A, B and C = Individual mitigation measure reduction percentages for the strategies to be combined in a given category.

Global Maximum- A separate maximum, referred to as a global maximum level, is also provided for a combination across subcategories. Effectiveness levels for multiple strategies across categories may also be multiplied to determine a combined effectiveness level up to global maximum level.

For example, consider a project that is combining 3 mitigation strategies from the water category. This project will install low-flow fixtures (measure WUW-1), use water-efficient irrigation (measure WUW-4, and reduce turf (measure WUW-5). Reductions from these measures will be:

- low-flow fixtures 20% or 0.20 (A)
- water efficient irrigation 10% or 0.10 (B)
- turf reductions 20% or 0.20 (C)

To combine measures within a category, the reductions would be

$$\begin{aligned}
 &= 1-[(1-A) \times (1-B) \times (1-C)] \\
 &= 1-[(1-.20) \times (1-.10) \times (1-.20)] \\
 &= 1-[(0.8) \times (0.9) \times (.8)] \\
 &= 1-0.576 = 0.424 \\
 &= 42.4\%
 \end{aligned}$$

Transportation Combinations: The interactions between the various categories of transportation-related mitigation measures is complex and sometimes counter-intuitive. Combining these measures can have a substantive impact on the quantification of the associated emission reductions. In order to safeguard the accuracy and reliability of the methods, while maintaining their ease of use, the following rules have been developed and should be followed when combining transportation-related mitigation measures. The rules are presented by sub-category, and reference Chart 6-2 Transportation Strategies Organization. The maximum reduction values also reflect the highest reduction levels justified by the literature. The chart indicates maximum reductions for individual mitigation measures just below the measure name.

Cross-Category Maximum- A cross-category maximum is provided for any combination of land use, neighborhood enhancements, parking, and transit strategies (columns A-D in Chart 6-1, with the maximum shown in the top row). The total project VMT reduction across these categories should be capped at these levels based on empirical evidence.³ Caps are provided for the location/development type of the project. VMT reductions may be multiplied across the four categories up to this maximum. These include:

- Urban: 70% VMT
- Compact Infill: 35%
- Suburban Center (or Suburban with NEV): 15%
- Suburban: 10% (note that projects with this level of reduction must include a diverse land use mix, workforce housing, and project-specific transit; limited empirical evidence is available)

(See blue box, pp. 58-59.)

³ As reported by Holtzclaw, et al for the State of California.

As used in this Report, location settings are defined as follows:

Urban: A project located within the central city and may be characterized by multi-family housing, located near office and retail. Downtown Oakland and the Nob Hill neighborhood in San Francisco are examples of the typical urban area represented in this category. The urban maximum reduction is derived from the average of the percentage difference in per capita VMT versus the California statewide average (assumed analogous to an ITE baseline) for the following locations:

Location	Percent Reduction from Statewide VMT/Capita
Central Berkeley	-48%
San Francisco	-49%
Pacific Heights (SF)	-79%
North Beach (SF)	-82%
Mission District (SF)	-75%
Nob Hill (SF)	-63%
Downtown Oakland	-61%

The average reflects a range of 48% less VMT/capita (Central Berkeley) to 82% less VMT/capita (North Beach, San Francisco) compared to the statewide average. The urban locations listed above have the following characteristics:

- o Location relative to the regional core: these locations are within the CBD or less than five miles from the CBD (downtown Oakland and downtown San Francisco).
- o Ratio or relationship between jobs and housing: jobs-rich (jobs/housing ratio greater than 1.5)
- o Density character
 - typical building heights in stories: six stories or (much) higher
 - typical street pattern: grid
 - typical setbacks: minimal
 - parking supply: constrained on and off street
 - parking prices: high to the highest in the region
- o Transit availability: high quality rail service and/or comprehensive bus service at 10 minute headways or less in peak hours

Compact infill: A project located on an existing site within the central city or inner-ring suburb with high-frequency transit service. Examples may be community redevelopment areas, reusing abandoned sites, intensification of land use at established transit stations, or converting underutilized or older industrial buildings. Albany and the Fairfax area of Los Angeles are examples of typical compact infill area as used here. The compact infill maximum reduction is derived from the average of the percentage difference in per capita VMT versus the California statewide average for the following locations:

Location	Percent Reduction from Statewide VMT/Capita
Franklin Park, Hollywood	-22%
Albany	-25%
Fairfax Area, Los Angeles	-29%
Hayward	-42%

The average reflects a range of 22% less VMT/capita (Franklin Park, Hollywood) to 42% less VMT/capita (Hayward) compared to the statewide average. The compact infill locations listed above have the following characteristics:

- o Location relative to the regional core: these locations are typically 5 to 15 miles outside a regional CBD
- o Ratio or relationship between jobs and housing: balanced (jobs/housing ratio ranging from 0.9 to 1.2)
- o Density character
 - typical building heights in stories: two to four stories
 - typical street pattern: grid
 - typical setbacks: 0 to 20 feet
 - parking supply: constrained
 - parking prices: low to moderate
- o Transit availability: rail service within two miles, or bus service at 15 minute peak headways or less

Understanding and Using the Fact Sheets

As used in this Report, additional location settings are defined as follows:

Suburban Center: A project typically involving a cluster of multi-use development within dispersed, low-density, automobile dependent land use patterns (a suburb). The center may be an historic downtown of a smaller community that has become surrounded by its region's suburban growth pattern in the latter half of the 20th Century. The suburban center serves the population of the suburb with office, retail and housing which is denser than the surrounding suburb. The suburban center maximum reduction is derived from the average of the percentage difference in per capita VMT versus the California statewide average for the following locations:

Location	Percent Reduction from Statewide VMT/Capita
Sebastopol	0%
San Rafael (Downtown)	-10%
San Mateo	-17%

The average reflects a range of 0% less VMT/capita (Sebastopol) to 17% less VMT/capita (San Mateo) compared to the statewide average. The suburban center locations listed above have the following characteristics:

- Location relative to the regional core: these locations are typically 20 miles or more from a regional CBD
- Ratio or relationship between jobs and housing: balanced
- Density character
 - typical building heights in stories: two stories
 - typical street pattern: grid
 - typical setbacks: 0 to 20 feet
 - parking supply: somewhat constrained on street; typically ample off-street
 - parking prices: low (if priced at all)
- Transit availability: bus service at 20-30 minute headways and/or a commuter rail station

While all three locations in this category reflect a suburban "downtown," San Mateo is served by regional rail (Caltrain) and the other locations are served by bus transit only. Sebastopol is located more than 50 miles from downtown San Francisco, the nearest urban center. San Rafael and San Mateo are located 20 miles from downtown San Francisco.

Suburban: A project characterized by dispersed, low-density, single-use, automobile dependent land use patterns, usually outside of the central city (a suburb). Suburbs typically have the following characteristics:

- Location relative to the regional core: these locations are typically 20 miles or more from a regional CBD
- Ratio or relationship between jobs and housing: jobs poor
- Density character
 - typical building heights in stories: one to two stories
 - typical street pattern: curvilinear (cul-de-sac based)
 - typical setbacks: parking is generally placed between the street and office or retail buildings; large-lot residential is common
 - parking supply: ample, largely surface lot-based
 - parking prices: none
- Transit availability: limited bus service, with peak headways 30 minutes or more

The maximum reduction provided for this category assumes that regardless of the measures implemented, the project's distance from transit, density, design, and lack of mixed use destinations will keep the effect of any strategies to a minimum.

Global Maximum- A global maximum is provided for any combination of land use, neighborhood enhancements, parking, transit, and commute trip reduction strategies (the first five columns in the organization chart). This excludes reductions from road-pricing measurements which are discussed separately below. The total project VMT reduction across these categories, which can be combined through multiplication, should be capped

at these levels based on empirical evidence.⁴ Maximums are provided for the location/development type of the project. The Global Maximum values can be found in the top row of Chart 6-2.

These include:

- Urban: 75% VMT
- Compact Infill: 40% VMT
- Suburban Center (or Suburban with NEV): 20%
- Suburban: 15% (limited empirical evidence available)

Specific Rules for Subcategories within Transportation- Because of the unique interactions of measures within the Transportation Category, each subcategory has additional rules or criteria for combining measures.

❖ **Land Use/Location Strategies – Maximum Reduction Factors:** Land use measures apply to a project area with a radius of ½ mile. If the project area under review is greater than this, the study area should be divided into subareas of radii of ½ mile, with subarea boundaries determined by natural “clusters” of integrated land uses within a common watershed. If the project study area is smaller than ½ mile in radius, other land uses within a ½ mile radius of the key destination point in the study area (i.e. train station or employment center) should be included in design, density, and diversity calculations. Land use measures are capped based on empirical evidence for location setting types as follows:⁵

- Urban: 65% VMT
- Compact Infill: 30% VMT
- Suburban Center: 10% VMT
- Suburban: 5% VMT

❖ **Neighborhood/Site Enhancements Strategies – Maximum Reduction Factors:** The neighborhood/site enhancements category is capped at 12.7% VMT reduction (with Neighborhood Electric Vehicles (NEVs)) and 5% without NEVs based on empirical evidence (for NEVs) and the multiplied combination of the non-NEV measures.

❖ **Parking Strategies – Maximum Reduction Factors:** Parking strategies should be implemented in one of two combinations:

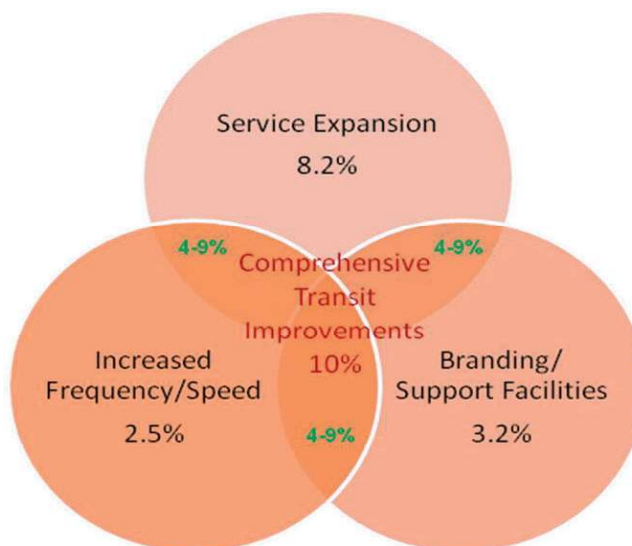
- Limited (reduced) off-street supply ratios plus residential permit parking and priced on-street parking (to limit spillover), or
- Unbundled parking plus residential permit parking and priced on-street parking (to limit spillover).

⁴ As reported by Holtzclaw, et al for the State of California. Note that CTR strategies must be converted to overall VMT reductions (from work-trip VMT reductions) before being combined with strategies in other categories.

⁵ As reported for California locations in Holtzclaw, et al. “Location Efficiency: Neighborhood and Socioeconomic Characteristics Determine Auto Ownership and Use – Studies in Chicago, Los Angeles, and San Francisco.” *Transportation Planning and Technology*, 2002, Vol. 25, pp. 1–27.

Note: The reduction maximum of 20% VMT reflects the combined (multiplied) effect of unbundled parking and priced on-street parking.

- ❖ **Transit System Strategies – Maximum Reduction Factors:** The 10% VMT reduction maximum for transit system improvements reflects the combined (multiplied) effect of network expansion and service frequency/speed enhancements. A comprehensive transit improvement would receive this type of reduction, as shown in the center overlap in the Venn diagram, below.



- ❖ **Commuter Trip Reductions (CTR) Strategies – Maximum Reduction Factors:** The most effective commute trip reduction measures combine incentives, disincentives, and mandatory monitoring, often through a transportation demand management (TDM) ordinance. Incentives encourage a particular action, for example parking cash-out, where the employee receives a monetary incentive for not driving to work, but is not punished for maintaining status quo. Disincentives establish a penalty for a status quo action. An example is workplace parking pricing, where the employee is now monetarily penalized for driving to work. The 25% maximum for work-related VMT applies to comprehensive CTR programs. TDM strategies that include only incentives, only disincentives, and/or no mandatory monitoring, should have a lower total VMT reduction than those with a comprehensive approach. Support strategies to strengthen CTR programs include guaranteed-ride-home, taxi vouchers, and message boards/marketing materials. A 25% reduction in work-related VMT is assumed equivalent to a 15% reduction in overall project VMT for the purpose of the global maximum; this can be adjusted for project-specific land use mixes.

Two school-related VMT reduction measures are also provided in this category. The maximum reduction for these measures should be 65% of school-related VMT based on the literature.

- ❖ Road Pricing/Management Strategies – Maximum Reduction Factors: Cordon pricing is the only strategy in this category with an expected VMT reduction potential. Other forms of road pricing would be applied at a corridor or region-wide level rather than as mitigation applied to an individual development project. No domestic case studies are available for cordon pricing, but international studies suggest a VMT reduction maximum of 25%. A separate, detailed, and project-specific study should be conducted for any project where road pricing is proposed as a VMT reduction measure.

Additional Rules for Transportation Measures- There are also restrictions on the application of measures in rural applications, and application to baseline, as follows:

- ❖ Rural Application: Few empirical studies are available to suggest appropriate VMT reduction caps for strategies implemented in rural areas. Strategies likely to have the largest VMT reduction in rural areas include vanpools, telecommute or alternative work schedules, and master planned communities (with design and land use diversity to encourage intra-community travel). NEV networks may also be appropriate for larger scale developments. Because of the limited empirical data in the rural context, project-specific VMT reduction estimates should be calculated.
- ❖ Baseline Application: As discussed in previous sections of this report, VMT reductions should be applied to a baseline VMT expected for the project, based on the Institute of Transportation Engineers' 8th Edition *Trip Generation Manual* and associated typical trip distance for each land use type. Where trip generation rates and project VMT provided by the project Applicant are derived from another source, the VMT reductions must be adjusted to reflect any "discounts" already applied.

Sonya Karabel (KARABEL)

Response to KARABEL-1

This comment consists of introductory remarks, which are noted for the record and provided to the Lead Agency for review and consideration. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis, and no changes to the Draft EIR or further response is required.

Response to KARABEL-2

The underlying purpose of the proposed project is to support housing and mixed-use development opportunities in a portion of the Downtown area that is best suited to accommodate infill development and support greater intensity of use. As such, the City's objective to support Downtown businesses and commerce by providing a diversity of commercial services would not be achieved with a housing only alternative. Additionally, as the proposed Hotel would not result in any significant and unavoidable environmental impacts, a housing-only alternative would not result in a substantial reduction in impacts compared to the proposed project, nor would it offer a substantially different alternative compared to those discussed in the Draft EIR. Furthermore, it is well established that mixed-use development can reduce vehicle miles traveled (and the associated greenhouse gas and air pollutant emissions) by making walking safe and convenient, and by offering a variety of employment, shopping, entertainment and recreational opportunities within short distances of residences.

As stated in the Draft EIR in the Greenhouse Gas Emissions and Transportation sections, the Hotel project would not result in significant VMT impacts and would be required to implement MM EKN GHG-2, which requires the Hotel to comply with off-street electric vehicle requirements.

Additionally, in regard to the comment that a Transportation Demand Management (TDM) Plan is required, the City agrees. Per Senate Bill 743 Vehicle Miles Traveled Implementation Guidelines and the City's Final Citywide TDM Requirements, the proposed Hotel would be required to prepare a TDM and submit it to the City Engineer for review and acceptance prior to issuance of occupancy permits.

Response to KARABEL-3

The comment provides background information regarding the commenter and is noted. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis, and no changes to the Draft EIR or further response is required.

Response to KARABEL-4

Please see Response to KARABEL-2.

Response to KARABEL-5

As discussed in Section 2.3, Project Objectives, of the Draft EIR, the City's objectives for the proposed project include, but are not limited to, creating a desirable location for visitors and the community and promoting a diversity of housing products.

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to KARABEL-6

The commenter states that the VMT screening for projects in proximity to a major transit stop, as identified in the City's *Senate Bill 743 Vehicle Miles Traveled Implementation Guidelines, 2021*, is not logically applicable to hotel guests. With respect to applicability to a hotel land use, the City's screening criteria are specified as being applicable to "projects that are located within a half mile of an existing or planned high-quality transit corridor or major transit station. Proximity to transit is explicitly listed in the CEQA Guidelines as a reason to presume a project has no significant impacts based on VMT." The criteria list several additional factors to be considered, such as the proposed project's FAR and provision of no more parking than required, all of which are satisfied. The City's criteria apply to all land uses including the proposed Hotel and areas of the overlay within 0.5 mile of the Sonoma-Marin Area Rail Transit (SMART) station.

Regarding the unlikelihood for hotel visitors to use SMART noted by the commenter, the assertion that walking with luggage to and from the station is inconvenient is a valid point. However, in such cases in urban environments, it is quite common for hotel guests to use a taxi, rideshare, or shuttle when transporting luggage between a rail station and hotel. The associated vehicle travel consists of very short driving distances (less than one-half mile in this case) that remain indicative of the shorter trip lengths found in proximity to major transit services and in downtown mixed-use environments. Further, SMART is not the only transit service in the hotel area. Several Petaluma Transit, Golden Gate Transit, and Sonoma County Transit routes include stops between one and four blocks from the proposed Hotel.

Land use patterns surrounding major transit stops also have an important influence on lower VMT levels. Much of the area within the major transit stop screening boundary is in downtown Petaluma which has a relatively dense mix of housing, employment, and visitor-serving uses that result in lower per capita VMT levels. The City's General Plan also envisions further infill within the major transit stop screening boundary that will further increase the mix of uses and densities, both of which contribute to lower levels of VMT (for additional information on these influences see the methodologies and research cited in the City of Petaluma's *Final Citywide TDM Requirements, 2021*). These influences affect not only residential and employment VMT, but also visitor VMT. For these reasons, the City is justified in applying major transit stop VMT screening criteria for multiple land use types including the proposed Hotel.

Response to KARABEL-7

The comment misstates the reasons the Draft EIR rejected alternatives. As clearly discussed in Chapter 6, Alternatives to the Proposed Project, each alternative was rejected for a variety of

reasons, including because they did not reduce or avoid any significant impacts, did not accomplish most of the basic project objectives, and/or would be infeasible to analyze.

Furthermore, as stated in CEQA Guidelines Section 15126.6, an EIR need not consider every conceivable alternative to a project. The Alternatives analysis, presented in Chapter 6 of the Draft EIR, analyzes three Alternatives and considers but rejects four alternatives. This would be considered a reasonable range of alternatives.

Nonetheless, consideration of an Overlay-only alternative would not disclose any new or significantly different environmental impacts than those evaluated in the Draft EIR. The purpose of the alternatives section is to review a range of alternatives. There is no requirement to review every possible alternative. An evaluation of an Overlay-only alternative would not result in significantly different information from that already presented in the Draft EIR because the Draft EIR already distinguishes between the proposed Hotel and the proposed Overlay in each topical section. Note, the thresholds contain separate discussions for the “Downtown Housing and Economic Opportunity Overlay” followed by a discussion of the “EKN Appellation Hotel.” See e.g., Draft EIR, p 3.1-17 (discussing aesthetic impacts related to the proposed Overlay) and p. 3.1-18 (discussing aesthetic impacts related to the proposed Hotel). These distinct analyses in each section provide the decision-makers and the public with sufficient information to determine the potential impacts of approving the proposed Overlay on its own.

If an Overlay-only Alternative were chosen, only the mitigation measures for the proposed Overlay would apply; measures identified for the proposed Hotel would no longer be applicable. Moreover, the No Project Alternative discusses the potential impact of not approving either the proposed Overlay or Hotel. Accordingly, between the distinct analysis related to the different project components and the No Project Alternative, analysis of an Overlay-only alternative would not disclose substantially different information than already found in the Draft EIR. All of the potential physical impacts to the environment associated with developing the Hotel only are already disclosed in the Draft EIR while impacts related to not advancing the proposed Overlay are already addressed in the No Project Alternative.

Moreover, CEQA recognizes that a lead agency has the discretion to approve a portion of a proposed project. When considering project approval, the lead agency has “the flexibility to implement that portion of a project that satisfies their environmental concerns.” (*Sierra Club v. City of Orange* (2008) 163 CA4th 523, 533). A lead agency also has discretion to approve a revised version of the project which was not considered in the EIR if it is similar in scope, size, and use as the alternatives evaluated in the EIR and would not have new environmental impacts. (See *Southwest Reg'l Council of Carpenters v. City of Los Angeles* (2022) 76 CA5th 1154, 1181–82). Accordingly, nothing in the Draft EIR analysis prevents the City from considering approval of the Overlay component only.

Please also refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document.

Responses to Written Comments

Response to KARABEL-8

Additionally, in regard to the comment that a TDM Plan is required, the City agrees. Per Senate Bill 743 Vehicle Miles Traveled Implementation Guidelines and the City's Final Citywide TDM Requirements, the proposed Hotel would be required to prepare a TDM and submit it to the City Engineer for review and acceptance prior to issuance of occupancy permits.

Response to KARABEL-9

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record provided to the Lead Agency for review and consideration.

Please also see Response to KARABEL-8.

Response to KARABEL-10

Please see Master Response 15, Traffic Congestion.

Response to KARABEL-11

Please see Master Response 15, Traffic Congestion as well as Response to KARABEL-7 and KARABEL-8.

From: David Keller <[REDACTED]>
Sent: Tuesday, September 10, 2024 1:09 AM
To: Brian Oh <boh@cityofpetaluma.org>; Olivia Ervin <oervin@cityofpetaluma.org>
Cc: McDonnell, Kevin <kevin-mcd@comcast.net>; Petaluma Planning <petalumaplanning@cityofpetaluma.org>; -- City Clerk <cityclerk@ci.petaluma.ca.us>; don.frances@arguscourier.com; Jim Sweeney <jim.sweeney@pressdemocrat.com>
Subject: RE: On-site Public Notice for EKN Hotel/Zoning Overlay proposals and hearings.
Importance: High

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

TO: City of Petaluma Community Development Department
Brian Oh, Director of Community Development
Olivia Ervin, Principal Environmental Planner
City of Petaluma
11 English Street
Petaluma, CA 94952
Phone: 707.778.4556
Email: oervin@cityofpetaluma.org

September 10, 2024

Dear Mr. Oh and Ms. Ervin:

RE: On-site Public Notice for the following proposed Projects is absent, wholly inadequate and misleading.

Comments on the CEQA Environmental documents for the following projects:

- Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project

State Clearinghouse No. 2024040565

Hotel site APNs 008-063-008, 008-063-009, and 008-063-011

- Proposed Downtown Housing and Economic Opportunity Overlay (Overlay), approximately

12.18-acres and is located within Downtown. The Overlay comprises Areas A, B, and C (Exhibit 2-2)

- **Area A:** Boundary: B St. (north); D St. (south); Petaluma Blvd. S (east); 4th St.(west)

APNs: 008-063-005; 008-063-006; 008-063-007; 008-063-008; 008-063-009; 008-063-011; 008-063-012;

008-064-002; 008-064-004; 008-064-005; 008-064-007; 008-064-008; 008-064-010

- **Area B:** Boundary: South side of Western Ave. between Kentucky St. (east) and Keller St. (west)

APNs: 008-051-024; 008-051-025

- **Area C:** Boundary: Washington St. (north); Western Ave. (south); Telephone Aly. (east); Liberty St./Court St. (west)

APNs: 006-361-028; 006-361-030; 006-361-033; 006-361-039; 006-361-040; 006-362-

001; 006-362-002;
006-362-003; 006-362-009; 006-362-010; 006-362-012; 006-362-014; 006-362-015;
006-362-021; 006-
362-022; 006-362-023; 006-362-024; 006-362-025; 006-363-001; 006-363-004; 006-
363-005; 006-363-
007; 006-363-023; 006-363-025; 006-363-026
° CITY RECORD NUMBERS: PLGP-2023-0001, PLZA-2023-0002 & PLSR 2022-
0017



1
CONT

In my written and verbal comments for this Project's EIR NOP meeting (May 1, 2024), and at the 2023 IS/MND City Council CEQA meeting and joint Planning and HCPC CEQA meeting, I requested that the city provide on-site, up-to-date and clear billboard, sign, or poster notifications and images of the Project proposed for the proposed EKN Hotel parcels.

I also explicitly requested that the City provide clear and informative on-site signs, billboards and/or posters marking each and every one of the proposed Zoning Overlay parcels, per those designated in Areas A, B and C (Exhibit 2-2, above).

However, as of yesterday afternoon, Sept. 9, 2024, **there are absolutely no on-site public notices** located at or near any (no less all) of the parcels proposed for the EKN

2

Hotel (see photos, attached), nor at any parcels to be included in the Zoning Overlay (Areas A, B, and C). For people working, visiting or residing in the proposed Areas, there is nothing to help provide an informed public and stakeholders of the scope or magnitude of proposed changes, no less for the upcoming public CEQA hearings.

The City has already agendized the first CEQA hearing for comments on the limited EIR at the Planning Commission for Tuesday, September 24 (in approximately 2 weeks); and at the City Council on Monday, Oct. 7th (in approximately 4 weeks).

While there does not appear to be any legal CEQA requirement to post notices at the sites for proposed projects, most all cities and agencies will do so as a courtesy to the public, and to better understand the context and impacts of proposed projects. This failure here, given the highly controversial nature of these proposals, to timely provide what should be a minimum of on-location public information (including a brief description of the Project, renderings of the Hotel, where additional information is to be found, and proposed CEQA meeting dates) is a demonstrable shortcoming on the part of the City, and I believe is disrespectful to the interested and engaged members and stakeholders of our community.

In my experiences as a prior City Council member, (and as co-chair of the well publicized and successful Central Petaluma Specific Plan Citizens Advisory Committee, member of the Petaluma River Access and Enhancement Plan Citizens Advisory Committee, and participant in the City's and SMART's (2) Station Area Plans), this is a clear sign of neglect of one of local government's primary goals: ***to inform and engage its citizens.***

Time is of the essence. Please let me know what the city will be doing promptly to remedy these material omissions.

Sincerely,

David Keller
Petaluma, CA

2
CONT

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David Keller (KELLER)

Response to KELLER-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to KELLER-2

Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

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From: David Keller <[REDACTED]>
Sent: Monday, September 23, 2024 4:15 PM
To: Brian Oh <boh@cityofpetaluma.org>
Cc: McDonnell, Kevin <[REDACTED]>; Olivia Ervin <oervin@cityofpetaluma.org>;
Petaluma Planning <petalumaplanning@cityofpetaluma.org>; -- City Clerk
<CityClerk@cityofpetaluma.org>; don.frances@arguscourier.com
<don.frances@arguscourier.com>; Jim Sweeney <jim.sweeney@pressdemocrat.com>; Peggy
Flynn <PFlynn@cityofpetaluma.org>
Subject: Re: On-site Public Notice for EKN Hotel/Zoning Overlay proposals and hearings. [v4]

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

CITY CLERK:

Please ensure that this email is timely distributed to all members of the Petaluma City Council, the Petaluma Planning Commission, and the Historic and Cultural Preservation Committee.

RE: On-site Public Notice for the following proposed Projects is absent, wholly inadequate and misleading.

- **Comments on the CEQA Environmental documents for the following projects:**
 - Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project State Clearinghouse No. 2024040565

Dear Director Oh, and Mayor and Members of Petaluma City Council, Petaluma Planning Commission and Historic and Cultural Preservation Committee:

• **Comment:** It is now abundantly clear that the City is not willing to place even posters, no less signs or other physical notices on the actual locations, buildings or parcels of the proposed Zoning Overlay Areas A, B and C. The public, stakeholders, business owners, and visitors will have to rely on the imaginations suggested by virtual and off-site presentations. *In-context, on-site* building heights, density changes and any other potential or reasonably likely impacts of the proposed Zoning Overlay will not easily happen for most people.

1

I am saddened that the City has chosen to pursue this disconnected and truncated path to public information engagement. You still have a chance to correct your choices. Given the high level of controversy and the diminished public engagement to date, I truly hope that you take that path.

2

• **Question:** can you confirm *whether or not* comments received from the public, agencies, Council, Planning Committee and HCPC on **last year's** IS/MND for the Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project will be incorporated as comments included on this year's DEIR for the Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project?

3

If the answer is "No", does the public and officials then have to resubmit their relevant comments and questions to be included as comments and questions on the current DEIR? I would appreciate a clear, timely and definitive answer for this important public process.

4

Sincerely,

David Keller

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David Keller (KELLER 2)

Response to KELLER 2-1

Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Response to KELLER 2-2

Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Response to KELLER 2-3

Comments on the 2023 IS/MND are not included as comments on the Draft EIR. The Draft EIR is a new document that includes information and analysis to address comments submitted on the 2023 IS/MND and in response to the NOP/IS, and also provides additional clarifying information and analysis of the CEQA topics included in Appendix G of the CEQA Guidelines. Accordingly, public comments must specifically address the content of the Draft EIR.

Response to KELLER 2-4

Please see Response to KELLER 2-3. The public and officials would need to submit new relevant comments and questions related to the content of the Draft EIR.

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From: David Keller <[REDACTED]>
Sent: Sunday, October 20, 2024 1:02 AM
To: Olivia Ervin <oervin@cityofpetaluma.org>; Petaluma Planning
<PetalumaPlanning@cityofpetaluma.org>
Cc: -- City Clerk <cityclerk@ci.petaluma.ca.us>; Petaluma Planning
<petalumaplanning@cityofpetaluma.org>
Subject: Comments on DEIR Downtown Housing and Economic Overlay and EKN
Appellation Hotel Project, SCH 20240405

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

From:

David Keller [SEP]

[REDACTED] [SEP]

Petaluma, CA 94952

[SEP] [REDACTED] [SEP]

[REDACTED] [SEP]

October 21, 2024

To:

City of Petaluma, Mayor Kevin McDonnell

Members of the City Council, Planning Commission, and Historic and Cultural
Preservation Committee

11 English Street

Petaluma, CA 94952

By Email:

Olivia Ervin, Principle Environmental Planner, M-Group

PetalumaPlanning@cityofpetaluma.org

oervin@cityofpetaluma.org

Attached are:

1. Comments on the Draft EIR Downtown Housing and Economic Overlay and EKN
Appellation Hotel Project, SCH 2024040565

2. also, Comments on the above DEIR, as email correspondence, dated Sept. 10
through Sept. 23, 2024:

- On-site Public Notice for the following proposed Projects is absent, wholly
inadequate and misleading.
- Comments on the CEQA Environmental documents for the following project:
 - Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay
Project

State Clearinghouse No. 2024040565

From:
David Keller
[REDACTED]
Petaluma, CA 94952
[REDACTED]

To:
City of Petaluma, Mayor
Members of the City Council, Planning Commission, and Historic and Cultural
Preservation Committee
11 English Street
Petaluma, CA 94952
By Email:
Olivia Ervin, Principle Environmental Planner, M-Group
PetalumaPlanning@cityofpetaluma.org
oervin@cityofpetaluma.org

**RE: Comments on Draft EIR Downtown Housing and Economic Overlay and EKN
Appellation Hotel Project, SCH 2024040565**

I am a resident of Petaluma, a former Petaluma City Council member, and local business owner. I have submitted prior comments on this Project's IS/MND and the current DEIR, both in writing and verbally. I hereby incorporate by reference all of those comments as comments on the DEIR, and add to them the following additional comments and observations.

1

Further, I hereby incorporate all public and agency comments submitted to the City on the IS/MND. I request that all these comments, verbal and written, be responded to in writing in the FEIR.

Given the very contentious disagreements and public conversations about this Project, as well as the depth and range of comments submitted on the current DEIR within the truncated public engagement, time periods, and noticed public meetings conducted by the City, I recommend that the City produce a Revised DEIR and recirculation. I also stress that this be the subject of a welcoming and engaged public process.

2

1. The DEIR fails to address the impacts of the state-mandated density bonus laws on building height limits proposed in Areas A, B, and C.

The DEIR fails to acknowledge, no less provide any analysis and information for the public and decision makers regarding the impacts of current California Density Bonus Law, Housing Accountability Act and other state and court mandated limits to local discretionary development decisions.

3

By these omissions, the DEIR fails to comply with CEQA mandates for provide full and accurate project descriptions and information for the public, stakeholders, and decision makers. Indeed, the city should be proceeding with the Zoning Overlay and proposed Ordinance as part of the General Plan Update, currently underway, and not as a stand-alone, improperly truncated project proposal for the Hotel and its enabling Zoning Overlay.

4

The reasonably foreseeable and likely maximum impacts of build-out in the Zoning Overlay Areas A, B, and C must include the added densities and height limits above the proposed ~65' height limit and FAR, and potentially 6-9 story buildings. This includes any concessions, incentives, waivers or modifications that are granted under California law. There would be highly likely individual and cumulative impacts to the Historic District and surrounding city blocks and streets, cultural and historic resources and identity, traffic, circulation, transportation, air quality, noise, aesthetics, view sheds, parks and public spaces, stormwater runoff, city services including emergency access and response times and required personnel, utilities, etc.

5

6

During public discussions at the City Council and Planning Commission meetings on the DEIR and IS/MND, the city has not presented any legal opinion to support their contention claiming to be able to prevent additional building heights over +/-65' in the Zoning Overlay Areas if the developer claims Density Bonus applicability to their project. Staff has stated that Density Bonus Law concerns and impacts can be mitigated with conditional use permits (CUP) and discretionary approvals. However, the DEIR must first describe potential cumulative, reasonably foreseeable impacts of the zoning changes; then, provide a range of alternatives to avoid the impacts or mitigate them. Leaving mitigations to an uncertain future decision does not satisfy CEQA's requirements to disclose the project as a whole, and to not leave it to future piecemealing of disclosure and impacts.

7

Thus, a Revised Draft EIR will need to analyze the cumulative impacts of full build-out including 6-9 story housing in the Areas A, B, and C.

8

A. The City's Density Bonus Ordinance is out of date.

There are NO known updates to the City's Density Bonus ordinance since 2019. While the city has finally acknowledged density bonuses are applicable to Areas A, B and C, the DEIR fails to response to the issues and reasonably foreseeable impacts they raise.

The city's website states, re: Density Bonus <https://cityofpetaluma.org/housing-policies/>

"The City's Density Bonus ordinance provides incentives for the production of affordable housing by allowing increase in the number of units allowed on a site above typical density standards, reduction in onsite parking requirements, and/or flexibility from development standards for applicable housing projects meeting specified income thresholds. The purpose of the City's Density Bonus Ordinance is to comply with the requirements of California State Density Bonus Law. The City's ordinance was last updated in 2019 to comply with state regulations. However, since that time there have been ongoing modifications to state density bonus law and the City is currently in the process of drafting updates to the local ordinance to bring it back into compliance with state provisions. *In the interim, where there are discrepancies between local regulations and state density bonus law, state provisions will be applied to all density bonus application.*

Updates to local density bonus regulations are anticipated to be considered by the City Council in early 2024.” [emphasis added]

For example, one relevant recent decision could help focus the DEIR. Other decisions and legislation are also likely applicable to the proposed Zoning Overlay impacts, as well as to the current Petaluma Density Bonus Ordinance.

Bankers Hill 150 v. City of San Diego (Jan. 7, 2022, No. D077963) __ Cal.App.5th <https://www.blakelawca.com/articles/californias-density-bonus-law?rq=density%20bonus%20law>

"A recent change to the Density Bonus Law allows up to 50% additional units above the maximum authorized under local zoning. In addition to increased housing units, the law provides for “incentives or concessions” which allow the proposed development to exceed the height and setback restrictions, and other zoning code or architectural design requirements, and “waivers or reductions” of any development standards that would physically preclude the construction of the project as designed. Further, the law provides for significantly reduced parking ratios."

"The recent case of Bankers Hill 150 v. City of San Diego (Jan. 7, 2022, No. D077963) __ Cal.App.5th __, explains the broad freedoms a developer enjoys in designing its architectural plans under the Density Bonus Law. This case held that the developer of a 20-story mixed-use project, which exceeded local height and set-back requirements, among other code deviations,

was entitled to build the development according to its architectural plans despite the plaintiff's assertion the plans could be altered to scale back the building's footprint. In so ruling, the Court emphasized that under the Density Bonus Law, absent limited exceptions, a proposed project is entitled to a waiver or concession as to any development standards that would have ordinarily prevented agency approval of the project as designed, as long as the project's scope is consistent with the requirements under the Density Bonus law statute. Thus, this case supports developer's rights to design a project with the expectation that the local agency will grant waivers and concessions absent any substantial evidence of the existence of statutorily limited exceptions."

10
CONT

2. The DEIR fails to address annual street closures and impaired access to and from the proposed Hotel.

These annual event street closures in downtown Petaluma have not been mentioned or addressed in the IS/MND or DEIR. As a result, the DEIR fails to address critical immediate and long-term, on-site and off-site, direct, indirect and cumulative impacts. The DEIR fails to provide any proposed solutions, alternatives, and related necessary mitigations.

11

By these omissions, the DEIR fails to comply with CEQA mandates for provide full and accurate information for the public, stakeholders, and decision makers.

Due to the proposed Hotel operations, with guest and event attendees, staffing, supply and utilities necessities, the annual multiple street closures will very likely incrementally above existing conditions, affect traffic and vehicle circulation, parking, VMTs, air quality, and economic viability of the hotel. The DEIR must address these issues.

With the multi-hour, all-day closures of Petaluma Boulevard, B and C streets, there is no vehicle access to or from the EKN Hotel site front entrance, nor to/from the parking garage or service access. The DEIR and IS/MND fail to present any mitigations or traffic and access proposals for review to determine feasibility or desirability. |

12

Will they just keep hotel visitors captive all day, and also avoid new hotel registrations and departures during restricted days and hours?

The following are some of the long-standing Petaluma annual parades that require closure of large numbers of downtown streets, including Petaluma Boulevard and B and C streets, for most of the event day. Some key streets surrounding the Hotel are closed as early as 5am, and lasting until as late as 8pm.

13

There may well be other annual single day street closures for street fair events throughout the year (such as the fall and spring Antique Fairs, Home and Garden fair, etc.) that affect access to or from the proposed EKN Hotel front entrance and/or parking garage.

A. Butter and Eggs Day Parade, Sat. April. 22, 2024

https://0201.nccdn.net/1_2/000/000/193/ccd/b-e_map-schedule_24_r1.pdf

<https://www.petaluma360.com/article/news/downtown-petaluma-closed-to-vehicle-traffic-for-butter-and-egg-days/>

Street closures

The following streets will be closed to through traffic on Saturday, April 22:

- **Petaluma Boulevard between Washington Street and D Street, from 10:30 a.m. to 3 p.m.**
- Kentucky Street between Washington Street and B Street, from 7 a.m. to 3 p.m.
- Second Street between B Street and D Street, from 5 a.m. to 6 p.m.
- Fourth Street between I Street and B Street, from 10:30 a.m. to 2 p.m.
- Fifth Street between I Street and D Street, from 7 a.m. to 2 p.m.
- A Street Parking Lot from 5 a.m. to 6 p.m.
- **B Street between Petaluma Boulevard and Sixth Street, from 5 a.m. to 6 p.m.**
- **C Street between Petaluma Boulevard and Fifth Street, from 7 a.m. to 3 p.m.**
- **D Street between First Street and Sixth Street, from 10:30 a.m. to 3 p.m.**
- Water Street between Washington Street and Petaluma Boulevard, from 7 a.m. to 6 p.m.
- Washington Street between Keller Street and Petaluma Blvd., from 10:30 a.m. to 3 p.m.
- Western Avenue between Petaluma Blvd. and Keller Street, from 5 a.m. to 6 p.m.
- E, F and H streets between Fourth Street and Fifth Street, from 7 a.m. to 3 p.m.

B. Salute to American Graffiti

5/18/24

<https://www.petaluma360.com/article/news/american-graffiti-petaluma-road-closures/>

13
CONT

Police: Road closures for Saturday's Salute to American Graffiti car show and cruise
(Saturday May 18, 2024)

The following streets will be closed for the [17th anniversary of Cruising the Boulevard's](#) annual car Show and cruise from **5 a.m. to 8 p.m.** Saturday:

- **Petaluma Boulevard between D and Washington streets;**
- Fourth/Kentucky Street between D and Washington streets;
- One eastbound lane of Washington Street between Keller Street and Petaluma Boulevard North;
- Western Avenue between Petaluma Boulevard North and Keller Street;
- Water Street, American and Telephone Alleys and A Street parking lot;
- **B and C streets between Second and Fifth streets;**
- **Second Street between B and C streets.**

The free event is scheduled for 10 a.m. to 8 p.m. with the 2-plus-mile cruise lasting from 4 to 8 p.m.

C. Veteran's Day Parade, Monday Nov. 11, 2024

<https://patch.com/california/petaluma/petaluma-veterans-day-parade-what-know>
@ Nov. 10, 2023 Monday)

According to Petaluma police, the following street closures are necessary to accommodate the event:

- **Petaluma Boulevard between Washington Street and G Street, closed from 10 a.m. - 4 p.m.**
- Kentucky Street between Washington Street and Western Avenue, closed 10 a.m. - 4 p.m.
- Western Avenue between Petaluma Boulevard and Keller Street, closed 8 a.m. - 4 p.m.
- Fourth Street between Western Avenue and I Street, closed 10 a.m. - 4 p.m.
- Fifth Street between D Street and H Street, closed 10 a.m. - 4 p.m.
- Second Street between D Street and C Street, closed 10 a.m. - 4 p.m.
- A Street Parking Lot, closed 10 a.m. - 4 p.m.
- **B Street between 2nd Street and 5th Street, closed 8 a.m. - 4 p.m.**
- **C Street between 2nd Street and 5th Street, closed 10 a.m. - 4 p.m.**
- **D Street between 2nd Street and 5th Street, closed 10 a.m. - 4 p.m.**
- E Street between 2nd Street and 5th Street, closed 10 a.m. - 4 p.m.
- F Street between 2nd Street and 5th Street, closed 10 a.m. - 4 p.m.
- G Street between Petaluma Boulevard and 5th Street, closed 10 a.m. - 4 p.m.
- H Street between Petaluma Boulevard and 5th Street, closed 10 a.m. - 4 p.m.
- Water Street between Washington Street and Petaluma Boulevard, closed 8 a.m. - 4 p.m.

13
CONT

- Washington Street between Keokuk Street and Petaluma Boulevard, closed 10 a.m. -4 p.m.
 - Western Avenue between Kentucky Street and Keller Street, closed 10 a.m.- 4 p.m.
- Note: Extra temporary disabled parking spaces will be available in the A Street parking lot.

13
CONT

3. While the Project purports to be, in part, a Downtown Housing and Economic Overlay, there is no economic analysis and description of intended changes, and the physical and environmental impacts to the Downtown.

While CEQA does not cover economic impacts of a project per se, nevertheless, the DEIR *City Objectives* include:

- Support Downtown businesses and commerce by providing a diversity of accommodations, a range of housing types, and a variety of commercial services.
- Provide opportunities for economic development by allowing for flexibility in building forms and FAR to accommodate a variety of commercial services to meet evolving demands.
- Incentivize investment to support local businesses, the community, and preserve the historic character of the City's Downtown core.
- Improve the function and design of the downtown core by establishing overlay sites to promote development that would strengthen the attractiveness and the connectivity of residential, mixed use and commercial areas to amenities and services in downtown area

[DEIR, p ES-3, ES-4]

14

Many public pronouncements by various City Council members have described the existing downtown area subject to the Project to be 'blighted', with 'vacant lots surrounded by chainlink fences', and with 'a large number of vacant storefronts.' In turn, various Council members have contended that approval of the Project will result in substantial improvements and new development that will 'revitalize' and 'strengthen' the downtown's and Historic District's economy.

Despite being described above in the City Objectives, the DEIR fails to describe potential impacts of the Project's Economic Overlay components.

15

A. The DEIR fails to describe existing conditions including vacancies, in Zoning Overlay Areas A, B, and C properties, obscuring and ignoring the potential impacts of the Project on existing businesses and buildings, particularly within and adjacent to the Historic Downtown Commercial District.

16

<p>The DEIR fails to provide any actual surveys of existing conditions of the included businesses, properties and buildings to establish a current baseline of business and property status and conditions, including within the Historic Downtown Commercial District. Without that baseline data, it is impossible to describe potential future changes and environmental impacts, intended to be in service of achieving these objectives.</p>	<p>16 CONT</p>
<p>The DEIR does not establish any parameters that could be used to measure successful implementation of the Project's "economic" and "improvement" Objectives. .</p>	<p>17</p>
<p>Currently, LoopNet.com indicates ~18 properties "near downtown" in Petaluma which are vacant, for lease or for rent. [at 10/11/24]</p> <p>For comparison, downtown San Rafael has some 60 retail locations listed as available. The City of Sonoma 'near downtown' has 20 listings.</p> <p>To be able to better understand the extent and import of vacancies or "blight" and the retail market in Project Areas A, B and C, the DEIR must describe existing conditions: i.e., how many empty storefronts are for lease at these other market areas in Petaluma, including these shopping centers: Deer Creek; Washington Square; Golden Eagle/River Plaza; Plaza North & South; the Outlet Mall; East Washington Place (Target).</p> <p>The DEIR fails to provide any baseline data and accurate descriptions necessary for addressing economic development or "blight," whether for physical or business development, and for "incentivizing investment."</p>	<p>18</p>
<p>Baseline data should include: surveying and analyzing what segments of our downtown, (including the Historic District), and city-wide retail sectors are doing well; or ok; or poorly; or are missing, given our size and population. What are downtown's sales tax revenues, by sector, over the past 10 years? The data is necessary to explain trends and sectors; and what is happening to lease rates or terms; insurance; city permits and fees; foot traffic; parking; promotions; area identity; market scope; regional or national chain stores and competition; and other necessary parameters.</p>	<p>1</p>
<p>These, and far more, were data points and trends that were researched and examined for the Central Petaluma Specific Plan area EIR and for the River Access and Enhancement Plan areas. Important among them were analyzing what the City's core strengths and unique features are, locally and regionally. Critical to any consideration under CEQA in this DEIR are the impacts and potential cumulative mitigations for the Historic Downtown Commercial District.</p>	<p>20</p>
<p>Without that basic data, City, public and decision makers have no way to know if anything proposed in the Project is successful, or harmful, or just mediocre. Without an accurate description of the Project, it is impossible to reasonably and reliably predict impacts to the physical environment. Without the clarity required by CEQA, it is impossible to provide any</p>	<p>21</p>

meaningful avoidance or mitigate the impacts.

The DEIR fails substantially and accurately to address these core City Objectives for the Project.

21
CONT

In Conclusion: The DEIR is seriously defective, and fails to accurately, completely and adequately describe the Project, its impacts, and potential mitigations or ways to avoid the impacts. As a result it must be redone as a Revised DEIR, including completion of the City's General Plan Update and revised Density Bonus Ordinance.

I hope that the R-DEIR is provided to the public and decision-makers in an open, welcoming, creative and collaborative city-sponsored process.

Thank you for the opportunity

22

Sincerely,

David Keller

CITY CLERK:

Please ensure that this email is timely distributed to all members of the Petaluma City Council, the Petaluma Planning Commission, and the Historic and Cultural Preservation Committee.

RE: On-site Public Notice for the following proposed Projects is absent, wholly inadequate and misleading.

• Comments on the CEQA Environmental documents for the following projects:

- Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project

State Clearinghouse No. 2024040565

Dear Director Oh, and Mayor and Members of Petaluma City Council, Petaluma Planning Commission and Historic and Cultural Preservation Committee:

• Comment: It is now abundantly clear that the City is not willing to place even posters, no less signs or other physical notices on the actual locations, buildings or parcels of the proposed Zoning Overlay Areas A, B and C. The public, stakeholders, business owners, and visitors will have to rely on the imaginations suggested by virtual and off-site presentations. *In-context, on-site* building heights, density changes and any other potential or reasonably likely impacts of the proposed Zoning Overlay will not easily happen for most people.

I am saddened that the City has chosen to pursue this disconnected and truncated path to public information engagement. You still have a chance to correct your choices. Given the high level of controversy and the diminished public engagement to date, I truly hope that you take that path.

• Question: can you confirm whether or not comments received from the public, agencies, Council, Planning Committee and HCPC on **last year's** IS/MND for the Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project will be incorporated as comments included on this year's DEIR for the Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project? If the answer is "No", does the public and officials then have to resubmit their relevant comments and questions to be included as comments and questions on the current DEIR?

I would appreciate a clear, timely and definitive answer for this important public process.

Sincerely,

David Keller

On 9/12/24 2:56 PM, Brian Oh wrote:

David, I've confirmed that on-site signage is being posted no later than Saturday. I owed you the link to the city regs, which can be found here:

<https://petaluma.municipal.codes/ZoningOrds/24.100>.

The city has gone above and beyond to inform the community of this project. Through the multiple study sessions, scoping meetings, initial study, hearing on the mitigated negative declaration, and now the DEIR, all of which have been publicly noticed, the dedicated webpage to the project and the social media and community bulletins, the City has made the public aware of the EKN Hotel and Overlay project. Specifically for the DEIR, the City has complied and exceeded all of the noticing requirements for CEQA. Furthermore, the City has mailed notice of the Draft EIR hearing to all property owners subject to the proposed Overlay and all properties within 1,000 feet within the study area and published notice of the hearing in the Argus. The team will continue to look for other ways to best inform our community of this project. Thank you.

Brian Oh

Director of Community

Development

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office. [707-615-6568](tel:707-615-6568) |

boh@cityofpetaluma.org

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From: David Keller <[REDACTED]>
Sent: Thursday, September 12, 2024 12:59 AM
To: Brian Oh <boh@cityofpetaluma.org>; Olivia Ervin <oervin@cityofpetaluma.org>
Cc: McDonnell, Kevin <[REDACTED]>; Petaluma Planning <petalumaplanning@cityofpetaluma.org>; -- City Clerk <CityClerk@cityofpetaluma.org>; don.frances@arguscourier.com; Jim Sweeney <jim.sweeney@pressdemocrat.com>
Subject: Re: On-site Public Notice for EKN Hotel/Zoning Overlay proposals and hearings. [v4]
Importance: High

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

RE: On-site Public Notice for the following proposed Projects is absent, wholly inadequate and misleading.

Comments on the CEQA Environmental documents for the following projects:

- Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project
State Clearinghouse No. 2024040565

Dear Mr. Oh -

Two items yet to be answered clearly and unequivocally by you:

- (A) I understand your last email (below) to refer to placing some kind of billboard or sign **on-site** at the EKN proposed hotel site, at Petaluma Blvd. and B Street. Please confirm that understanding, or provide the correct information and timeline.

However, it still remains unclear if the City, or EKN, or some other entity will be placing any clear signage - billboards, signs, posters, ? - **on-site** at all of, or even a predominance of, the parcels subject to the Zoning Overlay, Areas A, B and C.

- (B) Please answer these clearly and explicitly:

(1) *will* signage be posted **on-site** at all or most of those parcels in Overlay Zoning, Areas A, B, and C?

(2) *who* is responsible for that?

(3) *when* will signage be posted on those parcels?

(4) if no signage is to be posted **on-site**, please explain in detail *why* this important piece of public notice, engagement, and context will not be done in a timely basis, or at all.

Time is of the essence. I appreciate your prompt attention to this, and also looking forward to receiving the link to the relevant city regulations.

Sincerely,

David Keller
Petaluma, CA

On 9/10/24 6:19 PM, Brian Oh wrote:
David, thanks for clarifying. As I mentioned in my initial email there are onsite posts going up and being completed by the applicant. I expect these to be posted this week. I will have to send you the link to our city regulations when I'm in front of my computer as I'm heading into Planning Commission now for the rest of the evening.

Brian Oh

Director of Community
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City of Petaluma | Community
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From: David Keller <[REDACTED]>
Sent: Tuesday, September 10, 2024 4:33:55 PM
To: Brian Oh <boh@cityofpetaluma.org>; Olivia Ervin <oervin@cityofpetaluma.org>
Cc: McDonnell, Kevin <[REDACTED]>; Petaluma Planning <petalumapanning@cityofpetaluma.org>; -- City Clerk <CityClerk@cityofpetaluma.org>; don.frances@arguscourier.com <don.frances@arguscourier.com>; Jim Sweeney <jim.sweeney@pressdemocrat.com>
Subject: Re: On-site Public Notice for EKN Hotel/Zoning Overlay proposals and hearings. [v3]

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

RE: On-site Public Notice for the following proposed Projects is absent, wholly inadequate and misleading.

Comments on the CEQA Environmental documents for the following projects:

- Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project
State Clearinghouse No. 2024040565

Dear Mr. Oh -

Thanks for this latest response. However, again, I still have some questions that you have not answered: I have been specifically referring to the failure of the city to provide any **physical posting regarding the proposed Projects on-site**. i.e, at the proposed EKN hotel parcels, and at the parcels proposed for the Zoning Overlay, Areas A, B, and C. (see lists below). This has traditionally been accomplished via billboards, signs, posters, etc.

I understand your reference to e-posting, website posting, email postings, and other virtual postings per CEQA, as well as newspaper and City Hall postings. That is not what is at issue here. This comment is specifically regarding effective **on-site** public notice and engagement in the CEQA and public hearing processes.

- Please provide a link to "the city's code re: **on-site** posting and noticing" that you refer to.
- Will the applicant (EKN or agents) or the city be providing physical posting and notice at the proposed hotel site? (see attached photo, providing a billboard notification for the prior IS/MND proposal. Photo taken Nov. 8, 2023)
- What entity or agent or employee(s) is responsible for complying with "posting requirements and deadline" for all the parcels in Areas A, B and C, subject to the Zoning Overlay? When will that be done?

If you are not willing to provide unambiguous answers to these simple questions, I must assume then that the city will not be requiring or installing any timely physical **on-site** postings regarding the proposed EKN Hotel Project, nor for the proposed "Downtown Housing and Economic Opportunity Overlay Project" ("Zoning Overlay").

From my prior email: Given the very short timeline available now for public and agency comments being due for the Planning Commission and HCPC meeting of Sept. 24th, it

is imperative to help inform the public - and decision makers - ASAP. I am not referring to meeting the minimal CEQA requirements, but, given the very contentious nature of these Project proposals, rather to a more expansive outreach and provision of information **on-site**, in a sincere effort to meet one of local government's primary goals: ***to inform and engage its citizens.***

Your responses to date indicates a failure - or refusal - of the city to date to **provide on-site physical notification and postings**. I am hoping for a prompt and timely remedy to this.

Sincerely,

David Keller
Petaluma, CA

On 9/10/24 2:23 PM, Brian Oh wrote:

Hi David, in addition to what is required by the city's code re: on-site posting and noticing, the city has been informing the public of these dates and the draft report's availability through its social media channels, website, direct email, and our local newspaper and at our local public facilities. This info was also included when the public draft EIR was published, and it has been reasonably and properly noticed. The upcoming hearings with HCPC/PC and City Council would be appropriate places to weigh in on the adequacy of the draft. I hope you will be able to participate.

Brian Oh

Director of Community

Development

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boh@cityofpetaluma.org

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From: David Keller <[REDACTED]>
Sent: Tuesday, September 10, 2024 11:57 AM
To: Brian Oh <boh@cityofpetaluma.org>; Olivia Ervin <oervin@cityofpetaluma.org>
Cc: McDonnell, Kevin <[REDACTED]>; Petaluma Planning <petalumaplanning@cityofpetaluma.org>; -- City Clerk <cityclerk@ci.petaluma.ca.us>; don.frances@arguscourier.com; Jim Sweeney <jim.sweeney@pressdemocrat.com>
Subject: Re: On-site Public Notice for EKN Hotel/Zoning Overlay proposals and hearings.
Importance: High

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---
Good morning, Mr. Oh.

I appreciate your quick response. However, it is completely vague about several important things:

- What are the "posting requirements and deadline"? What is "on time"?
- I am assuming that you are referring to "the applicant" as EKN or their agent. If so, does that only refer to posting at their proposed hotel site?
- Who is responsible for complying with "posting requirements and deadline" for all the parcels in Areas A, B and C, subject to the Zoning Overlay? Is that the City? or is it EKN or someone else?

Given the very short timeline available now for public and agency comments being due for the Planning Commission and HCPC meeting of Sept. 24th, it is imperative to help inform the public - and decision makers - ASAP. It is now reasonable to reschedule that CEQA hearing to a later date to allow the public time to better be informed and understand the proposed Projects.

I await your clarifications.

Sincerely,

David Keller
Petaluma, CA

On 9/10/24 8:15 AM, Brian Oh wrote:

Hi David, thanks for your email. The applicant has already been informed of the posting requirements and deadline. We will ensure they do this on time.

Brian Oh

Director of Community Development
City of Petaluma | Community
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boh@cityofpetaluma.org



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From: David Keller <[REDACTED]>
Sent: Tuesday, September 10, 2024 1:09 AM
To: Brian Oh <boh@cityofpetaluma.org>; Olivia Ervin <oervin@cityofpetaluma.org>
Cc: McDonnell, Kevin <[REDACTED]>; Petaluma Planning <petalumaplanning@cityofpetaluma.org>; -- City Clerk <cityclerk@ci.petaluma.ca.us>; don.frances@arguscourier.com <don.frances@arguscourier.com>; Jim Sweeney <jim.sweeney@pressdemocrat.com>
Subject: RE: On-site Public Notice for EKN Hotel/Zoning Overlay proposals and hearings.

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

TO: City of Petaluma Community Development Department
Brian Oh, Director of Community Development
Olivia Ervin, Principal Environmental Planner
City of Petaluma
11 English Street
Petaluma, CA 94952
Phone: 707.778.4556
Email: oervin@cityofpetaluma.org

September 10, 2024

Dear Mr. Oh and Ms. Ervin:

RE: On-site Public Notice for the following proposed Projects is absent, wholly inadequate and misleading.

Comments on the CEQA Environmental documents for the following projects:

- Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project

State Clearinghouse No. 2024040565

Hotel site APNs 008-063-008, 008-063-009, and 008-063-011

- Proposed Downtown Housing and Economic Opportunity Overlay (Overlay), approximately

12.18-acres and is located within Downtown. The Overlay comprises Areas A, B, and C (Exhibit 2-2)

- **Area A:** Boundary: B St. (north); D St. (south); Petaluma Blvd. S (east); 4th St.(west)

APNs: 008-063-005; 008-063-006; 008-063-007; 008-063-008; 008-063-009; 008-063-011; 008-063-012;

008-064-002; 008-064-004; 008-064-005; 008-064-007; 008-064-008; 008-064-010

- **Area B:** Boundary: South side of Western Ave. between Kentucky St. (east) and Keller St. (west)

APNs: 008-051-024; 008-051-025

- **Area C:** Boundary: Washington St. (north); Western Ave. (south); Telephone Aly. (east); Liberty St./Court St. (west)

APNs: 006-361-028; 006-361-030; 006-361-033; 006-361-039; 006-361-040; 006-362-001; 006-362-002;

006-362-003; 006-362-009; 006-362-010; 006-362-012; 006-362-014; 006-362-015;
006-362-021; 006-
362-022; 006-362-023; 006-362-024; 006-362-025; 006-363-001; 006-363-004; 006-
363-005; 006-363-
007; 006-363-023; 006-363-025; 006-363-026

° CITY RECORD NUMBERS: PLGP-2023-0001, PLZA-2023-0002 & PLSR 2022-0017



In my written and verbal comments for this Project's EIR NOP meeting (May 1, 2024), and at the 2023 IS/MND City Council CEQA meeting and joint Planning and HCPC CEQA meeting, I requested that the city provide on-site, up-to-date and clear billboard, sign, or poster notifications and images of the Project proposed for the proposed EKN Hotel parcels.

I also explicitly requested that the City provide clear and informative on-site signs, billboards and/or posters marking each and every one of the proposed Zoning Overlay parcels, per those designated in Areas A, B and C (Exhibit 2-2, above).

However, as of yesterday afternoon, Sept. 9, 2024, **there are absolutely no on-site public notices** located at or near any (no less all) of the parcels proposed for the EKN Hotel (see photos, attached), nor at any parcels to be included in the Zoning Overlay

(Areas A, B, and C). For people working, visiting or residing in the proposed Areas, there is nothing to help provide an informed public and stakeholders of the scope or magnitude of proposed changes, no less for the upcoming public CEQA hearings.

The City has already agendized the first CEQA hearing for comments on the limited EIR at the Planning Commission for Tuesday, September 24 (in approximately 2 weeks); and at the City Council on Monday, Oct. 7th (in approximately 4 weeks).

While there does not appear to be any legal CEQA requirement to post notices at the sites for proposed projects, most all cities and agencies will do so as a courtesy to the public, and to better understand the context and impacts of proposed projects. This failure here, given the highly controversial nature of these proposals, to timely provide what should be a minimum of on-location public information (including a brief description of the Project, renderings of the Hotel, where additional information is to be found, and proposed CEQA meeting dates) is a demonstrable shortcoming on the part of the City, and I believe is disrespectful to the interested and engaged members and stakeholders of our community.

In my experiences as a prior City Council member, (and as co-chair of the well publicized and successful Central Petaluma Specific Plan Citizens Advisory Committee, member of the Petaluma River Access and Enhancement Plan Citizens Advisory Committee, and participant in the City's and SMART's (2) Station Area Plans), this is a clear sign of neglect of one of local government's primary goals: ***to inform and engage its citizens.***

Time is of the essence. Please let me know what the city will be doing promptly to remedy these material omissions.

Sincerely,

David Keller
Petaluma, CA

David Keller (KELLER 3)

Response to KELLER 3-1

Please see Response to KELLER 2-3. The public and officials would need to submit new relevant comments and questions related to the content of the Draft EIR.

Response to KELLER 3-2

Please refer to Master Response 2, Recirculation Not Required, in Section 2.1, Master Responses, of this document. Master Response 2 discusses why the conditions established in the CEQA Guidelines under which the Draft EIR must be recirculated have not been met.

Please also refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Response to KELLER 3-3

The comment states that the Draft EIR does not evaluate the impacts of current California Density Bonus Law, Housing Accountability Act and other State and court-mandated limits to local discretionary development decisions. The purpose of this Draft EIR is to evaluate the potential adverse impacts on the physical environment associated with the discretionary approvals being considered as part of the proposed project. CEQA does not require an EIR to analyze approved State-wide planning programs that are outside the authority of the local lead agency. Such an analysis is outside the scope and purpose of CEQA. Additionally, CEQA does not require an analysis of potential impacts the environment may have on the proposed project. To the extent the comment is suggesting the Draft EIR include an analysis of impact the Density Bonus Law, Housing Accountability Act or other State and court-mandated limits may have on the proposed project, such an analysis is not required. Please refer to Master Response 8, CEQA in Reverse.

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus Law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to KELLER 3-4

The Draft EIR appropriately analyzes the Overlay as part of the proposed project. Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus Law would or would not impact building height maximums and other development standards within the proposed Overlay. This additional clarifying information bolsters the Project Description; however, the Project Description included in the Draft EIR is complete and fully complies with CEQA's requirements.

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the

relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

Response to KELLER 3-5

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus Law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to KELLER 3-6

The Draft EIR includes the appropriate programmatic-level environmental analysis necessary to allow the decision-makers to evaluate the potential cumulative impacts associated with the Overlay. The comment does not provide any specific information regarding potential cumulative impacts, nor does it identify any specific issues and no further response is required for this general statement. Please refer to Master Response 1, General Opposition Comments.

The comment generally claims that individual and cumulative impacts would occur in several topical areas but does not provide any specific concerns, offer any supporting evidence to substantiate the general claims, or offer any additional mitigation or project alternatives. Each of the general topics listed in the comment is thoroughly discussed in the Draft EIR.

Response to KELLER 3-7

The Draft EIR analyzes the proposed Overlay's potential cumulative impacts at a programmatic level. Because the Overlay does not authorize any specific development, it is too speculative to provide more specific information. See Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation. However, as discussed in the Draft EIR, development envisioned by the proposed Overlay would be required to comply with City policies and programs, and adhere to development and design standards, enforced through the entitlement, SPAR/HSPAR, and CUP processes (MM Overlay CUL-1e), to ensure that potential impacts remain less than significant. To be considered for a height increase up to 75 feet, future projects proposed under the Overlay would need a CUP. The CUP would require a public meeting and the Planning Commission would be required to make certain findings that the project would provide local community benefits like public outdoor amenities (for example, widened sidewalks, additional street trees, new mid-block walkways/paseos, public plazas, parks, etc.) or publicly accessible private open space (such as a street-level park or rooftop open space). Eligible projects would also need to have desirable aesthetic qualities or use sustainable building methods.

With respect to the impact of Density Bonus Law, please refer to Response to BEARDSWORTH-7-9 and Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus Law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to KELLER 3-8

The Overlay itself does not approve or propose any specific development. Full buildout throughout the Overlay at 6-9 stories, as suggested in the comment, is not reasonably foreseeable or likely. CEQA does not require an EIR to analyze “worst-case” scenarios. CEQA requires that an EIR make “a good faith effort at full disclosure.” Forecasts in an EIR may assume that the project will be developed in a way that conforms to applicable legal requirements. (*Citizens for a Sustainable Treasure Island v. City & County of San Francisco* (2014) 227 CA4th 1036, 1067). “An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (*Save the El Dorado Canal v. El Dorado Irrigation Dist.* (2022) 75 Cal.App.5th 239, 264). An EIR is “required to study only reasonably foreseeable consequences of” a project. (*High Sierra Rural Alliance v. County of Plumas* (2018) 29 Cal.App.5th 102, 125). Additionally, the Draft EIR appropriately makes reasonable assumptions. “CEQA does not require an agency to assume an unlikely worst-case scenario in its environmental analysis.” (Id. at p. 126). Under current State law, while a 9-story residential building in Petaluma’s downtown is theoretically possible, it is not reasonably foreseeable in the Overlay areas. Approval for additional height above the existing 45 foot maximum and up to 75 feet could only be approved by the Planning Commission if the project would provide the community amenities and desirable aesthetic qualities. Additionally, while California’s Density Bonus Law allows applicants to propose affordable housing that exceeds local zoning ordinances, for a variety of reasons (including cost, and health and safety issues) no high-rise affordable housing has been built downtown since the Density Bonus Law was passed 55 years ago.

Accordingly, assuming a buildout in the Overlay at nine stories as suggested by the comment would not be reasonable or consistent with the historical development in the area. Similarly, while development at six stories is more foreseeable, the Overlay does not approve any specific development and it would be speculative to attempt to analyze unknown future projects. This Draft EIR provides the appropriate programmatic-level environmental analysis necessary to allow the decision-makers to evaluate the Overlay as a comprehensive guide for making future decisions about land use, community character, economic development, environmental preservation, open space, and public health and safety.

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Responses to Written Comments

Response to KELLER 3-9

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus Law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to KELLER 3-10

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please also refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document.

Response to KELLER 3-11

Please see Master Response 16, Effects of Street Closures and Special Events.

Response to KELLER 3-12

Please see Master Response 16, Effects of Street Closures and Special Events.

Response to KELLER 3-13

Please see Master Response 16, Effects of Street Closures and Special Events.

Response to KELLER 3-14

As noted by the comment, CEQA does not require an analysis of fiscal impacts. Under Public Resources Code Section 21060.5, “environment” is defined as the physical conditions which exist within the area which will be affected by a proposed project. (See also CEQA Guidelines § 15360). Therefore, economic and social changes are not treated as significant effects on the environment. (See CEQA Guidelines Sections §§ 15064(e) and (f)(6) and 15382; Cal. Pub. Res. Code § 21080(e) (stating that evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment is not substantial evidence of a significant effect on the environment)). Accordingly, EIRs need not contain economic information. (*Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 CA4th 603, 618; *Preservation Action Council v. City of San Jose* (2006) 141 CA4th 1336, 1356; *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 CA4th 656, 698).

No revisions to the Draft EIR are required in response to this comment.

Response to KELLER 3-15

The Overlay is thoroughly addressed and evaluated in the Draft EIR; however, consistent with CEQA, the analysis in the Draft EIR focuses on potential adverse impacts to the physical environment. Economic impacts are not appropriately addressed in an environmental document under CEQA. The City may identify project objectives that include potential financial or social benefits. CEQA does not

require the environmental document to analyze financial project objectives. Please see Response to KELLER 3-14.

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to KELLER 3-16

An evaluation of existing conditions for each parcel within the Overlay Area is not required for the programmatic level of analysis provided in the Draft EIR. The Overlay does not propose any project aside from the Hotel, and it is unclear which parcels would be affected by development under the proposed Overlay. At the time future individual development projects are proposed, relevant existing conditions would be documented for each parcel to provide a baseline for project-specific analysis. Nonetheless, the Draft EIR does characterize the existing conditions within the Overlay; see Section 3.1.2 Environmental Setting under Aesthetics, 3.2.2 Environmental Setting under Cultural and Tribal Cultural Resources, as well as 3.3.2 Environmental Setting under Land Use.

Response to KELLER 3-17

There is no requirement in CEQA to establish parameters to measure successful implementation of the proposed project's economic impacts, and the commenter does not cite to any regulations or case law that require an EIR to establish metrics measuring how a lead agency achieves project objectives.

The comment fails to identify any specific impact on the physical environment. Economic issues, such as current vacancies and a proposed project's fiscal impact on other businesses, are not environmental issues. (See Response to KELLER 3-15, *see also Maintain Our Desert Env't v. Town of Apple Valley* (2004) 124 CA4th 430 (business competition concerns are not relevant under CEQA unless it is shown that they bear directly in EIR's analysis of effects on the physical environment); *Friends of Davis v. City of Davis* (2000) 83 CA4th 1004, 1019 (economic effects of chain bookstore tenancy, including competition with other businesses, did not constitute significant change in environment)).

Response to KELLER 3-18

Please see Response to KELLER 3-16 and 3-17.

Response to KELLER 3-19

Please see Response to KELLER 3-17.

Response to KELLER 3-20

Please see Response to KELLER 3-17.

Responses to Written Comments

Please also refer to Master Response 9, Historic Built Environment Impacts Assessment, in Section 2.1, Master Responses, of this document.

Response to KELLER 3-21

Please see Response to KELLER 3-17.

Response to KELLER 3-22

This concluding comment does not raise any specific issues related to the proposed project or the Draft EIR. None of the issues raised in the comment letter result in significant revisions of the Draft EIR and recirculation is not required by CEQA.

Please refer to Master Response 2, Recirculation is Not Required, and 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 2 discusses why the conditions established in the CEQA Guidelines under which the Draft EIR must be recirculated have not been met. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application.

No further response is necessary.

From:
David Keller
[REDACTED]
Petaluma, CA 94952
[REDACTED]

To:
City of Petaluma, Mayor
Members of the City Council, Planning Commission, and Historic and Cultural
Preservation Committee
11 English Street
Petaluma, CA 94952
By Email:
Olivia Ervin, Principle Environmental Planner, M-Group
PetalumaPlanning@cityofpetaluma.org
oervin@cityofpetaluma.org

**RE: Comments on Draft EIR Downtown Housing and Economic Overlay and EKN
Appellation Hotel Project, SCH 2024040565**

I am a resident of Petaluma, a former Petaluma City Council member, and local business owner. I have submitted prior comments on this Project's IS/MND and the current DEIR, both in writing and verbally. I hereby incorporate by reference all of those comments as comments on the DEIR, and add to them the following additional comments and observations.

Further, I hereby incorporate all public and agency comments submitted to the City on the IS/MND. I request that all these comments, verbal and written, be responded to in writing in the FEIR.

Given the very contentious disagreements and public conversations about this Project, as well as the depth and range of comments submitted on the current DEIR within the truncated public engagement, time periods, and noticed public meetings conducted by the City, I recommend that the City produce a Revised DEIR and recirculation. I also stress that this be the subject of a welcoming and engaged public process.

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1. The DEIR fails to address the impacts of the state-mandated density bonus laws on building height limits proposed in Areas A, B, and C.

The DEIR fails to acknowledge, no less provide any analysis and information for the public and decision makers regarding the impacts of current California Density Bonus Law, Housing Accountability Act and other state and court mandated limits to local discretionary development decisions.

By these omissions, the DEIR fails to comply with CEQA mandates for provide full and accurate project descriptions and information for the public, stakeholders, and decision makers. Indeed, the city should be proceeding with the Zoning Overlay and proposed Ordinance as part of the General Plan Update, currently underway, and not as a stand-alone, improperly truncated project proposal for the Hotel and its enabling Zoning Overlay.

The reasonably foreseeable and likely maximum impacts of build-out in the Zoning Overlay Areas A, B, and C must include the added densities and height limits above the proposed ~65' height limit and FAR, and potentially 6-9 story buildings. This includes any concessions, incentives, waivers or modifications that are granted under California law. There would be highly likely individual and cumulative impacts to the Historic District and surrounding city blocks and streets, cultural and historic resources and identity, traffic, circulation, transportation, air quality, noise, aesthetics, view sheds, parks and public spaces, stormwater runoff, city services including emergency access and response times and required personnel, utilities, etc.

During public discussions at the City Council and Planning Commission meetings on the DEIR and IS/MND, the city has not presented any legal opinion to support their contention claiming to be able to prevent additional building heights over +/-65' in the Zoning Overlay Areas if the developer claims Density Bonus applicability to their project. Staff has stated that Density Bonus Law concerns and impacts can be mitigated with conditional use permits (CUP) and discretionary approvals. However, the DEIR must first describe potential cumulative, reasonably foreseeable impacts of the zoning changes; then, provide a range of alternatives to avoid the impacts or mitigate them. Leaving mitigations to an uncertain future decision does not satisfy CEQA's requirements to disclose the project as a whole, and to not leave it to future piecemealing of disclosure and impacts.

Thus, a Revised Draft EIR will need to analyze the cumulative impacts of full build-out including 6-9 story housing in the Areas A, B, and C.

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A. The City's Density Bonus Ordinance is out of date.

There are NO known updates to the City's Density Bonus ordinance since 2019. While the city has finally acknowledged density bonuses are applicable to Areas A, B and C, the DEIR fails to response to the issues and reasonably foreseeable impacts they raise.

The city's website states, re: Density Bonus <https://cityofpetaluma.org/housing-policies/>

"The City's Density Bonus ordinance provides incentives for the production of affordable housing by allowing increase in the number of units allowed on a site above typical density standards, reduction in onsite parking requirements, and/or flexibility from development standards for applicable housing projects meeting specified income thresholds. The purpose of the City's Density Bonus Ordinance is to comply with the requirements of California State Density Bonus Law. The City's ordinance was last updated in 2019 to comply with state regulations. However, since that time there have been ongoing modifications to state density bonus law and the City is currently in the process of drafting updates to the local ordinance to bring it back into compliance with state provisions. *In the interim, where there are discrepancies between local regulations and state density bonus law, state provisions will be applied to all density bonus application.*

Updates to local density bonus regulations are anticipated to be considered by the City Council in early 2024.” [emphasis added]

For example, one relevant recent decision could help focus the DEIR. Other decisions and legislation are also likely applicable to the proposed Zoning Overlay impacts, as well as to the current Petaluma Density Bonus Ordinance.

Bankers Hill 150 v. City of San Diego (Jan. 7, 2022, No. D077963) __ Cal.App.5th <https://www.blakelawca.com/articles/californias-density-bonus-law?rq=density%20bonus%20law>

"A recent change to the Density Bonus Law allows up to 50% additional units above the maximum authorized under local zoning. In addition to increased housing units, the law provides for “incentives or concessions” which allow the proposed development to exceed the height and setback restrictions, and other zoning code or architectural design requirements, and “waivers or reductions” of any development standards that would physically preclude the construction of the project as designed. Further, the law provides for significantly reduced parking ratios."

"The recent case of Bankers Hill 150 v. City of San Diego (Jan. 7, 2022, No. D077963) __ Cal.App.5th __, explains the broad freedoms a developer enjoys in designing its architectural plans under the Density Bonus Law. This case held that the developer of a 20-story mixed-use project, which exceeded local height and set-back requirements, among other code deviations,

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was entitled to build the development according to its architectural plans despite the plaintiff's assertion the plans could be altered to scale back the building's footprint. In so ruling, the Court emphasized that under the Density Bonus Law, absent limited exceptions, a proposed project is entitled to a waiver or concession as to any development standards that would have ordinarily prevented agency approval of the project as designed, as long as the project's scope is consistent with the requirements under the Density Bonus law statute. Thus, this case supports developer's rights to design a project with the expectation that the local agency will grant waivers and concessions absent any substantial evidence of the existence of statutorily limited exceptions."

2. The DEIR fails to address annual street closures and impaired access to and from the proposed Hotel.

These annual event street closures in downtown Petaluma have not been mentioned or addressed in the IS/MND or DEIR. As a result, the DEIR fails to address critical immediate and long-term, on-site and off-site, direct, indirect and cumulative impacts. The DEIR fails to provide any proposed solutions, alternatives, and related necessary mitigations.

By these omissions, the DEIR fails to comply with CEQA mandates for provide full and accurate information for the public, stakeholders, and decision makers.

Due to the proposed Hotel operations, with guest and event attendees, staffing, supply and utilities necessities, the annual multiple street closures will very likely incrementally above existing conditions, affect traffic and vehicle circulation, parking, VMTs, air quality, and economic viability of the hotel. The DEIR must address these issues.

With the multi-hour, all-day closures of Petaluma Boulevard, B and C streets, there is no vehicle access to or from the EKN Hotel site front entrance, nor to/from the parking garage or service access. The DEIR and IS/MND fail to present any mitigations or traffic and access proposals for review to determine feasibility or desirability. |

Will they just keep hotel visitors captive all day, and also avoid new hotel registrations and departures during restricted days and hours?

The following are some of the long-standing Petaluma annual parades that require closure of large numbers of downtown streets, including Petaluma Boulevard and B and C streets, for most of the event day. Some key streets surrounding the Hotel are closed as early as 5am, and lasting until as late as 8pm.

There may well be other annual single day street closures for street fair events throughout the year (such as the fall and spring Antique Fairs, Home and Garden fair, etc.) that affect access to or from the proposed EKN Hotel front entrance and/or parking garage.

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A. Butter and Eggs Day Parade, Sat. April. 22, 2024

https://0201.nccdn.net/1_2/000/000/193/ccd/b-e_map-schedule_24_r1.pdf

<https://www.petaluma360.com/article/news/downtown-petaluma-closed-to-vehicle-traffic-for-butter-and-egg-days/>

Street closures

The following streets will be closed to through traffic on Saturday, April 22:

- **Petaluma Boulevard between Washington Street and D Street, from 10:30 a.m. to 3 p.m.**
- Kentucky Street between Washington Street and B Street, from 7 a.m. to 3 p.m.
- Second Street between B Street and D Street, from 5 a.m. to 6 p.m.
- Fourth Street between I Street and B Street, from 10:30 a.m. to 2 p.m.
- Fifth Street between I Street and D Street, from 7 a.m. to 2 p.m.
- A Street Parking Lot from 5 a.m. to 6 p.m.
- **B Street between Petaluma Boulevard and Sixth Street, from 5 a.m. to 6 p.m.**
- **C Street between Petaluma Boulevard and Fifth Street, from 7 a.m. to 3 p.m.**
- **D Street between First Street and Sixth Street, from 10:30 a.m. to 3 p.m.**
- Water Street between Washington Street and Petaluma Boulevard, from 7 a.m. to 6 p.m.
- Washington Street between Keller Street and Petaluma Blvd., from 10:30 a.m. to 3 p.m.
- Western Avenue between Petaluma Blvd. and Keller Street, from 5 a.m. to 6 p.m.
- E, F and H streets between Fourth Street and Fifth Street, from 7 a.m. to 3 p.m.

B. Salute to American Graffiti

5/18/24

<https://www.petaluma360.com/article/news/american-graffiti-petaluma-road-closures/>

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Police: Road closures for Saturday's Salute to American Graffiti car show and cruise
(Saturday May 18, 2024)

The following streets will be closed for the [17th anniversary of Cruising the Boulevard's](#) annual car Show and cruise from **5 a.m. to 8 p.m.** Saturday:

- **Petaluma Boulevard between D and Washington streets;**
- Fourth/Kentucky Street between D and Washington streets;
- One eastbound lane of Washington Street between Keller Street and Petaluma Boulevard North;
- Western Avenue between Petaluma Boulevard North and Keller Street;
- Water Street, American and Telephone Alleys and A Street parking lot;
- **B and C streets between Second and Fifth streets;**
- **Second Street between B and C streets.**

The free event is scheduled for 10 a.m. to 8 p.m. with the 2-plus-mile cruise lasting from 4 to 8 p.m.

C. Veteran's Day Parade, Monday Nov. 11, 2024

<https://patch.com/california/petaluma/petaluma-veterans-day-parade-what-know>
@ Nov. 10, 2023 Monday)

According to Petaluma police, the following street closures are necessary to accommodate the event:

- **Petaluma Boulevard between Washington Street and G Street, closed from 10 a.m. - 4 p.m.**
- Kentucky Street between Washington Street and Western Avenue, closed 10 a.m. - 4 p.m.
- Western Avenue between Petaluma Boulevard and Keller Street, closed 8 a.m. - 4 p.m.
- Fourth Street between Western Avenue and I Street, closed 10 a.m. - 4 p.m.
- Fifth Street between D Street and H Street, closed 10 a.m. - 4 p.m.
- Second Street between D Street and C Street, closed 10 a.m. - 4 p.m.
- A Street Parking Lot, closed 10 a.m. - 4 p.m.
- **B Street between 2nd Street and 5th Street, closed 8 a.m. - 4 p.m.**
- **C Street between 2nd Street and 5th Street, closed 10 a.m. - 4 p.m.**
- **D Street between 2nd Street and 5th Street, closed 10 a.m. - 4 p.m.**
- E Street between 2nd Street and 5th Street, closed 10 a.m. - 4 p.m.
- F Street between 2nd Street and 5th Street, closed 10 a.m. - 4 p.m.
- G Street between Petaluma Boulevard and 5th Street, closed 10 a.m. - 4 p.m.
- H Street between Petaluma Boulevard and 5th Street, closed 10 a.m. - 4 p.m.
- Water Street between Washington Street and Petaluma Boulevard, closed 8 a.m. - 4 p.m.

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- Washington Street between Keokuk Street and Petaluma Boulevard, closed 10 a.m. -4 p.m.
 - Western Avenue between Kentucky Street and Keller Street, closed 10 a.m.- 4 p.m.
- Note: Extra temporary disabled parking spaces will be available in the A Street parking lot.

3. While the Project purports to be, in part, a Downtown Housing and Economic Overlay, there is no economic analysis and description of intended changes, and the physical and environmental impacts to the Downtown.

While CEQA does not cover economic impacts of a project per se, nevertheless, the DEIR *City Objectives* include:

- Support Downtown businesses and commerce by providing a diversity of accommodations, a range of housing types, and a variety of commercial services.
- Provide opportunities for economic development by allowing for flexibility in building forms and FAR to accommodate a variety of commercial services to meet evolving demands.
- Incentivize investment to support local businesses, the community, and preserve the historic character of the City's Downtown core.
- Improve the function and design of the downtown core by establishing overlay sites to promote development that would strengthen the attractiveness and the connectivity of residential, mixed use and commercial areas to amenities and services in downtown area

[DEIR, p ES-3, ES-4]

Many public pronouncements by various City Council members have described the existing downtown area subject to the Project to be 'blighted', with 'vacant lots surrounded by chainlink fences', and with 'a large number of vacant storefronts.' In turn, various Council members have contended that approval of the Project will result in substantial improvements and new development that will 'revitalize' and 'strengthen' the downtown's and Historic District's economy.

Despite being described above in the City Objectives, the DEIR fails to describe potential impacts of the Project's Economic Overlay components.

A. The DEIR fails to describe existing conditions including vacancies, in Zoning Overlay Areas A, B, and C properties, obscuring and ignoring the potential impacts of the Project on existing businesses and buildings, particularly within and adjacent to the Historic Downtown Commercial District.

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The DEIR fails to provide any actual surveys of existing conditions of the included businesses, properties and buildings to establish a current baseline of business and property status and conditions, including within the Historic Downtown Commercial District. Without that baseline data, it is impossible to describe potential future changes and environmental impacts, intended to be in service of achieving these objectives.

The DEIR does not establish any parameters that could be used to measure successful implementation of the Project's "economic" and "improvement" Objectives. .

Currently, LoopNet.com indicates ~18 properties "near downtown" in Petaluma which are vacant, for lease or for rent. [at 10/11/24]

For comparison, downtown San Rafael has some 60 retail locations listed as available. The City of Sonoma 'near downtown' has 20 listings.

To be able to better understand the extent and import of vacancies or "blight" and the retail market in Project Areas A, B and C, the DEIR must describe existing conditions: i.e., how many empty storefronts are for lease at these other market areas in Petaluma, including these shopping centers: Deer Creek; Washington Square; Golden Eagle/River Plaza; Plaza North & South; the Outlet Mall; East Washington Place (Target).

The DEIR fails to provide any baseline data and accurate descriptions necessary for addressing economic development or "blight," whether for physical or business development, and for "incentivizing investment."

Baseline data should include: surveying and analyzing what segments of our downtown, (including the Historic District), and city-wide retail sectors are doing well; or ok; or poorly; or are missing, given our size and population. What are downtown's sales tax revenues, by sector, over the past 10 years? The data is necessary to explain trends and sectors; and what is happening to lease rates or terms; insurance; city permits and fees; foot traffic; parking; promotions; area identity; market scope; regional or national chain stores and competition; and other necessary parameters.

These, and far more, were data points and trends that were researched and examined for the Central Petaluma Specific Plan area EIR and for the River Access and Enhancement Plan areas. Important among them were analyzing what the City's core strengths and unique features are, locally and regionally. Critical to any consideration under CEQA in this DEIR are the impacts and potential cumulative mitigations for the Historic Downtown Commercial District.

Without that basic data, City, public and decision makers have no way to know if anything proposed in the Project is successful, or harmful, or just mediocre. Without an accurate description of the Project, it is impossible to reasonably and reliably predict impacts to the physical environment. Without the clarity required by CEQA, it is impossible to provide any

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meaningful avoidance or mitigate the impacts.

The DEIR fails substantially and accurately to address these core City Objectives for the Project.

In Conclusion: The DEIR is seriously defective, and fails to accurately, completely and adequately describe the Project, its impacts, and potential mitigations or ways to avoid the impacts. As a result it must be redone as a Revised DEIR, including completion of the City's General Plan Update and revised Density Bonus Ordinance.

I hope that the R-DEIR is provided to the public and decision-makers in an open, welcoming, creative and collaborative city-sponsored process.

Thank you for the opportunity

Sincerely,

David Keller

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From: David Keller
To: Brian Oh
Cc: McDonnell, Kevin; Olivia Ervin; Petaluma Planning; -- City Clerk; don.frances@arguscourier.com; Jim Sweeney; Peggy Flynn
Subject: Re: On-site Public Notice for EKN Hotel/Zoning Overlay proposals and hearings. [v4]
Date: Monday, September 23, 2024 4:15:13 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
Importance: High

CITY CLERK:

Please ensure that this email is timely distributed to all members of the Petaluma City Council, the Petaluma Planning Commission, and the Historic and Cultural Preservation Committee.

RE: On-site Public Notice for the following proposed Projects is absent, wholly inadequate and misleading.

• Comments on the CEQA Environmental documents for the following projects:

- Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project
State Clearinghouse No. 2024040565

Dear Director Oh, and Mayor and Members of Petaluma City Council, Petaluma Planning Commission and Historic and Cultural Preservation Committee:

• Comment: It is now abundantly clear that the City is not willing to place even posters, no less signs or other physical notices on the actual locations, buildings or parcels of the proposed Zoning Overlay Areas A, B and C. The public, stakeholders, business owners, and visitors will have to rely on the imaginations suggested by virtual and off-site presentations. *In-context, on-site* building heights, density changes and any other potential or reasonably likely impacts of the proposed Zoning Overlay will not easily happen for most people.

I am saddened that the City has chosen to pursue this disconnected and truncated path to public information engagement. You still have a chance to correct your choices. Given the high level of controversy and the diminished public engagement to date, I truly hope that you take that path.

• Question: can you confirm *whether or not* comments received from the public, agencies, Council, Planning Committee and HCPC on **last year's** IS/MND for the Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project will be incorporated as comments included on this year's DEIR for the Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project?

If the answer is "No", does the public and officials then have to resubmit their relevant comments and questions to be included as comments and questions on the current DEIR?

I would appreciate a clear, timely and definitive answer for this important public process.

Sincerely,

David Keller

On 9/12/24 2:56 PM, Brian Oh wrote:

David, I've confirmed that on-site signage is being posted no later than Saturday. I owed you the link to the city regs, which can be found here: <https://petaluma.municipal.codes/ZoningOrds/24.100>.

The city has gone above and beyond to inform the community of this project. Through the multiple study sessions, scoping meetings, initial study, hearing on the mitigated negative declaration, and now the DEIR, all of which have been publicly noticed, the dedicated webpage to the project and the social media and community bulletins, the City has made the public aware of the EKN Hotel and Overlay project. Specifically for the DEIR, the City has complied and exceeded all of the noticing requirements for CEQA. Furthermore, the City has mailed notice of the Draft EIR hearing to all property owners subject to the proposed Overlay and all properties within 1,000 feet within the study area and published notice of the hearing in the Argus. The team will continue to look for other ways to best inform our community of this project. Thank you.

Brian Oh

Director of Community Development
City of Petaluma | Community Development
[Schedule a Virtual Counter Appointment](#)
office: 707-615-6568 | boh@cityofpetaluma.org

Report issues through our new service request
app! Download [engagEPetaluma](#)
on [Google](#) or [Apple](#).

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From: David Keller <[REDACTED]>
Sent: Thursday, September 12, 2024 12:59 AM
To: Brian Oh <bboh@cityofpetaluma.org>; Olivia Ervin <oeervin@cityofpetaluma.org>
Cc: McDonnell, Kevin <kevin-mcd@comcast.net>; Petaluma Planning <petalumaplanning@cityofpetaluma.org>; -- City Clerk <CityClerk@cityofpetaluma.org>; don.frances@arguscourier.com; Jim Sweeney <jim.sweeney@pressdemocrat.com>
Subject: Re: On-site Public Notice for EKN Hotel/Zoning Overlay proposals and hearings. [v4]
Importance: High

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

RE: On-site Public Notice for the following proposed Projects is absent, wholly inadequate and misleading. Comments on the CEQA Environmental documents for the following projects:

- Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project
State Clearinghouse No. 2024040565

Dear Mr. Oh -

Two items yet to be answered clearly and unequivocally by you:

- (A) I understand your last email (below) to refer to placing some kind of billboard or sign **on-site** at the EKN proposed hotel site, at Petaluma Blvd. and B Street. Please confirm that understanding, or provide the correct information and timeline.

However, it still remains unclear if the City, or EKN, or some other entity will be placing any clear signage - billboards, signs, posters, ? - **on-site** at all of, or even a predominance of, the parcels subject to the Zoning Overlay, Areas A, B and C.

- (B) Please answer these clearly and explicitly:

- (1) *will* signage be posted **on-site** at all or most of those parcels in Overlay Zoning, Areas A, B, and C?
- (2) *who* is responsible for that?
- (3) *when* will signage be posted on those parcels?
- (4) if no signage is to be posted **on-site**, please explain in detail *why* this important piece of public notice, engagement, and context will not be done in a timely basis, or at all.

Time is of the essence. I appreciate your prompt attention to this, and also looking forward to receiving the link to the relevant city regulations.

Sincerely,

David Keller
Petaluma, CA

On 9/10/24 6:19 PM, Brian Oh wrote:

David, thanks for clarifying. As I mentioned in my initial email there are onsite posts going up and being completed by the applicant. I expect these to be posted this week. I will have to send you the link to our city regulations when I'm in front of my computer as I'm heading into Planning Commission now for the rest of the evening.

Brian Oh

Director of Community Development
City of Petaluma | Community Development
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office. 707-615-6568 | bboh@cityofpetaluma.org

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From: David Keller <[REDACTED]>
Sent: Tuesday, September 10, 2024 4:33:55 PM
To: Brian Oh <bboh@cityofpetaluma.org>; Olivia Ervin <oeervin@cityofpetaluma.org>
Cc: McDonnell, Kevin <kevin-mcd@comcast.net>; Petaluma Planning <petalumaplanning@cityofpetaluma.org>; -- City Clerk <CityClerk@cityofpetaluma.org>; don.frances@arguscourier.com <don.frances@arguscourier.com>; Jim Sweeney <jim.sweeney@pressdemocrat.com>
Subject: Re: On-site Public Notice for EKN Hotel/Zoning Overlay proposals and hearings. [v3]

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CONT

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RE: On-site Public Notice for the following proposed Projects is absent, wholly inadequate and misleading.

Comments on the CEQA Environmental documents for the following projects:

- Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project
State Clearinghouse No. 2024040565

Dear Mr. Oh -

Thanks for this latest response. However, again, I still have some questions that you have not answered: I have been specifically referring to the failure of the city to provide any **physical posting regarding the proposed Projects on-site**. i.e., at the proposed EKN hotel parcels, and at the parcels proposed for the Zoning Overlay, Areas A, B, and C. (see lists below). This has traditionally been accomplished via billboards, signs, posters, etc.

I understand your reference to e-posting, website posting, email postings, and other virtual postings per CEQA, as well as newspaper and City Hall postings. That is not what is at issue here. This comment is specifically regarding effective **on-site** public notice and engagement in the CEQA and public hearing processes.

- Please provide a link to "the city's code re: **on-site** posting and noticing" that you refer to.
- Will the applicant (EKN or agents) or the city be providing physical posting and notice at the proposed hotel site? (see attached photo, providing a billboard notification for the prior IS/MND proposal. Photo taken Nov. 8, 2023)
- What entity or agent or employee(s) is responsible for complying with "posting requirements and deadline" for all the parcels in Areas A, B and C, subject to the Zoning Overlay? When will that be done?

If you are not willing to provide unambiguous answers to these simple questions, I must assume then that the city will not be requiring or installing any timely physical **on-site** postings regarding the proposed EKN Hotel Project, nor for the proposed "Downtown Housing and Economic Opportunity Overlay Project" ("Zoning Overlay").

From my prior email: Given the very short timeline available now for public and agency comments being due for the Planning Commission and HCPC meeting of Sept. 24th, it is imperative to help inform the public - and decision makers - ASAP. I am not referring to meeting the minimal CEQA requirements, but, given the very contentious nature of these Project proposals, rather to a more expansive outreach and provision of information **on-site**, in a sincere effort to meet one of local government's primary goals: ***to inform and engage its citizens.***

Your responses to date indicates a failure - or refusal - of the city to date to **provide on-site physical notification and postings**. I am hoping for a prompt and timely remedy to this.

Sincerely,

David Keller
Petaluma, CA

On 9/10/24 2:23 PM, Brian Oh wrote:

Hi David, in addition to what is required by the city's code re: on-site posting and noticing, the city has been informing the public of these dates and the draft report's availability through its social media channels, website, direct email, and our local newspaper and at our local public facilities. This info was also included when the public draft EIR was published, and it has been reasonably and properly noticed. The upcoming hearings with HCPC/PC and City Council would be appropriate places to weigh in on the adequacy of the draft. I hope you will be able to participate.

Brian Oh
Director of Community Development

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CONT

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boh@cityofpetaluma.org

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From: David Keller <[REDACTED]>
Sent: Tuesday, September 10, 2024 11:57 AM
To: Brian Oh <boh@cityofpetaluma.org>; Olivia Ervin <soervin@cityofpetaluma.org>
Cc: McDonnell, Kevin <kevin-mcd@comcast.net>; Petaluma Planning <petalumaplanning@cityofpetaluma.org>; -
- City Clerk <cityclerk@ci.petaluma.ca.us>; don.frances@arguscourier.com; Jim Sweeney
<jim.sweeney@pressdemocrat.com>
Subject: Re: On-site Public Notice for EKN Hotel/Zoning Overlay proposals and hearings.
Importance: High

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EMAIL SYSTEM.---

Good morning, Mr. Oh.

I appreciate your quick response. However, it is completely vague about several important
things:

- What are the "posting requirements and deadline"? What is "on time"?
- I am assuming that you are referring to "the applicant" as EKN or their agent. If so, does
that only refer to posting at their proposed hotel site?
- Who is responsible for complying with "posting requirements and deadline" for all the
parcels in Areas A, B and C, subject to the Zoning Overlay? Is that the City? or is it EKN or
someone else?

Given the very short timeline available now for public and agency comments being due for the
Planning Commission and HCPC meeting of Sept. 24th, it is imperative to help inform the
public - and decision makers - ASAP. It is now reasonable to reschedule that CEQA hearing
to a later date to allow the public time to better be informed and understand the proposed
Projects.

I await your clarifications.

Sincerely,

David Keller
Petaluma, CA

On 9/10/24 8:15 AM, Brian Oh wrote:

Hi David, thanks for your email. The applicant has already been informed of the posting
requirements and deadline. We will ensure they do this on time.

Brian Oh

Director of Community Development
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office. 707-615-6568 |
boh@cityofpetaluma.org



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From: David Keller <[REDACTED]>
Sent: Tuesday, September 10, 2024 1:09 AM

To: Brian Oh <bboh@cityofpetaluma.org>; Olivia Ervin <coervin@cityofpetaluma.org>
Cc: McDonnell, Kevin <kevin-mcd@comcast.net>; Petaluma Planning
<petalumapanning@cityofpetaluma.org>; -- City Clerk <cityclerk@ci.petaluma.ca.us>;
don.frances@arguscourier.com <don.frances@arguscourier.com>; Jim Sweeney
<jim.sweeney@pressdemocrat.com>

Subject: RE: On-site Public Notice for EKN Hotel/Zoning Overlay proposals and hearings.

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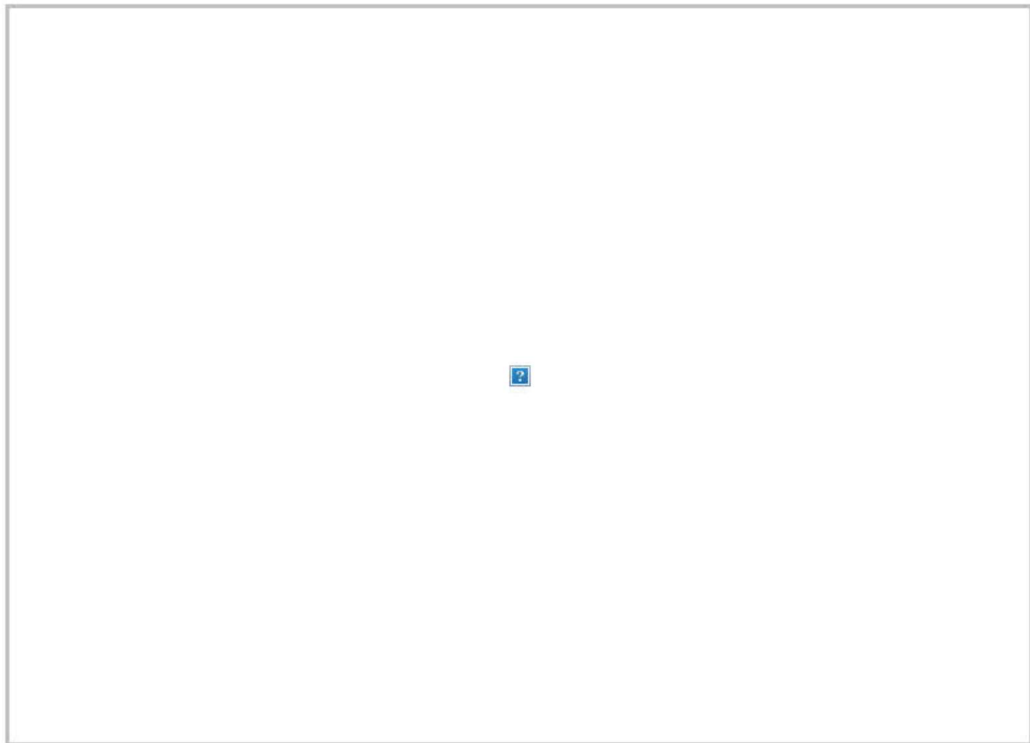
TO: City of Petaluma Community Development Department
Brian Oh, Director of Community Development
Olivia Ervin, Principal Environmental Planner
City of Petaluma
11 English Street
Petaluma, CA 94952
Phone: 707.778.4556
Email: coervin@cityofpetaluma.org

September 10, 2024

Dear Mr. Oh and Ms. Ervin:

**RE: On-site Public Notice for the following proposed Projects is absent, wholly
inadequate and misleading.
Comments on the CEQA Environmental documents for the following projects:**

- Proposed EKN Hotel and Downtown Housing and Economic Opportunity
Overlay Project
State Clearinghouse No. 2024040565
Hotel site APNs 008-063-008, 008-063-009, and 008-063-011
 - Proposed Downtown Housing and Economic Opportunity Overlay
(Overlay), approximately
12.18-acres and is located within Downtown. The Overlay comprises Areas A,
B, and C (Exhibit 2-2)
 - **Area A:** Boundary: B St. (north); D St. (south); Petaluma Blvd. S (east); 4th
St.(west)
APNs: 008-063-005; 008-063-006; 008-063-007; 008-063-008; 008-063-009; 008-
063-011; 008-063-012;
008-064-002; 008-064-004; 008-064-005; 008-064-007; 008-064-008; 008-064-
010
 - **Area B:** Boundary: South side of Western Ave. between Kentucky St. (east)
and Keller St. (west)
APNs: 008-051-024; 008-051-025
 - **Area C:** Boundary: Washington St. (north); Western Ave. (south);
Telephone Aly. (east); Liberty St./Court
St. (west)
APNs: 006-361-028; 006-361-030; 006-361-033; 006-361-039; 006-361-040; 006-
362-001; 006-362-002;
006-362-003; 006-362-009; 006-362-010; 006-362-012; 006-362-014; 006-362-
015; 006-362-021; 006-
362-022; 006-362-023; 006-362-024; 006-362-025; 006-363-001; 006-363-004;
006-363-005; 006-363-
007; 006-363-023; 006-363-025; 006-363-026
- ° CITY RECORD NUMBERS: PLGP-2023-0001, PLZA-2023-0002 & PLSR 2022-
0017



In my written and verbal comments for this Project's EIR NOP meeting (May 1, 2024), and at the 2023 IS/MND City Council CEQA meeting and joint Planning and HCPC CEQA meeting, I requested that the city provide on-site, up-to-date and clear billboard, sign, or poster notifications and images of the Project proposed for the proposed EKN Hotel parcels.

I also explicitly requested that the City provide clear and informative on-site signs, billboards and/or posters marking each and every one of the proposed Zoning Overlay parcels, per those designated in Areas A, B and C (Exhibit 2-2, above).

However, as of yesterday afternoon, Sept. 9, 2024, **there are absolutely no on-site public notices** located at or near any (no less all) of the parcels proposed for the EKN Hotel (see photos, attached), nor at any parcels to be included in the Zoning Overlay (Areas A, B, and C). For people working, visiting or residing in the proposed Areas, there is nothing to help provide an informed public and stakeholders of the scope or magnitude of proposed changes, no less for the upcoming public CEQA hearings.

The City has already agendized the first CEQA hearing for comments on the limited EIR at the Planning Commission for Tuesday, September 24 (in approximately 2 weeks); and at the City Council on Monday, Oct. 7th (in approximately 4 weeks).

While there does not appear to be any legal CEQA requirement to post notices at the sites for proposed projects, most all cities and agencies will do so as a courtesy to the public, and to better understand the context and impacts of proposed projects. This failure here, given the highly controversial nature of these proposals, to timely provide what should be a minimum of on-location public information (including a brief description of the Project, renderings of the Hotel, where additional information is to be found, and proposed CEQA meeting dates) is a demonstrable shortcoming on the part of the City, and I believe is disrespectful to the interested and engaged members and stakeholders of our community.

In my experiences as a prior City Council member, (and as co-chair of the well publicized and successful Central Petaluma Specific Plan Citizens Advisory Committee, member of the Petaluma River Access and Enhancement Plan Citizens Advisory Committee, and participant in the City's and SMART's (2) Station Area

Plans), this is a clear sign of neglect of one of local government's primary goals: *to inform and engage its citizens*.

Time is of the essence. Please let me know what the city will be doing promptly to remedy these material omissions.

Sincerely,

David Keller
Petaluma, CA

David Keller (KELLER 4)

Response to KELLER 4-1 through 4-22

The commenter submitted an identical letter to KELLER 3. Please refer to Response to KELLER 3-1 through Response to KELLER 3-22.

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From: susan kirks <[REDACTED]>
Sent: Monday, September 23, 2024 10:13 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: Public Comment - Agenda Item 1

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

Dear Members of the Planning Commission,

I would like to associate myself with Lydia Asselin's public comment for this agenda item

I certainly wish she had received an appointment to the Planning Commission when she applied.

I also want to associate myself with the public comment from Mickles' Enterprises.

It is a waste of your time to be reviewing this limited DEIR for the proposed over-sized and too tall steakhouse hotel and fabricated overlay zone.

When we see City leaders who are elected to make best decisions for the Petaluma community, when we improve what has been an inadequate General Plan Update process, when we collaborate to bring innovative economic development and protect the downtown historic character and architecture, we will be on the best path for downtown businesses, visitors to Petaluma, and residents and voters here

That is not this.

With the current dynamic of several City Council members trying to push this hotel and overlay zone with the for-profit M Group consulting firm that IS the City's Planning function, and the paid consultant, Dave Alden, also on GPAC and the Transit Advisory Committee, pushing this proposal for his client, we have a proposal that benefits the developer and a proposal that is out of sync with Petaluma's downtown and does not provide public benefit

As Planning Commissioners, you should not approve this DEIR.

And notably, the elected official, Brian Barnacle, and appointed Planning Commissioner and your former Chair, Blake Hooper, actively promoting the hotel and overlay zone, who at an election forum last week tried to walk back their expressed support positions - during election season - should align with the support they have previously and publicly expressed. The positions are contradictory to creative thinking, listening to residents and voters, and leadership and service for the greater community.

I hope we can find a better use of your time as Planning Commissioners.

Susan Kirks

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Susan Kirks (KIRKS)

Response to KIRKS-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

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From: adam klein <[REDACTED]>
Sent: Monday, September 23, 2024 8:06 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: Public Comment

You don't often get email from [REDACTED]. [Learn why this is important](#)
---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---
Dear Mayor and City Council Members -

I am writing to formally oppose ANY building form overlay in Petaluma's downtown area. I agree that revitalization efforts need to be made to support our downtown businesses and Petaluma overall.

That said, Petaluma is known for its **Historic Downtown** which is famous for its well-preserved 19th and early 20th-century architecture, earning it a spot on the National Register of Historic Places. Its historic charm makes it a popular destination for visitors and filmmakers.

The very thing that draws people here is in jeopardy with the proposed zoning overlay. I am certain there are other ways of cultivating a flourishing downtown without this overlay or the proposed EKN hotel project.

Yes, we want to move forward and I believe we want to move forward intelligently, aligned with what makes Petaluma distinct and not deteriorate or dilute our value.

I am not opposed to high-density development in Petaluma. I am in favor of high-density development on non-downtown parcels within a half mile of a SMART station. I also have concerns with the state laws that would come into effect if the proposed overlay were instituted.

Yes to progress but from a place of solidity, grounded deep in the principles of what has Petaluma stand out.

I urge you to reject in full the proposed overlay.
Thank you.
Adam Klein

...

[REDACTED] | @daibew | <http://activelystill.com>

1

2

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Adam Klein (KLEIN)

Response to KLEIN-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to KLEIN-2

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

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KLEIN 2 Page 1 of 8

From: adam klein <[REDACTED]>
Sent: Tuesday, October 15, 2024 3:50 PM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>
Subject: Comment on Downtown Overlay and EKN Project Draft Eir

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Hello,

Please find attached comments on the Draft EIR. Please confirm receipt of this email and the attachment.

Sincerely,
Adam

Dear City of Petaluma and FirstCarbon Solutions,

Please find below comment on the Downtown Housing and Economic Opportunity Overlay Public Review Draft EIR.

Based on the provided analysis there are a few areas where additional data or considerations need to be considered, particularly given Petaluma's status as a registered cultural asset for its unique historic downtown. Please respond to the following in the EIR with specificity and detail:

1. Historic Integrity Assessment: While the analysis considers historic resources, a more detailed assessment of how the project and cumulative overlay projects might affect the overall historic integrity of the downtown area is necessary. This needs to include data on the number and significance of contributing structures in the vicinity and how the proposed development might impact the district's cohesiveness. Please provide data on the number and significance of contributing structures within the entire designated historic zone of the project site. Please ensure data naming historic resources is current to within three years and provide reference to the used data.
2. Quantitative Analysis of View Obstruction: The visual simulations provide qualitative data, but quantitative measurements of view obstruction (e.g., percentage of historic facades or skyline obscured from key viewpoints) could offer more objective data. Please provide quantitative measurements of view obstruction from the following key viewpoints:
 - Corner of Petaluma Boulevard South and D Street
 - Entrance of the Petaluma Historical Library and Museum (20 Fourth Street)
 - Petaluma Blvd & B Street
 - B Street and 4th Street (NW Corner)
 - B Street and 5th Street (SW Corner)
3. Economic Impact on Historic Character: Data on how changes to the visual character might impact tourism or the economic vitality of the historic downtown are relevant. Please analyze potential impacts on tourist foot traffic, impact of cumulative traffic for the EKN hotel and all development within the overlay, retail sales, and property values within the historic district.
4. Detailed Materials Analysis: More specific data on proposed building materials and how they compare to existing historic materials in terms of reflectivity, color, and texture could enhance the assessment of visual compatibility. Please provide a detailed comparison of proposed materials with those used in the historic district.
5. Nighttime Renderings: While light and glare are discussed, nighttime visual simulations could provide additional data on how the project might alter the nighttime character of the historic area. Provide nighttime visual simulations for the following
 - View from the Petaluma River (near D Street Bridge) looking west
 - Corner of Petaluma Boulevard South and C Street

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<ul style="list-style-type: none"> • From the intersection of 4th Street and B Street looking northeast • Corner of B Street and 2nd Street looking southwest 	6 CONT
<p>6. Viewshed Analysis: A more comprehensive viewshed analysis using GIS technology needs to be included to provide data on the project's visibility from a wider range of locations throughout the historic district. Conduct a GIS-based viewshed analysis from these locations.</p> <div> <ul style="list-style-type: none"> • Lookout point at Helen Putnam Regional Park • SMART train platform at Downtown Petaluma Station • Petaluma Riverfront (near the turning basin) • Intersection of D Street and 4th Street • Rooftop of the Petaluma Mall parking structure (2nd and C Street) </div>	7
<p>7. Cultural Landscape Assessment: To ensure a comprehensive analysis of potential impacts on cultural resources, the Final EIR should include detailed information on public input received regarding cultural and historical resources. Specifically, please provide the following:</p> <ol style="list-style-type: none"> Documentation of public outreach efforts related to cultural resources, including dates, formats (e.g., public meetings, online surveys, written comments), and participation rates. Records of communication with local historical societies, such as the Petaluma Historical Library & Museum, Petaluma Historic Advocates and the Petaluma Museum Association, including: a. Dates and summaries of meetings held b. Copies of written correspondence c. Any formal positions or statements provided by these organizations regarding the project's potential impacts on cultural resources Input received from local or regional preservation groups, such as Petaluma Heritage Homes or the Sonoma County Preservation Group, including: a. Names of preservation groups consulted b. Summaries of their feedback or concerns c. Any formal recommendations they provided A summary of public comments received during the scoping period or other public comment opportunities that specifically relate to cultural resources, including: a. Number of comments received on cultural resource topics b. Main themes or concerns expressed in these comments c. How these comments were addressed in the cultural resources analysis Information on any consultation with local historians, archaeologists, or other cultural resource experts not officially affiliated with agencies or organizations, including: a. Names and qualifications of local experts consulted b. Summaries of their input or concerns c. How their expertise informed the analysis Details on public education efforts regarding cultural resources in the project area, such as: a. Informational materials distributed b. Public presentations given c. Website content created Any input received from individual tribal members or non-federally recognized tribal groups in the community, separate from government-to-government tribal consultation. 	8
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8. An explanation of how public input was integrated into the cultural resources analysis and mitigation measures.	15
9. Please provide a thorough response detailing how this public input was solicited, received, and incorporated into the cultural resources analysis. This information is crucial for understanding the full scope of potential impacts on cultural resources and ensuring that community concerns have been adequately addressed.	16
8. Community Perception Data: Survey data on community perceptions of the project's aesthetic impacts would provide valuable insight, especially given the cultural significance of the area. Conduct a statistically significant survey of residents and businesses within the historic district to gather data on perceived aesthetic impacts.	
1. A statistically significant survey of residents and businesses within the historic district is necessary to fully understand the community's perception of aesthetic impacts. This aligns with CEQA Guidelines Section 15064(b), which states that the significance of an impact should consider the 'setting' of the project. In a historic downtown with cultural significance, the community's perception is an integral part of this setting. Furthermore, case law (e.g., Pocket Protectors v. City of Sacramento (2004) 124 Cal.App.4th 903) has established that local opinion can be relevant to determining significant impacts under CEQA, particularly for aesthetic issues. Given Petaluma's status as a registered cultural asset for its unique historic downtown, understanding how the community perceives potential changes is crucial for accurately assessing the project's true impact on the cultural and aesthetic environment.	17
Regarding standards, the analysis appears to use some appropriate local standards, including those from the General Plan, Implementing Zoning Ordinance, and Historic Commercial District Design Guidelines. However, a few additional considerations that need to be included:	18
1. Secretary of the Interior's Standards: While mentioned, a more detailed analysis of compliance with these federal standards for historic preservation are necessary. Please specific how these standards will be addressed.	
2. California Historical Building Code: Consideration of this code, which provides alternative building regulations for preserving qualified historical buildings, could be relevant.	19
3. National Park Service Preservation Briefs: These provide guidance on preserving and rehabilitating historic buildings, and could offer additional standards for assessing compatibility.	20
4. CEQA Historical Resources Guidelines: While CEQA is referenced, a more explicit connection to its guidelines for historical resources would strengthen the analysis.	
1. Specifically:	
1. CEQA Guidelines Section 15064.5 provides specific criteria for determining the significance of impacts to historical resources. A more explicit connection to these guidelines needs to include:	21
1. Identification of Historical Resources: The analysis should clearly state whether any properties within the project area or its vicinity meet the CEQA definition of a historical resource. This includes:	

1. Properties listed in or determined eligible for the California Register of Historical Resources	
2. Properties included in a local register of historical resources	21
3. Resources identified as significant in a historical resource survey	CONT
4. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant	
2. Substantial Adverse Change: The analysis should explicitly address whether the project would cause a "substantial adverse change" in the significance of a historical resource, as defined in CEQA Guidelines Section 15064.5(b). This includes:	22
2. Physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings	23
3. Alteration of characteristics that qualify the resource for inclusion in the California Register	24
4. Secretary of the Interior's Standards: The analysis should evaluate whether the project complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties. CEQA Guidelines state that a project that follows these Standards generally shall be considered as mitigated to a level of less than significant impact.	25
5. Indirect Impacts: The analysis should consider not just direct impacts to historical resources, but also indirect impacts, such as visual, atmospheric, or audible changes that could affect the resource's historic integrity.	26
6. Cumulative Impacts: In line with CEQA Guidelines, the analysis should explicitly consider whether the project, in combination with other past, present, and reasonably foreseeable future projects, could result in cumulative impacts to historical resources in the area. Please provide growth projections and build-out scenarios for 5, 10, and 20 years under the new overlay.	27
7. Mitigation Measures: If significant impacts are identified, the analysis should propose mitigation measures in line with CEQA Guidelines. These could include, but are not limited to:	28
1. Avoiding the resource	
2. Preserving the resource in place	
3. Documenting the resource before alteration	
8. Thresholds of Significance: The analysis should clearly state the thresholds used to determine whether an impact to historical resources is significant, directly referencing CEQA criteria.	29
9. Quantitative Thresholds: Development of more specific, quantitative thresholds for determining significant impacts on the historic visual character could make the analysis more robust.	30

The cumulative impact analysis for a zoning overlay is also crucial as it can potentially affect a larger area and multiple future projects. Upon review, while the provided analysis needs to be	31
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expanded and strengthened, particularly considering the zoning overlay aspect. Here are some specific points on how the cumulative impact analysis needs be enhanced:	31 CONT
1. Broader Geographic Scope: The current analysis focuses on the viewshed of the proposed Overlay and Hotel. For a zoning overlay, it needs to consider a wider geographic scope that encompasses the entire area affected by the overlay, as well as adjacent areas that might be indirectly impacted.	32
2. Long-term Projections: Given that a zoning overlay can affect development patterns over many years, the cumulative impact analysis would benefit from longer-term projections of how the area might develop under the new overlay; including growth projections and potential build-out scenarios. Specifically:	33
1. General Plan 2025: <ul style="list-style-type: none"> Analyze consistency with specific policies in the Community Design, Character, and Green Building Element, such as: <ul style="list-style-type: none"> Policy 2-P-3: "Maintain landmarks and aspects of Petaluma's heritage that foster its unique identity" Policy 2-P-5: "Strengthen the visual and aesthetic character of major arterial corridors" Examine how cumulative development aligns with goals for Downtown Petaluma (Goal 2-G-3) Assess consistency with policies related to historic preservation (e.g., Policy 3-P-1) 	34
2. Central Petaluma Specific Plan: <ul style="list-style-type: none"> Although the overlay is not within this plan area, analyze how cumulative development might affect the visual relationship between Downtown and Central Petaluma Assess consistency with any relevant design guidelines or visual character goals in this plan 	35
3. Petaluma River Access and Enhancement Plan: <ul style="list-style-type: none"> Evaluate how cumulative development might impact views of or from the river corridor Assess consistency with any aesthetic or visual goals related to the river front 	36
4. Bicycle and Pedestrian Plan: <ul style="list-style-type: none"> Analyze how cumulative development might affect the visual experience of pedestrians and cyclists Assess consistency with any streetscape or public realm design guidelines 	37
5. Urban Design Guidelines <ul style="list-style-type: none"> Evaluate how cumulative development aligns with any city-wide urban design guidelines, particularly those related to building height, massing, and street wall continuity 	38
6. Historic Commercial District Design Guidelines: <ul style="list-style-type: none"> Assess how cumulative development under the overlay might affect the ability to maintain consistency with these guidelines over time Analyze potential conflicts between increased density/height and preservation of historic character 	39

7. Downtown Petaluma Station Area Master Plan:	40
○ If applicable, examine how cumulative development aligns with visual and aesthetic goals for the areas surrounding the SMART station	
8. Sustainability and Climate Action Plans:	41
○ Assess how cumulative development under the overlay aligns with goals for urban form, compact development, or other visually-related sustainability objectives	
9. For each of these documents, the analysis should:	42
○ Identify specific relevant policies, goals, or guidelines related to visual character and aesthetics	
○ Assess how cumulative development under the overlay could support or hinder these objectives	
○ Consider both short-term and long-term implications	
○ Identify any potential conflicts and suggest ways to resolve them	
○ Consider how the overlay might need to be adjusted to better align with long-term planning goals	
3. Quantitative Analysis: The current analysis is largely qualitative. Including more quantitative data, such as potential increases in building heights, density, or total developed area under the new overlay, would provide a clearer picture of cumulative impacts.	43
4. Visual Character Transformation: A more in-depth analysis of how the overall visual character of the area might transform over time due to the overlay is critical. This needs to include visual simulations of potential full build-out scenarios.	44
5. Historic Resource Impacts: Given Petaluma's historic downtown, a more detailed assessment of how cumulative development under the overlay might impact the integrity of the historic district as a whole would be beneficial.	45
6. Light and Glare: While addressed briefly, a more comprehensive analysis of how increased development density might cumulatively affect light and glare levels in the area could be useful.	46
7. Shadow Impacts: A broader analysis of potential cumulative shadow impacts from multiple developments allowed under the new overlay could be included.	47
8. View Corridor Analysis: An assessment of how multiple developments might cumulatively impact important view corridors in the city could strengthen the analysis.	48
9. Infrastructure and Streetscape: Consider how cumulative development might impact the visual character of infrastructure and streetscapes over time.	49
10. Mitigation Strategies: More detailed discussion of potential mitigation strategies for cumulative aesthetic impacts needs to be included, such as design guidelines or stepback requirements for taller buildings. Provide detailed mitigation strategies for preventing buildings up to 9 stories tall, as allowed under state law.	50
11. Consistency with Long-term Planning Documents: A more thorough analysis of how cumulative development under the overlay aligns with or potentially conflicts with long-term visual and aesthetic goals in city general planning documents.	51
12. Public Space Impacts: Consider the cumulative effects on public spaces, including parks and plazas, which contribute to the overall aesthetic character of the area.	52

13. Economic Factors: While not strictly an aesthetic concern, considering how cumulative changes to the visual environment might impact the economic vitality of the historic downtown could be relevant.	53
14. Tipping Point Analysis: Consider if there's a point at which cumulative development might fundamentally alter the character of the historic downtown, potentially affecting its status as a cultural asset.	54
How will the Final EIR address these concerns? What additional studies or analyses will be conducted to ensure a comprehensive evaluation of this impact?	55
In addition to addressing the potential negative impacts, we request that the Final EIR provide a detailed analysis of the anticipated positive outcomes of the proposed project and rezoning overlay. Specifically, please include:	
<ol style="list-style-type: none">1. Economic projections: Quantitative data on expected job creation, increased tax revenue, and potential boost to local businesses over the next 5, 10, and 20 years.2. Housing impact: Projected number of new housing units (both market-rate and affordable) that could be created under the new zoning, and how this addresses current and future housing needs in Petaluma.3. Urban revitalization: Analysis of how the project and rezoning could contribute to the revitalization of the downtown area, including potential improvements to public spaces, infrastructure, and overall livability.4. Sustainability benefits: Quantifiable data on how the proposed changes align with and support Petaluma's sustainability and climate action goals.5. Cultural preservation: An explanation, supported by case studies or expert opinions, of how the proposed changes could potentially enhance or support the preservation and celebration of Petaluma's historic character in the long term.6. Comparative analysis: Data comparing the projected outcomes of this project and rezoning with similar initiatives in comparable historic downtowns, highlighting both successes and challenges faced elsewhere.	56
Please ensure that all projections and claims are supported by credible data sources, methodologies, and, where applicable, peer-reviewed studies or expert analyses.	57

Sincerely,
Adam Klein

Adam Klein (KLEIN 2)

Response to KLEIN 2-1

This comment consists of introductory remarks. No response is required.

Response to KLEIN 2-2

Please refer to Master Response 9, Historic Built Environment Impacts Assessment, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024.

The mitigation measures in the Draft EIR for properties within the overlay zones are consistent with CEQA best professional practices when looking at historic age properties at a programmatic level. The mitigation measures establish a process for the overlay properties to be evaluated on a project-specific basis. The current Historic Context Statement, Design Guidelines, and Historic District documentation is sufficient when combined with the analysis presented in the Draft EIR .

The comment is noted. As detailed in Section 3.1, Aesthetics, of the Draft EIR, future development applications would be reviewed by the City for compliance with applicable policies and programs included in the General Plan Land Use, Growth Management, and the Built Environment Element; Community, Design, Character, and Green Building Element; and the Historic Preservation Element. Among the many policies, the City would consider whether a future development application would aesthetically enhance the Downtown area, maintain and enhance Petaluma's heritage, and protect historic and archaeological resources within the City. Additionally, all future development under the proposed Overlay would be required to adhere to high standards of quality in design and to incorporate street features that promote pedestrian friendliness.

Furthermore, per MM Overlay CUL-1e, any project seeking to build above the permitted 45 feet, which was analyzed under the General Plan, would require a discretionary CUP, including findings that the proposed project would not adversely impact historical resources and not be detrimental to public welfare. No further response is required.

Response to KLEIN 2-3

A range of visual simulations viewpoints were selected for the Draft EIR in order to evaluate how the proposed Hotel would look from various viewpoints. The viewpoints were selected in consultation with the City based on a range of on the ground photographs taken from publicly accessible locations that show the Hotel in relation to its context in the downtown area. Several of the visual simulations, including Exhibit 3.1-3b, Visual Simulation 2, Exhibit 3.1-3c, Visual Simulation Viewpoint 3, Exhibit 3.2-3d, Visual Simulation Viewpoint 4, and Exhibit 3.1-3g, Visual Simulation Viewpoint 7, show the proposed Hotel with very minimal coverage from existing street trees. Furthermore, all photos use for the simulations were taken in the winter, on February 22, 2024, when deciduous trees have the least amount of foliage.

The commenter requested quantitative measurements of view obstruction. The visual simulations provided within Exhibits 3.1-1 through Exhibit 3.1-1i of the Draft EIR are compliant with CEQA, and

potential impacts to views are disclosed and analyzed in Section 3.1, Aesthetics. The visual simulations include multiple viewpoints, which provide sufficient information for the public and decision-makers to evaluate whether the proposed project would have a significant impact on aesthetic resources. The commenter does not explain how “quantitative measurements” would change the impact conclusions provided in the Draft EIR. Thus, this comment does not identify any potential environmental issue that was not already analyzed in the Draft EIR, and no further analysis of visual and aesthetic impacts is warranted.

Additionally, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information related to aesthetics and visual character, including responses to concerns related to the visual character of the Downtown area and the Hotel component of the proposed project.

Response to KLEIN 2-4

This comment is related to social or economic concerns and does not identify any environmental issue within the purview of CEQA or the Draft EIR. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis, and no changes to the Draft EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. See also Response to KELLER 3-14.

Response to KLEIN 2-5

Details about the building materials is provided in the Project Description on page 2-33 of the Draft EIR. As noted in Section 3.3, Land Use and Planning of the Draft EIR, the Hotel, including its materials and colors, has already undergone one round of review and has been modified in line with HCPC recommendations and may be further modified through the HSPAR process.

As noted in Section 3.2, Cultural Resources and Tribal Cultural Resources, a historic evaluation of the proposed Hotel determined that its construction would be in conformance with the Historic District design guidelines and would not impact the Historic District’s ability to convey its significance.

Please refer to Master Response 9, Historic Built Environment Impacts Assessment, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024.

Response to KLEIN 2-6

Please refer to Response to KLEIN 2-3 regarding visual simulations. Additionally, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information related to aesthetics and visual character, including responses to concerns related to the visual character of the Downtown area and the Hotel component of the proposed project. Further, as the proposed Hotel is located in downtown Petaluma surrounded by existing urban uses including street lights, building lights, and light from vehicles, the potential

impacts from the proposed Hotel at night are not expected to result in a change to the ambient nighttime lighting conditions. Please also refer to Response to J. GRACYK-4 regarding the City's requirements for light standard, with which the Hotel is required to comply.

Response to KLEIN 2-7

Please refer to Response to KLEIN 2-3 regarding visual simulations. Additionally, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information related to aesthetics and visual character, including responses to concerns related to the visual character of the Downtown area and the Hotel component of the proposed project.

Response to KLEIN 2-8

The Draft EIR provides a comprehensive analysis of potential impacts on Cultural Resources. Other resources used in the analysis of Section 3.2, Cultural Resources and Tribal Cultural Resources, is available in Appendix B. This comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Cultural Resources analysis provided in the Draft EIR; therefore, no changes to the Draft EIR are required.

Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Response to KLEIN 2-9

As discussed in Response to KLEIN 2-8, public input regarding cultural resources is accepted during the Draft EIR's public comment period, and is included in this Final EIR. These comments will be considered by the Lead Agency for their consideration in whether to approve the proposed project. Consultation with local historical libraries and organizations is not required pursuant to CEQA.

Response to KLEIN 2-10

Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR. All comments received from interested parties are included and responded to in this Final EIR.

Response to KLEIN 2-11

Public comments received during the scoping period are discussed in the Draft EIR and included in the impact analysis for each topical section. Public comments received during the Draft EIR's public comment period are discussed and responded to in this Final EIR. Public comments pertaining to specific themes are responded to in the list of Master Responses within this Final EIR. This comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis, and no changes to the Draft EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to KLEIN 2-12

Information regarding historic, Tribal, and archaeological consultation is provided in Appendix B.

Response to KLEIN 2-13

The Draft EIR provides public disclosure of impacts related to historic, cultural, and Tribal cultural resources. The purpose of an EIR is to inform the public and decision-makers of the impacts of a proposed project. The Draft EIR prepared for the proposed project includes a comprehensive history of the site and its surroundings in Section 3.2, Cultural Resources and Tribal Cultural Resources, which provides detailed information obtained through archival research, including a records search conducted at the Northwest Information Center (NWIC) in Rohnert Park and various studies prepared for the proposed project. The applicable regulatory framework is also discussed in the Draft EIR. In addition, recommendations resulting from current research and provided in previous cultural studies pertaining to feasible mitigation of identified potential significant impacts to cultural resources and Tribal Cultural Resources (TCRs) are also addressed in the Draft EIR. This information is intended to provide public education and disclosure of the cultural resources history, setting, regulatory framework, and impacts.

Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Response to KLEIN 2-14

The Draft EIR contains the following information:

As recommended by the NAHC, and pursuant to Assembly Bill 52 and Senate Bill 18, notice of the proposed project was provided to the 12 individuals and organizations on the Native American contact list on April 20, 2023, to request further information about Sacred Sites, Traditional Cultural Resources, or other properties of traditional religious and cultural importance located within or near to the project area, and to inquire about Native American concerns related to the overall project. A response was received from Lytton Rancheria on May 25, 2023, requesting a copy of the site survey. A response was received on June 2, 2023, from the Federated Indians of Graton Rancheria (FIGR) requesting the results of the CRS and the recommendations within the study.

As a result of the Tribal outreach, the City received a response from FIGR requesting consultation, and consultation meeting between City staff, the Tribal Historic Preservation Officer, Tribal members and representatives occurred on July 17, 2023. Through the consultation process, FIGR requested additional studies including a Ground-Penetrating Radar (GPR) and canine investigation, which were prepared and provided to the Tribe.

On March 29, 2024, the City reached out to FIGR to provide notification about the preparation of an EIR for the proposed project. FIGR responded on April 16, 2024, requesting to consult on the proposed project. Since the time of this response, monthly consultation

meetings have occurred on April 16, May 24, June 18, and July 23, 2024 to discuss the proposed project.

No additional input was received from individual Tribal members or non-federally recognized Tribal groups. This comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis, and no changes to the Draft EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to KLEIN 2-15

Public input was integrated into the cultural resources section through AB 52 and SB 18 process as outlined in Response to KLEIN 2-14. Additionally, as discussed in Response to KLEIN 2-13, the Draft EIR serves as a document whose purpose is to provide public disclosure of environmental impacts of a proposed project, and the EIR public comment period is used to solicit public comments regarding the Draft EIR analysis. The purpose of the public comment period is to provide the public an opportunity to participate in the CEQA process. Public comments received during the public comment period are addressed during preparation of the Final EIR and are provided to the Lead Agency for review and consideration prior to their approval of the proposed project.

Response to KLEIN 2-16

Please see Response to KLEIN 2-15.

Response to KLEIN 2-17

A survey to determine public perceptions of the proposed project is beyond the purview of CEQA. As required by CEQA, the public was provided a period of time in which to submit comments related to the Draft EIR and the proposed project and many chose to do so. This comment does not identify any environmental issue within the purview of CEQA. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis, and no changes to the Draft EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to KLEIN 2-18

With respect to the proposed Overlay, as discussed in Section 3.2, Cultural Resources and Tribal Cultural Resources, MM Overlay CUL-1a, 1b, and 1c require compliance with the Secretary of Interior's Standards for the Treatment of Historic Properties and evaluation by a qualified architectural historian or historic architect meeting those standards to ensure proper documentation. MM Overlay CUL-1c specifically calls out the use of the Secretary of the Interior's Standards to the maximum extent possible to ensure that projects requiring the relocation, rehabilitation, or alteration of a historical resource do not impact the resource's significance. Prior to any construction activities that may affect the historical resource, an HRE identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City for review and approval.

Compliance with the Secretary of the Interior's Standards is incorporated as a required mitigation measure in CUL-1a, 1b, and 1c. No further analysis is warranted.

With respect to the proposed Hotel, the HBEA prepared by South Environmental on June 24, 2024 (Appendix B of the Draft EIR) uses the Secretary of the Interior's Standards for Treatment of Historic Properties to conduct the analysis. In particular the HBEA evaluates the proposed Hotel with respect to the Standards for Rehabilitation numbers 9 and 10, which are relevant to new construction. The analysis of compliance with these standards is thorough and complete.

Furthermore, the HBEA analyzes the reconstructed Rex Hardware Building at 313 B Street for compliance with the Secretary of the Interior's Standards for Treatment of Historic Properties. Please see Master Response 9 for more information.

Response to KLEIN 2-19

The City Council of the City Of Petaluma has adopted by reference the 2022 edition of the California Building Standards Code, which includes incorporation of the 2022 California Historical Building Code.² As such, the California Historical Building Code is applicable to the proposed project and is discussed throughout the Draft EIR as one of the building codes that is applicable to the proposed project. Therefore, no further analysis is required.

Response to KLEIN 2-20

The proposed project follows National Park Service guidelines as described in Master Response 9. Please refer to Master Response 9, Historic Built Environment Impacts Assessment, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024.

Response to KLEIN 2-21

The Draft EIR complies with CEQA Guidelines. Throughout the section the identification of historical resources is present; please refer to pages 24 to 26, Exhibits 3.21 to 3.23, and pages 31 to 40, where it is explicitly stated which properties are listed on the local registers, properties listed in or determined eligible for the California Register of Historical Resources (CRHR), results of a historical resource survey, and any other resource that the Lead Agency has identified and provided eligibility status. No changes to the Draft EIR or further response is required.

Response to KLEIN 2-22

The Draft EIR is compliant with the CEQA Guidelines. The Draft EIR includes an analysis of whether the proposed Overlay would cause a substantial adverse change in a historical resource and concluded that impacts to historical resources would be potentially significant. Accordingly, the following mitigation measures would be required in order to reduce impacts to a less than significant level: MM Overlay CUL-1a, MM Overlay CUL-1b, MM Overlay CUL-1c, and MM Overlay CUL-1d.

² City of Petaluma. 2023. Ordinance No. 2834 NCS Website:
<https://petalumadocs.cityofpetaluma.net/WebLink/DocView.aspx?id=475366&dbid=0&repo=Petaluma&cr=1>. Accessed December 11, 2024.

These mitigation measures would require that individual development projects that propose to alter a building or structure greater than 45 years of age at the time an application is submitted be subject to a Historic Resources Evaluation, prepared by a qualified historic preservation specialist, in order for the City to determine whether the building or structure may be a historic resource and take appropriate action, such as requiring additional site-specific or project-specific measures to reduce any potential impacts. Furthermore, MM Overlay CUL-1e would require that future individual development projects under the proposed Overlay that propose a height above 45 feet or lot coverage above 80 percent obtain a CUP by meeting certain requirements including the adoption of specific findings by the Planning Commission.

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to KLEIN 2-23

The proposed project would not result in the demolition, destruction, relocation, or alteration of a historic resource or its immediate surroundings.

Response to KLEIN 2-24

The Draft EIR determined that none of the properties within the neighborhood block containing the proposed EKN Appellation Hotel site are considered historical resources under CEQA. Additionally, as explained in the HBEA and Master Response 9, the proposed Hotel would not introduce incompatible massing and scale, and the proposed Hotel would be in general conformance with the Petaluma Historic Commercial District Design Guidelines. As such, the proposed Hotel would not impact the Petaluma Historic Commercial District's ability to continue to convey its significance and would not cause a substantial adverse change in the significance of a historical resource. This comment does not raise any specific environmental issues related to the adequacy of the mitigation measures or the analysis of historical resources, and no changes to the Draft EIR or further response is required.

Response to KLEIN 2-25

Please see Response to KLEIN 2-18 regarding the Secretary of the Interior's Standards.

Response to KLEIN 2-26

Potential indirect impacts to historic resources are explicitly addressed in the Draft EIR. "Future development proposed under the Overlay has the potential to result in direct **and indirect impacts to listed or eligible resources** including through demolition, relocation, or the construction of a new building that due to its design could potentially conflict with the historic character." Draft EIR, p. 3.2-53 (emphasis added). Accordingly, the Draft EIR states that in order to minimize potential impacts to historic resources from future development within the Overlay, Mitigation Measures Overlay CUL-1a, MM CUL-1b, MM CUL-1c, and MM CUL-1d would apply.

Responses to Written Comments

Response to KLEIN 2-27

The Draft EIR included an analysis of Cumulative Impacts related to historical resources and determined that cumulative impacts to historical resources would be considered less than significant (See Draft EIR Page 3.2-66–68). This comment does not raise any specific environmental issues related to the adequacy of the cumulative analysis of historical resources, and no changes to the Draft EIR or further response is required.

Response to KLEIN 2-28

The Draft EIR identified potentially significant impacts and proposed mitigation measures to reduce those impacts to a less than significant level, as described in Response to KLEIN 2-22. This comment does not raise any specific environmental issues related to the adequacy of these mitigation measures, and no changes to the Draft EIR or further response is required.

Response to KLEIN 2-29

These thresholds of significance are outlined on page 3.2-51 – 52 of the Draft EIR. No further response is required.

Response to KLEIN 2-30

The thresholds of significance that were used in the Draft EIR are based on the criteria in CEQA Guidelines Appendix G Environmental Checklist. These thresholds were used in the Draft EIR to ensure the Draft EIR is compliant with the requirements of CEQA and to determine whether impacts resulting from implementation of the proposed project would be considered significant. The commenter does not suggest any specific thresholds of significance or describe why the thresholds of significance used in the Draft EIR would be considered inadequate. Therefore, no further analysis is required.

Response to KLEIN 2-31

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to KLEIN 2-32

The viewshed is the appropriate geographic scope because it includes the area that is visible from the Overlay Areas. It includes all surrounding points that are in line-of-sight with that location and excludes points that are beyond the horizon or obstructed by terrain and other features (e.g., buildings, trees). There is no evidence in the comment that areas outside of the viewshed would be subject to any aesthetic impacts related to the proposed project. Because there is no nexus between the proposed project and areas outside of the viewshed, that are neither visible from the Overlay nor have views of the Overlay, there is no basis to include these areas within the geographic scope of the cumulative analysis for aesthetic impacts.

Response to KLEIN 2-33

The cumulative impacts analysis determined whether the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The cumulative impacts analysis is adequate under CEQA and does not require additional data to make a determination. Furthermore, the comment does not raise any new environmental issues that would change the conclusions of the cumulative analysis. Therefore, no further analysis of cumulative impacts is required.

Response to KLEIN 2-34

Section 3.3, Land Use, of the Draft EIR evaluates the proposed project's consistency with Policy 2-P-3, 2-P-5, 2-G-3, and several policies related to historic preservation. General Plan Policy 3-P-1 is specifically addressed in MM Overlay CUL-2. It is appropriate to assume that cumulative development would comply with and be consistent with General Plan policies. Accordingly, no potential cumulative physical impacts to the environment are anticipated related to General Plan policies and no further cumulative discussion is required.

Response to KLEIN 2-35

As the commenter states, the proposed project is not within the Central Petaluma Specific Plan Area and is not required to follow the regulations of the Central Petaluma Specific Plan. The proposed Overlay would concentrate growth in the downtown core. Accordingly, the cumulative analysis prepared for the proposed project appropriately utilizes the cumulative projects listed in Table 3-1 of the Draft EIR. Although each cumulative impact analysis utilizes a unique geographic context specific to that topical area, the comment does not specify which cumulative analysis the comment is referencing. Using a larger geographic scope is not appropriate in certain topical areas. For example, it is not reasonably feasible that the proposed project combined with projects outside of its viewshed, would result in potentially significant aesthetic impacts because the areas are not visually connected. Accordingly, the cumulative analysis for aesthetics is not required to include the Central Petaluma Specific Plan Area as a whole. Similarly, the comment fails to identify how a wider geographic area would be relevant.

Response to KLEIN 2-36

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the level of review included in the Draft EIR and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay area.

Views toward the proposed Overlay Area from the Petaluma River are generally obscured by existing intervening development. Similarly, the Hotel site is generally surrounded by existing commercial development on all sides. Views of the Petaluma River and surrounding mountains toward or from the Hotel site and the immediate area are obscured by existing intervening development, much like other areas of Downtown. The comment fails to identify any potential significant aesthetic impact

related to the Petaluma River. As such, no revisions to the Draft EIR in response to this comment are required.

Response to KLEIN 2-37

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the level of review included in the Draft EIR and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay area. The relevant views of pedestrians and bicyclists are assumed to be from existing planned areas. As such, potential changes to both pedestrian and bicyclist views are fully addressed in the Aesthetics section of the Draft EIR.

Response to KLEIN 2-38

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the level of review included in the Draft EIR and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay area.

It is important to note that the Overlay does not approve any specific development. All projects must undergo SPAR in order to ensure satisfactory quality of design in individual buildings and sites, and appropriateness of buildings for their intended use, to mitigate the environmental impacts of buildings and sites, and to facilitate harmony between developments and their surroundings. In evaluating potential aesthetics impacts associated with the proposed project, the Draft EIR properly assumes that cumulative development would also be required to comply with relevant existing laws and regulations. Accordingly, cumulative development would be appropriately reviewed for compliance with existing regulations at the time a development application is received.

Response to KLEIN 2-39

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the level of review included in the Draft EIR and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay area. The Overlay does not approve any specific development. Accordingly, it would be too speculative for the Draft EIR to attempt to analyze the potential design impacts of unknown development. Additional information regarding the discretionary review and appeals processes related to applications for HSPAR, as well as the SPAR and CUP approvals, is provided in Appendix D to the Draft EIR.

Response to KLEIN 2-40

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the level of review included in the Draft EIR and the subsequent

environmental review that will be performed as the City receives specific development applications in the Overlay area.

The proposed project is not in the same viewshed as the SMART station, which precludes potential aesthetic impacts.

Response to KLEIN 2-41

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the level of review included in the Draft EIR and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay area.

The purpose of the EIR is not to evaluate the relative benefits of cumulative development. Instead, the EIR focuses on whether the impacts of the proposed Overlay and the EKN Appellation Hotel, together with the impacts of other cumulative development, could result in a cumulatively significant impact. The Draft EIR concludes that all cumulative impacts would be less than significant. The comment fails to provide any facts or data regarding potential cumulative impacts.

Response to KLEIN 2-42

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the level of review included in the Draft EIR and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay area. Please also refer to the analysis presented in the Draft EIR Impact LAND-2.

Response to KLEIN 2-43

The proposed Overlay does not approve any specific development, but rather establishes a framework and process for future projects. At this point, it is too speculative for the analysis of the Overlay to evaluate potential impacts associated with unknown future development of unknown size or design. As described in the Draft EIR, until the City receives a development application for subsequent development under the Overlay, the exact location and type of development as well as the impacts of a project's design are too speculative to be determined and analyzed. The cumulative impacts analysis determined whether the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The cumulative impacts analysis is adequate under CEQA and does not require additional quantitative data to make a determination. Furthermore, the comment does not raise any new environmental issues that would change the conclusions of the cumulative analysis. Therefore, further analysis of cumulative impacts is not required.

Additionally, please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4

provides additional information on the level of review included in the Draft EIR and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay area.

Response to KLEIN 2-44

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the level of review included in the Draft EIR and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay area.

Full buildout is not reasonably anticipated. Actual development over the past 20 years has been less than what the City envisioned in the existing General Plan. Based on this trend, full buildout of nonresidential uses in the Overlay within a 20-year planning horizon is not expected. As shown in Table 2-5 in Section 2.0, Project Description, a 25 percent buildout scenario is assumed over the 20-year planning horizon. Please see Response to SHUTE, MIHALY, & WEINBERGER, LLP-17.

Response to KLEIN 2-45

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the level of review included in the Draft EIR and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay area.

Response to KLEIN 2-46

The Draft EIR appropriately identified potential cumulative development within the Overlay area pursuant to CEQA Guidelines Section 15130(b)(1). (Draft EIR, pp. 3-3 & 3-4, Table 3-1, Cumulative Projects). As addressed in the comment, the Draft EIR evaluates potential cumulative light and glare. However, because the proposed Overlay does not approve any specific development, the analysis is appropriately provided at a program level.

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the level of review included in the Draft EIR and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay area. Additionally, commenter does not provide any facts or data to explain why additional analysis is necessary. Assertions that cumulative impacts might be analyzed a different way, that a broader discussion would be helpful, or that other studies might shed additional light on the subject do not provide a basis for challenging the EIR. Although further investigation and discussion might be helpful, that does not make it necessary. (*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 C3d 376, 410, 415; *Tiburon Open Space Comm. v. County of Marin* (2022) 78 CA5th 700, 754–55; *Save Panoche Valley v. San Benito County* (2013) 217 CA4th 503, 524). There is no requirement in CEQA that a lead agency must conduct every recommended test and

perform all recommended research in evaluating a project's environmental impacts. (CEQA Guidelines § 15204(a); *Bay Area Citizens v. Association of Bay Area Gov'ts* (2016) 248 CA4th 966, 1017; *Society for Cal. Archaeology v. County of Butte* (1977) 65 CA3d 832).

Response to KLEIN 2-47

The comment requests additional discussion, but does not identify any issues with the Draft EIR or potential environmental impacts. See Response to KLEIN 2-46. Please also see Response to BEARDSWORTH 2-16.

Response to KLEIN 2-48

The comment requests additional discussion, but does not identify any issues with the Draft EIR or potential environmental impacts. See Response to KLEIN 2-46.

Response to KLEIN 2-49

The comment requests additional information, but does not identify any issues with the Draft EIR or potential environmental impacts. Cumulative impacts related to visual character are thoroughly addressed in the Draft EIR. See Response to KLEIN 2-46.

Response to KLEIN 2-50

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the level of review included in the Draft EIR and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay area. Please also refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document.

Response to KLEIN 2-51

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the level of review included in the Draft EIR and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay area.

Response to KLEIN 2-52

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the level of review included in the Draft EIR and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay area.

Responses to Written Comments

Response to KLEIN 2-53

This comment is related to social or economic concerns and does not identify any environmental issue within the purview of CEQA or the Draft EIR. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis, and no changes to the Draft EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to KLEIN 2-54

The methodologies used to study potential environmental impacts in the Draft EIR are consistent with CEQA requirements and State and local regulations. A tipping point analysis is not required under CEQA. This comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR. However, this comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to KLEIN 2-55

Additions and changes to the Draft EIR, including any additional studies, are included in Volume 1 of the Final EIR.

Response to KLEIN 2-56

A Draft EIR or Final EIR are not required to disclose “positive outcomes” of a proposed project. A Findings of Fact and Statement of Overriding Considerations document considers any overriding considerations, such as economic, housing, urban revitalization, sustainability, or cultural preservation benefits, for the Lead Agency’s consideration in whether to approve a project that may have significant and unavoidable environmental impacts. However, the proposed project does not have any significant and unavoidable environmental impacts and therefore a statement of overriding considerations is not required to be adopted. This comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis; however, this comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to KLEIN 2-57

The Administrative Record includes all data sources, studies, and analyses used during the preparation of the Draft EIR. This comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR. However, this comment is noted for the record and provided to the Lead Agency for review and consideration.

From: [adam klein](#)
To: [-- City Clerk](#)
Subject: Comment for Oct 7 City Council Meeting
Date: Monday, October 7, 2024 4:05:04 PM

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---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

RE: Draft Environmental Impact Report for the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project

Dear Mayor and City Council Members,

I appreciate all the energy you invest in stewarding Petaluma into the future.

My comments pertain to the Economic Opportunity Overlay and EKN Appellation Hotel Project.

First, I want to say that I am aware of the need for our downtown to continue to evolve as the world around us changes. As you do I care significantly for our town -- not just for my own sake, but for my daughter and future grandchildren and the generations beyond.

I wish for and want the unique and specific Petaluma characteristics of our town to be cherished, enhanced and made more vibrant as we grow.

The process for the Overlay and EKN Appellation Hotel project, as currently constituted, do not do so. One only need to look at the most recent rendering of the EKN project to see how very far apart the proposed project is from the current design pattern language of our downtown. I understand it is only a rendering and can be changed. That said, we are at the very beginning of the project when a great deal of attention is placed on demonstrating how this project will fit it and amplify downtown. In a simple rendering no such attention was given or attempt made.

My greatest concern with the current project is what I will call "Shiny Object Condition." The shiny object of the hotel is bright, shiny, and alluring. It has great hopes placed upon it -- hope that it will be a huge boon to downtown and solve so many problems -- money being one of them. With this condition the brightness doesn't allow room for deeper wisdom and foresight to be present. Those abilities are swept to the side -- they get in the way of progress, of holding the shiny object.

This is my significant concern -- the overlay does not adequately address stewarding the rare gem of Petaluma because it does not contain enough guidance on cultural impact, traffic, architectural design and enhancing the historic value of Petaluma, and so on. Those need addressing **first**, untangled from any shiny object so as to be addressed fully. Then, individual projects may be entertained for this location and others.

Please follow wisdom with this and not expediency.

Sincerely,

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Adam Klein

...



Adam Klein (KLEIN 3)

Response to KLEIN 3-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to KLEIN 3-2

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Please also refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval.

Please also refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Response to KLEIN 3-3

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to KLEIN 3-4

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

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From: Heather Kratt <[REDACTED]>
Sent: Tuesday, September 24, 2024 2:02 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>; Darren R <[REDACTED]>;
<[REDACTED]>; <[REDACTED]>;
<[REDACTED]>; Heidi Bauer <[REDACTED]>;
<[REDACTED]>
Cc: -- City Clerk <cityclerk@cityofpetaluma.org>; -- City Council <citycouncil@cityofpetaluma.org>
Subject: PUBLIC COMMENT: Overlay and EKN Draft EIR

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Petaluma Public and Planning Commissioners:

The draft EIR for the downtown overlay and EKN Hotel development falsely concludes that a 6-story hotel crammed onto 1/3 of an acre in our historic downtown presents "less than significant" impact.

1

The draft EIR wrongly assumes the overlay has already been approved, ignoring the underlying issue that the hotel does not conform with existing zoning. It also doesn't mention the impact of traffic or parking, instead concluding that a 58-car underground valet parking lot is sufficient parking for hundreds of guests and employees. I saw no mention of water usage and the impact this hotel might have on the existing sewer system. This draft EIR is flawed at best.

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I would like the Planning Commissioners to consider these questions: Who hired - not paid for, but established the relationship between the hotel developer and - the EIR consultant? Why does it seem that the M-Group can find a way around any environmental obstacle for rich developers? Has anybody in the city government or Planning Commission ever questioned the credibility of the M-Group's choice of contractors? Because you should.

5

I'd like to remind the public that the Planning Commission and City Council at large both opted to side with the outsourced for-profit M-Group planners in their assertion that my 100% mobile, zero development, outdoor community marketplace on my own vacant 2/3-acre lot would somehow be an assault on the community. There is a clear record of the M-Group's disparate treatment of small business owners and their favoritism and coddling of rich developers. This is the inherent conflict of interest - putting profit over the best interests of the community - that will always exist when you outsource a critical government function to a for-profit firm.

Thanks,

Heather Kratt
NorCal Food Truck Association
The Floodway Community Marketplace
[REDACTED]

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Heather Kratt (KRATT)

Response to KRATT-1

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to KRATT-2

As stated in Chapter 2.0, Project Description, the Draft EIR considers the whole of the proposed project, including the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project, to fully analyze potential environmental effects. Therefore, the analysis provided in the Draft EIR evaluates the proposed Zoning Map Amendment and Zoning Text Amendment.

Response to KRATT-3

The City's Implementing Zoning Ordinance, Chapter 11, Parking and Facilities, Off Street, would require a total of 48 spaces for the proposed project. As noted in the Project Description, the Hotel would provide 58 underground parking spaces and would therefore be in compliance with the City's parking requirements, as well as CUP Criteria 5 for buildings taller than 60 feet, as demonstrated within Table 3.3-5 of the Draft EIR.

Response to KRATT-4

In compliance with City requirements, the Hotel will incorporate water conserving plumbing fixtures. Water usage and sewer system impacts are addressed in the Draft EIR in Section 4.1.15 – Utilities and Service Systems. According to the impact analysis, all future development under the proposed overlay would be subject to discretionary review, would be required to demonstrate where and how proposed uses would connect to utility systems, would be required to demonstrate consistency with applicable regulations for managing utilities and service systems, and would be subject to payment of applicable development impact fees, including water and wastewater capacity fees which require developers to pay their fair share of the cost of needed water and wastewater improvements to serve new customers. Impacts were determined to be less than significant.

Additionally, the Draft EIR found that existing water supplies were sufficient to meet demand projected by the UWMP, including the proposed Hotel, as well as existing and planned demands through 2035. The proposed project would be subject to the latest CBC requirements, including plumbing and water efficiency standards, as well as the City's Water Conservation Ordinance, which would further reduce water demands generated by the proposed Hotel. Therefore, existing water supplies, facilities, and infrastructure are sufficient to meet water demands of the proposed project during normal, single, and multiple dry year events. Furthermore, Ellis Creek Water Recycling Facility has sufficient operating capacity to treat additional flows generated by the proposed project. No new construction or expansion of wastewater facilities are needed to accommodate the proposed project, and impacts were found to be less than significant.

This comment does not raise any new environmental issues related to the impact analysis provided in the Draft EIR, and no further analysis is required.

Response to KRATT-5

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

From: Heather Kratt <[REDACTED]>
Sent: Saturday, September 28, 2024 3:09 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>; Darren R
<[REDACTED]>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>; [REDACTED]
<[REDACTED]>; Heidi Bauer <[REDACTED]>;
[REDACTED] <[REDACTED]>; -- City Council
<citycouncil@cityofpetaluma.org>; -- City Clerk <cityclerk@cityofpetaluma.org>
Subject: Public Comment: EKN Hotel Developer - Loan Default and Foreclosure

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

City Council and Planning Commission:

I assume most of you are aware of the recent San Francisco Chronicle article about EKN Development's default on their \$110M loan, the foreclosure and impending auction of their property, and the blighted lot that sits in worse shape than before they promised a great hotel to that community. This is, of course, the same developer that wants to violate our zoning laws with their oversized misplaced hotel in our historic downtown. A link to the article is below:

<https://www.sfgate.com/renotahoe/article/filing-historic-tahoe-casino-foreclosure-auctioned-19789717.php>

What is especially disturbing about this news is that some of you have continued to insist that this hotel is the miracle cure for our alleged economic woes. Brian Barnacle, for example, has been campaigning on the premise that our city will go broke if this hotel is not approved. The "put all of our eggs in one basket" approach is incredibly shortsighted and insulting to the many small businesses that have a much greater impact on our economy but are not treated equally by the city and M-Group. While trying to push this hotel through, you have collectively ignored the many storefronts that sit vacant and small business and property owners who are waiting years for simple permits because the M-Group considers them to be such a low priority.

The application the city recently released for cannabis dispensaries is an overbearing list of requirements and financial review that stops just short of demanding a blood sample from the applicant. But nobody ever thought to verify that this developer had the funds to complete the hotel? This is yet another example of where rich developers (or those who claim to be) and large corporations are given a free pass in Petaluma, and small businesses are unnecessarily put through the ringer. If you are as concerned about the economy as you claim, then this injustice needs to be addressed.

Thanks,

Heather Kratt
Petaluma, CA

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Heather Kratt (KRATT 2)

Response to KRATT 2-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. The comment raises concern about the applicant's proposed development in Tahoe. It is understood that EKN's Tahoe project remains an active development, and that the existing financing is currently being restructured to better align with the Tahoe project's long-term goals and market conditions. The applicant's finances are not an environmental impact and the Draft EIR for the subject project does not need to evaluate finances or otherwise take into consideration the finances of the applicant's project in Tahoe. The comment is noted for the record and provided to the Council for consideration.

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From: Lance Kuehne <[REDACTED]>
Sent: Tuesday, September 24, 2024 1:55 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>; -- City Clerk
<CityClerk@cityofpetaluma.org>
Cc: [REDACTED] <[REDACTED]>; [REDACTED]
<[REDACTED]>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>; [REDACTED]
<[REDACTED]>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>; Janice Cader-Thompson
<jcaderthompson@cityofpetaluma.org>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>
Subject: Public Comment on the DEIR for Downtown Housing and Economic
Opportunity Overlay Project

Some people who received this message don't often get email from

[REDACTED] [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

Hello Commission Members,

I have read through much of the 414 page Draft Environmental Impact Report for the
EKN hotel and accompanying overlay. A lot of that report reads like a work of fiction.

I won't go into great detail on all my objections to the findings of this report by
FirstCarbon Solutions of Walnut Creek, but here are my main concerns.

1) This DEIR states that the hotel conforms to a zoning law that doesn't even exist. The
overlay has not been approved. The current regulations that apply to that lot are the
historic design guidelines for "The Petaluma Historic Commercial District" established in
1999. This hotel does not come close to conforming to our existing zoning regulations.
The overlay needs to be approve first, before we can even consider whether this hotel
conforms to such new guidelines.

2) The DEIR states that a "Parking Assessment District" will take care of all parking
issues related to buildings in the Overlay Zone areas. During peak times in our
downtown, all parking spaces are already taken. A "Parking Assessment District" does
not add additional parking. This hotel supplies 58 valet parking spaces, and takes away
3 current street parking spaces. This hotel will likely need to have 150 to 200 parking
spaces when at peak staffing and occupancy levels. There is no place downtown where
an additional 100 to 150 vehicles can park at peak demand times. Local businesses like
Rex Hardware next door will lose business because customers won't be able to park
near their store. Clearly, parking issues are not adequately addressed in this DEIR.

3) This DEIR states that no alternative sites were consider because "There are no
significant and unavoidable impacts associated with the proposed project. Accordingly,
none of the sites suggested as alternatives would avoid or substantially lessen a
significant and unavoidable impact." This is clearly false. This hotel would change the
character of our historic downtown forever. That is why so many citizens are upset
about this whole idea, and wouldn't object (or object so strongly) if it were located in

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another part of town.

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4) The notices given to the public about this overlay are woefully inadequate. The proper signage didn't even get posted at the hotel site until just a few days ago. Many citizens in Petaluma are completely unaware that this rezoning is even being considered.

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5) Our 8 year "2023-2031 Housing Element" plan has already been approved, and no housing was proposed for the downtown area. Why is this suddenly being changed? There is clearly not enough thought given to the consequences of doing this.

6

6) The Overlay Project does not take into consideration the possibility of state-mandated "Density-Bonuses" that the city may be subject to if we approve 6-story housing developments in our historic downtown. This could lead to the real possibility of 9-story buildings being erected in our downtown.

7

Clearly, many of the conclusions reached in this DEIR have no relationship to reality. This DEIR needs to be rejected and re-written to conform with reality and current zoning laws.

8

Thank you for your time,

Lance Kuehne

=====
Lance Kuehne
Petaluma, California
=====

Lance Kuehne (KUEHNE)

Response to KUEHNE-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to KUEHNE-2

As stated in Chapter 2.0, Project Description, the Draft EIR considers the whole of the proposed project, including the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project, to fully analyze potential environmental effects. Therefore, the analysis provided in the Draft EIR evaluates the proposed Zoning Map Amendment and Zoning Text Amendment.

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to KUEHNE-3

The City's Implementing Zoning Ordinance, Chapter 11, Parking and Facilities, Off Street, would require a total of 48 spaces for the proposed project. As explained in the Draft EIR, the proposed Hotel includes a below grade, 58-space parking garage and is partially located within the City's Parking Assessment District. The Draft EIR analyzes parking in section 3.3-3 Land Use as it relates to a potential conflict with the City's established parking regulations (Impact LAND-2) and Chapter 4, Additional Effects Evaluated in the Initial Study. Therefore, parking has been adequately analyzed in accordance with CEQA and considered relative to the City's land use regulation for parking. Please also refer to Master Response 14, Hotel and Overlay Impacts on Parking.

Response to KUEHNE-4

Alternative locations were considered but rejected in accordance with CEQA Guidelines Section 15126.6(f)(2)(A). Because the CEQA Guidelines establish that only locations that would accomplish the objective of avoiding or lessening significant impacts should be considered as alternative locations for the proposed project, and none of the alternative sites listed in the Draft EIR Section 6.7.1 accomplish that objective, these locations were rejected from further consideration. Please refer to SULLIVAN-5 and SULLIVAN-25 for additional details regarding the alternative sites analysis and the proposed location of the Hotel. This comment is noted for the record and provided to the Lead Agency for review and consideration prior to approval of the proposed project. Please refer to Master Response 3 for additional details regarding the Draft EIR's analysis of Alternatives.

Responses to Written Comments

Response to KUEHNE-5

Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Response to KUEHNE-6

While the proposed Overlay allows for residential uses on the ground floor, it does not allow for a greater density in housing beyond what is currently permitted (30 dwelling units/acre). As such, the currently permitted density of residential units would not be impacted by the proposed Overlay and the proposed project would not be in conflict with the City's certified 2023-2031 Housing Element.

Response to KUEHNE-7

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus Law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to KUEHNE-8

Please refer to Master Response 2, Recirculation Not Required, in Section 2.1, Master Responses, of this document. Master Response 2 discusses why the conditions established in the CEQA Guidelines under which the Draft EIR must be recirculated have not been met.

From: Brian Lamoreaux <[REDACTED]>
Sent: Tuesday, September 24, 2024 9:29 PM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>; Greg Powell <gpowell@cityofpetaluma.org>; Isabel Castellano <icastellano@cityofpetaluma.org>; Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: concerns about zoning overlay and EKN hotel application

You don't often get email from [REDACTED]. [Learn why this is important](#)
---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---
Hi,

I have concerns about the zoning overlay and this project specifically poses in relation to building height, aesthetic impacts on downtown Petaluma and parking. A hotel of this scale would ruin the parking situation in town, and that impacts everyone who lives here and visits. I do not like or agree with that they are not required to provide any parking (even though they claim to provide some). I do not think Petaluma should allow for 6 story buildings in downtown, even if they have terraced or stepping inward tops. Hotel Petaluma is 4 stories and it has a huge visual impact and its presence in downtown is felt. Why do we have to alter our rules to exceed what is already the tallest most imposing building in town? Is that existing Hotel Petaluma full all the time? Definitely not.

This scale, design and use of building looks like it belongs in Healdsburg, not Petaluma.

I also have major concerns about the aesthetic and architectural design of the building based on the renderings presented, but that is not the purpose of my comment here.

I am not a person who hates change, is scared of the future, or wants Petaluma to stay it's been in the past. I welcome change, I welcome infill and some higher density. I welcome movement in this direction however I feel the EKN Appellation Hotel project far exceeds what is appropriate and we can meet in the middle. What is presented is not what I want but I do welcome change.

The EIR does not look sufficient to me - please push back and do your due diligence. We do not need to rush this through for anyone. This is our town and our job is to do our homework, listen to what people say and are concerned about and not rush something through that's not well thought out or the best option.

Thanks,

Brian Lamoreaux
[REDACTED]
[REDACTED]

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Brian Lamoreaux (LAMOREAUX)

Response to LAMOREAUX-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to LAMOREAUX-2

Please refer to Master Response 14, Hotel and Overlay Impacts on Parking.

Response to LAMOREAUX-3

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to LAMOREAUX-4

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to LAMOREAUX-5

Please refer to Master Response 9, Historic Built Environment Impacts Assessment, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024 and additional clarifying information related to aesthetics and visual character, including responses to concerns related to the visual character of the Downtown area and the Hotel component of the proposed project. Master Response 9 also includes a discussion of the size, scale, and design of the proposed project with regard to its surroundings. Additionally, Master Response 9 includes a discussion of the appearance of the proposed Hotel. Please also refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval.

Response to LAMOREAUX-6

Concerns about the aesthetic and architectural character and visual renderings are addressed in Master Response 9. Please refer to Master Response 9, Historic Built Environment Impacts

Responses to Written Comments

Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document.

Response to LAMOREAUX-7

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to LAMOREAUX-8

Please refer to Master Response 2, Recirculation Not Required, in Section 2.1, Master Responses, of this document. Master Response 2 discusses why the conditions established in the CEQA Guidelines under which the Draft EIR must be recirculated have not been met.

From: Brian Lamoreaux <[REDACTED]>
Sent: Wednesday, September 25, 2024 10:30 AM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>; Greg Powell <gpowell@cityofpetaluma.org>; Isabel Castellano <icastellano@cityofpetaluma.org>; Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: Re: concerns about zoning overlay and EKN hotel application

You don't often get email from [REDACTED]. [Learn why this is important](#)

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One more thought here... (and sorry for the 2nd message, but it feels like time is of the essence and I've held back my opinion as I wanted to dig into all the info like the EIR and info on the City website as possible...) My first impression is this looks like an office building. Or something one would see from a freeway.

Out of respect for our loved and admirable downtown, character, and personality (as well as traffic and parking flow) I give this proposal two thumbs down. Let's please take the time needed to improve and shape one of the things we value most about Petaluma (downtown) into something better than what is currently put forth. If the argument is that smaller does not "pencil out" : a.) do we really need to chain ourselves in this moment in time to whatever the current economics would have us think we need to do to make something profitable "fit" at the expense of the public good and the future town? and b.) has someone with an MBA who is independent of the applicant done a sound financial analysis to see if this is true? It's quite easy to trust and repeat what others say when it comes to economics but it should be verified.

Thank you sincerely for your consideration,
Brian Lamoreaux



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Brian Lamoreaux (LAMOREAUX 2)

Response to LAMOREAUX 2-1

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information related to aesthetics and visual character, including responses to concerns related to the visual character of the Downtown area and the Hotel component of the proposed project.

Response to LAMOREAUX 2-2

Please refer to Master Response 14, Hotel and Overlay Impacts on Parking.

Response to LAMOREAUX 2-3

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval.

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From: [REDACTED] <[REDACTED]>
Sent: Sunday, October 6, 2024 3:33 PM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: EKN update

You don't often get email from [REDACTED]. [Learn why this is important](#)

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As a lifelong Bay Area native and 50 year resident of Petaluma, I am vehemently opposed to the EKN update, specifically the proposed hotel and overlay of the downtown district. An out of town company wishes to erect an out of proportion hotel on what is one of the busiest and clogged intersections in town? What stake do they have in Petaluma's historic downtown?

1

First of all, no hotel is needed there, and as the site of a former gas station, that is in itself hazardous. The proposed hotel does not offer adequate parking for its guests, and would dwarf the long established and very successful Rex Hardware, next door. Further the idea of changing the core downtown Petaluma with high rise buildings will destroy the very character of this town, which is why people love to live here or visit.

2

3

4

Anyone who thinks this is a good idea should visit other California towns, such as Walnut Creek and Millbrae; both of which once had historic downtowns that now look like major metropolitan areas. Is it not enough that you have built high density housing in every corner of this city? If you feel the need for another hotel, or more high density housing, why not build it where the vacant KMart sits? Why ruin the historic downtown area with these "progressive" ideas from out of towners?

5

6

Carol Larson

Sent from my iPad

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Carol Larson (LARSON)

Response to LARSON-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to LARSON-2

Please refer to Master Response 17, Hazardous Materials.

Response to LARSON-3

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR. Please also refer to Master Response 14, Hotel and Overlay Impacts on Parking.

Response to LARSON-4

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval.

Response to LARSON-5

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to LARSON-6

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains that an evaluation of a Hotel-Only alternative, or a commercial only alternative would not result in significantly different information from that already presented in the Draft EIR. Lastly, it explains why the Alternative Site Alternative was considered but rejected.

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Rezoning without complete analyzing of historic Downtown Petaluma

From Ann Ledoux [REDACTED]
Date Sun 9/22/2024 11:30 AM
To Orozco, Uriel <Uorozco@cityofpetaluma.org>

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

"No to quick job of changing Downtown Petaluma." AND not showing 6pm Sep 24 meeting on website. Perhaps ignoring state process of zoning laws. Quick and possibly dirty operations. Let's get off this fast train. Proper policy needed!
Sent from my iPad

1

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Ann Ledoux (LEDOUX)

Response to LEDOUX-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

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Dear Uriel Orozco, City of Petaluma

I'm writing today to voice my comments, concerns and suggestions to you regarding the proposed Appellation Petaluma Hotel. These fall into four categories: Location, Design, Noise and Traffic.

LOCATION:

My first question about the proposed hotel is why build it there?

Wouldn't both the goals of hoteliers Palmer/Hunsberger, of EKN, and of the city of Petaluma be better served by building the hotel within the CPSP location? Please allow me to elaborate:

- Our location in southern Sonoma produces many of the nation's prime artisanal, organic delicacies. You name it, we've got it: from wines to beers, sustainable seafood to world-class bakeries, world-renown dairy and meat products, the list goes on...

Why not expand the vision of the Appellation Petaluma to reflect this richness, include a food court on the lower level and/or the surrounding area... an arcade of local shops... thus helping to expand retail opportunities, grow our local economy, ...as well as capitalize on the burgeoning food tourism in our area.

This would be best achieved within the CPSP area, where planning could supply ancillary structures, walkways and landscaping... not in the proposed location -- the footprint of which is already circumscribed, and curtailed by traffic.

- With our commitment to carbon neutrality by 2030, Petaluma is exemplary in our adherence to and implementation of green practices, and climate resiliency. Why not make the Appellation Petaluma reflect our green identity, by becoming a one-of-a kind, state-of-the-art green hotel? As a traveler, I know how traveling green is not incompatible with traveling in comfort. Travelers enjoy the opportunity to explore green products and practices, to align our actions with our values. It would enhance EKN's efforts to be a destination hotel, and it would have "Petaluma" written all over it.

With these defining attributes, and within the CPSP target location, Appellation Petaluma could well become the fulcrum of highly-energized urban life... utilizing the nearby train and bus line transit stations, and its proximity to the 101,...as well as meeting our CPSP goal: drawing resources to central Petaluma, uniting the east and west sides.

*Let's envision the area replete with demonstration gardens, landscaped walkways, parklets and performance spaces ... **with the Appellation Hotel Petaluma at its heart.***

DESIGN/ARCHITECTURE:

Petaluma already has its own unique architectural vernacular. In addition, our city is home to sculptors and ceramicists, and a variety of other makers of public art. Why not incorporate the playfulness-mixed-with-utility that is integral to our civic palette? Sadly, EKN's visuals of the future hotel reflect only the blandest of corporate aesthetics.... It says nothing about our location, our community or our history! It would be wise if Appellation Hotel hired local

architects and artists to consult. For example: many of the sculptors in the area famously work with metal... the entry metalwork could be much more relevant to our community if designed and fabricated by one of our own!

4
CONT

NOISE:

"At 50 feet, amplified music would generate a noise level of 72 dBA. Based on the height of the Hotel building, and attenuation provided by the parapet of the Hotel building and the building itself, noise levels at the nearest sensitive receptor will be approximately 56 dBA which is within the noise limits established by the City. " (pg 87)

I realize the dBA levels have already been established by the city, but it's worth noting: most bands are well above 80 dBAs...more like 110 dBAs. From the proposed outdoor rooftop bar sound waves could be carried by evening winds. In the evening, marine air blowing eastward through the Petaluma Gap, branches into southward and northward streams and could attenuate the reach of noise. Many of us experience this on an ongoing basis, with the roaring of the racetrack, or the sound of rock bands blaring from the fairgrounds. If the rooftop's bar's operating hours extend to 2 am (as most do) the noise would be unacceptable, and in violation of our noise ordinance.

5

TRAFFIC:

With multiple, ongoing truck deliveries, passenger drop-offs, and the plan for ongoing events, not to mention the 93+ guests, I have concerns about how local residents and shopkeepers will deal with the jump in traffic and difficulty with parking. 4th street becomes a one way at B street. Parking on 4th between B and Western is difficult, and not much relieved by the parking lot. I believe we're asking for trouble to invite the kind of congestion a hotel in that spot will create. At such times when hotel parking is maxxed out, I suspect a valet service will be called in to park cars on neighborhood streets...only to frustrate multi-resident households with more than one car... and compromise safety for pedestrians and bicyclists.

6

D is already experiencing its slow down, 5th is soon to be a "slow street," leaving the streets bordering the proposed hotel -- B, 4th and Petaluma Blvd-- to shoulder subsequent traffic fallout.

Again, I urge our city planners to consider the CPSP location for the Appellation Petaluma, where both the city and the hotel could only benefit.

7

Thank you for reading this letter and giving it your attention.

Respectfully,



Barbara Lowe
Petaluma
94952

Barbara Lowe (LOWE)

Response to LOWE-1

The commenter expresses general opposition to the location of the proposed Hotel. Please refer to SULLIVAN-5 and SULLIVAN-25 regarding the alternative sites analysis and the proposed location of the Hotel.

Additionally, please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains that an evaluation of a Hotel-Only alternative, or a commercial only alternative would not result in significantly different information from that already presented in the Draft EIR. Lastly, it explains why the Alternative Site Alternative was considered but rejected.

Master Response 9 contains information about the location of the proposed Hotel when considering the potential impacts on historic properties. Please refer to Master Response 9, Historic Built Environment Impacts Assessment, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024.

Response to LOWE-2

As discussed throughout the Draft EIR, the proposed project would comply with the California Green Building Standards Code (CALGreen) Building Tier 1 Standards. CALGreen Tier 1 reduces energy consumption for heating, air conditioning, and ventilation and requires use of low water irrigation systems, water-efficient appliances and faucets, cool roofs, short- and long-term bicycle parking, electric vehicle charging spaces, outdoor energy performance lighting and other mandatory energy efficiency measures. This comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis, and no changes to the Draft EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to LOWE-3

As discussed in the Draft EIR, the proposed project would support the primary goals of the 2017 Clean Air Plan as it would be located in the City's downtown and proximate to transit. This comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis, and no changes to the Draft EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to LOWE-4

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which would govern all development associated with the implementation of the proposed project.

Responses to Written Comments

Response to LOWE-5

The comment suggests that amplified noise levels from musical bands can be up to approximately 110 dBA. This can be true for acts in large venues with sizable crowds and powerful sound systems, but it does not reasonably approximate noise levels that may be generated by amplified music within the proposed Hotel's approximately 1,400 square foot event space. The proposed Hotel's event space capacity and usage would not demand (or tolerate) such extreme noise levels, and it would not be equipped with the equipment capable of generating such extreme noise levels. Notwithstanding, the City's IZO would prohibit such extreme amplified noise levels at all hours, and it generally prohibits any amplified noises capable of creating a noise disturbance after 10:00 p.m., as well.

The proposed project's noise impacts are addressed in pages 4-52 through 4-58 of the Draft EIR. Appendix A.2 of the Draft EIR contains an additional 35-page noise and vibration study addressing impacts that may result from the construction and operations of the proposed Hotel.

Response to LOWE-6

Please see Master Response 15, Traffic Congestion and Master Response 14, Hotel and Overlay on Parking. The commenter also states that the City's "slow street" improvements on Fifth Street will lead to traffic issues that would be exacerbated by the Hotel. While the Fifth Street modifications do affect certain traffic movements, those movements (with or without the Hotel) are redistributed and dispersed on the surrounding grid street network and are not anticipated to cause severe congestion issues at any specific location.

Response to LOWE-7

Please refer to Response to LOWE-1 for information regarding the location of the proposed Hotel.

From: Mike Drobnick <[REDACTED]>
Sent: Saturday, October 5, 2024 11:25 AM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>
Subject: Hotel

You don't often get email from [REDACTED]. [Learn why this is important](#)
---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---
Dear Planning Commissioners,

I was going to send a list of the reasons why not to build the hotel as proposed at Petaluma Blvd and B St., but I'm sure you have hundreds of those already. Please bear with me for writing this letter and I hope you take time to read it.

1

I went to last Planning Commission meeting and Janice Cader Thompson expressed her support for the hotel to stimulate growth and vibrancy to the downtown. She was eager to get started for the sake of our children and grandchildren and the future for a prosperous downtown. She was disappointed in the negative reaction to those attending the meeting to the design of the hotel and suggested those in attendance have not proposed a better design. I suggest you look up Taylor Building – Salinas, CA on the web to see a downtown revitalization project done right. The building is new and absolutely beautiful on the 100 block of downtown Salinas.

2

Taylor also bought a historic building a few blocks away gutted by fire. The previous owner boarded it up and did nothing with it for five years. Unfortunately, like number of property owners in Petaluma adding to the increasing blight of prime properties in downtown Petaluma. After the purchase, Taylor immediately went to work renovating the gutted building adding 19 apartments and retail and restaurant space on the ground floor. It's also beautiful and tastefully done. Please look up Dick Bruin Building renovation by Taylor.

Other examples to follow are using **the best** of the improvements implemented in downtown Healdsburg and Napa.

The hotel as proposed is absolutely mediocre and the worst example for other developers to follow. I want the first development to be a standard bearer for the next development to meet or beat its predecessor in style, design, and blending in with the community. If the hotel goes in as proposed, it will be the beginning of the end for downtown Petaluma. We have only one shot at this. Let's do it right.

3

I do look forward to the future a vibrant downtown. I want people to grow up and want to live in Petaluma. I want tourists to visit, return, and dream of someday living in our great town.

4

Mike Drobnick
Sr. VP Business to Business
O'Neill Vintners & Distillers

[REDACTED]

T: [REDACTED]

E: [REDACTED] | W: ONeillWine.com



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Mike Drobnick (M. DROBNICK)

Response to M. DROBNICK-1

This comment consists of introductory information and expresses general opposition to the proposed project. This comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to M. DROBNICK-2

This comment provides two examples of revitalization projects. This comment is noted for the record and provided to the Lead Agency for review and consideration.

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which would govern all development associated with the implementation of the proposed project.

Response to M. DROBNICK-3

This comment expresses concerns about the design of the proposed Hotel. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information related to aesthetics and visual character, including responses to concerns related to the visual character of the Downtown area and the Hotel component of the proposed project.

Please also refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval.

Response to M. DROBNICK-4

The author expresses concern about the City's livability and tourism. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

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From: Bailey Malone <[REDACTED]>
Sent: Monday, October 7, 2024 2:38 PM
To: Barnacle, Brian <bbarnacle@cityofpetaluma.org>; Dennis Pocekay <dpocekay@cityofpetaluma.org>; Kevin McDonnell <kmcdonnell@cityofpetaluma.org>; John Shribbs <jshribbs@cityofpetaluma.org>; Mike Healy <mhealy@cityofpetaluma.org>; Karen Nau <knau@cityofpetaluma.org>; Janice Cader-Thompson <jcaderthompson@cityofpetaluma.org>; -- City Clerk <cityclerk@cityofpetaluma.org>
Subject: Hotel math not adding up

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Though there is disagreement this local political season, one thing Petalumans agree on is that the Hotel Petaluma benefits our community. The hotel sits in a prime downtown location at a striking 58 feet tall, with 91 lovely rooms and 16,000 square feet of event, restaurant and retail space for the delight of locals and visitors alike. Though there are zero parking spaces, there is a parking garage a few blocks away and neighborhood parking aplenty. The Hotel Petaluma is widely beloved, with negligible negative impact on its neighbors. Why then will the impact of the EKN hotel - in a prime downtown location, 10 feet taller with 2 more rooms, similar square feet of event and restaurant space, 58 parking spaces (versus zero), a parking garage a few blocks away, and neighborhood parking aplenty - be catastrophic?

The outcry reminds me of all the other times that people opposed to development insisted that the sky was falling. The road diet, SMART train, Theater Square, apartment buildings, shopping centers - all of these would ruin our town, they told us. Yet none of their dire predictions have come to pass. Of course there is some impact; but there is also enormous benefit to shoppers, business owners, employees and city coffers.

I've lived near downtown for nearly 40 years and am excited for a second hotel that meets growing demand for lodging, dining and events. Hopefully in a few years you'll find me at the rooftop bar, taking in the view.

Bailey Malone

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Bailey Malone (MALONE)

Response to MALONE-1

This comment expresses support for the proposed project. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

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From: [REDACTED]
To: [-- City Clerk](#)
Subject: hotel and overlay a very bad idea
Date: Monday, October 7, 2024 6:52:24 PM

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

City council...

As OUR elected representatives, It is your responsibility to listen to your constituents. Most Petalumans are against the hotel and the overlay. Please do NOT move forward with the DEIR.

There are too many environmental issues with this project:

*Insufficient room for all the parking that is needed for: guests of both the hotel and restaurant; the staff who work there and all the different deliveries that will be made.

*The issues stemming from the gas tanks and the benzine exposure.

*If there is underground parking: what will happen when digging down so deep, water is hit??

*Not to mention the financial issues this Developer is having?

Regards,

Loretta Mateik

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Loretta Mateik (MATEIK)

Response to MATEIK-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to MATEIK-2

The City's Implementing Zoning Ordinance, Chapter 11, Parking and Facilities, Off Street, would require a total of 48 spaces for the proposed project. As noted in the Project Description, the Hotel would provide 58 underground parking spaces and would therefore be in compliance with the City's parking requirements, as well as CUP Criteria 5 for buildings taller than 60 feet, as demonstrated within Table 3.3-5 of the Draft EIR. Please see Master Response 14, Hotel and Overlay Impacts on Parking.

Response to MATEIK-3

Please refer to Master Response 17, Hazardous Materials.

Response to MATEIK-4

Please refer to Master Response 17, Hazardous Materials.

Construction dewatering will be performed as necessary to prevent groundwater intrusion during construction. This work will be performed under permit from Sonoma County. Construction techniques will be used to prevent any groundwater intrusion into the subterranean parking garage.

Response to MATEIK-5

The applicant's finances are not an environmental impact and the Draft EIR for the subject project does not need to evaluate finances or otherwise take into consideration the finances of the applicant's project in Tahoe. The comment is noted for the record and provided to the Council for consideration.

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From: Robert Mayes <[REDACTED]>
Sent: Friday, September 13, 2024 4:03 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: Hotel

You don't often get email from [REDACTED]. [Learn why this is important](#)

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I remember Below-grade flooding which would cause a problem for cars parked there. Has that problem been eliminated?

Mary Lou Mayes

[REDACTED]
Petaluma, CA 94952-2811
[REDACTED]

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Mary Lou Mayes (MAYES)

Response to MAYES-1

Flooding and sea level rise concerns are addressed in Chapter 4, Additional Effects Evaluated in the Initial Study, Section 4.2.8, Hydrological and Water Quality, of the Draft EIR.

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From: Stephanie McAllister <[REDACTED]>
Sent: Thursday, October 3, 2024 12:25 PM
To: Olivia Ervin <oervin@cityofpetaluma.org>
Subject: Downtown Overlay - EKN Appellation Hotel DEIR

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Please find attached a comments in regards to the subject project.

Thank you,

Stephanie McAllister
[REDACTED]
Petaluma, CA

October 3, 2024

City of Petaluma Community Development Dept.
Olivia Ervin, Principal Environmental Planner
City of Petaluma
11 English Street
Petaluma, CA 949525

Email: oervin@cityofpetaluma.org

To the City Council and Planning Commission:

I have reviewed the Draft EIR for Downtown Overlay/EKN Appellation Hotel and attended the Planning Commission meeting (September 24, 2024) in which it was discussed. Please review my comments as follows:

Aesthetics/Cultural Resources

The DEIR states that the impact to Aesthetics and Cultural resources in the Historic downtown will be mitigated to less than significant through the Conditional Use Permit (CUP) review process. This mitigation measure is inadequate to mitigate this impact. Not only does this defer meaningful review of the visual impacts, effectively kicking the can down the road, but the criteria for findings outlined in the Downtown Overlay document does little to truly mitigate the impact of increased building height and bulk that is out of scale with the surrounding historic context.

Many of these criteria are vague. For instance, to be granted a 60 ft. height, the additional height must make “a positive contribution to the overall character of the area and be compatible with its surroundings” and cannot “result in the unreasonable restrictions of light and air from adjacent properties or the public right-of-way”. These are both examples of vague criteria open to individual interpretation, allowing a low bar for approval.

Additional criteria to allow a building up to a 75 ft. height are similarly loosely defined. Criteria for “exceptional” architecture includes use of “innovative, creative architectural concepts, materials or building techniques” and “creative design to increase building efficiency and to reduce energy consumption”. Again, these qualifiers are open to interpretation. And energy-efficient, low-impact design and other sustainable features that are quantifiable are generally required by the State building code and CalGreen. So, the Overlay is not requiring anything that would not be considered essential for any building development approval.

Finally, the findings allowing an increase to 100% lot coverage are simply met by choosing one of five criteria options. These include “adequate space for street trees”, “adequate provision for recycling and solid waste”, and “measures to enhance to pedestrian environment”. These requirements are expected in any project review. Again, not an exceptionally high standard for approval that does little to mitigate the visual impact.

In conclusion, these mitigation measures fail CEQA in the lack of specificity and effectiveness. The discretionary review process for a CUP will not effectively diminish the impact of the building

height and mass allowed under the Downtown Overlay that will be out of scale with the downtown district and overwhelm its historic character. This mitigation represents a “hopeful intention” when in practice it is extremely challenging to mitigate of building mass with surface treatments and design elements.

1
CONT

Historic resources survey:

The DEIR does not include a complete historic resources survey, particularly in Area C. Correcting this deficiency is necessary to an effective evaluation of the impact on historic resources in the downtown area.

2

State mandated Density bonuses:

The DEIR fails to incorporate the impact of potential density bonuses available for affordable housing, even while housing development is one of the stated goals of the Overlay zoning. While it is true that these bonuses are allowed under current zoning, the increased height and FAR limits proposed would allow an even greater building height and mass. Additionally, there is little discretionary review allowed under current affordable housing mandates, to discourage an exclusionary public review and a potential denial of a project. Finally, given that two of the Overlay areas are within .5 miles of the SMART transit hub, there is no parking requirement for housing, that would further aggravate the shortage of downtown parking.

3

It is not reasonable to simply state on the City website FAQ’s that this possibility is unlikely. In fact, this scenario is playing out in many communities. We need to address the affordable housing crisis, but it would be best to minimize the potential visual and traffic impacts that this could have directly on the historic core of the downtown district.

4
5

Transportation:

The Overlay allows 100% lot coverage that results in all service and delivery access relying on the public streets. For example, the proposed hotel has trash pickup being accessed on B Street, and likely all deliveries. These daily operations will undoubtedly impact traffic on the already difficult intersection at Petaluma Boulevard. With the current 80% coverage, drives or alleys can address these access issues. This impact has not been effectively evaluated.

6

As an example of the existing site with less lot coverage, Petaluma Hotel’s back alley accesses its trash pickup, keeping dumpsters off the surrounding public streets, and eliminates blank facades at the street level for utility closet access. Although deliveries are made on Kentucky Street, there is a loading zone available, and the street is less impacted by traffic than B Street.

Alternative Sites for the EKN Hotel:

The DEIR fails to identify any alternative sites for the proposed hotel to compare impacts. This is justified by stating that these cannot be reasonably purchased, but no evidence of that is presented. There has been much discussion of underutilized sites in the vicinity of the Downtown, many of which would have less visual impact on Historic resources, and a likely lesser impact on traffic concerns. This deficiency needs to be corrected.

7

In addition, the DEIR states that there are no unavoidable impacts with the current site proposed. Given that the CUP review does not truly mitigate the impacts of the height and bulk of the hotel to less than significant, this is not the case. (See above discussion.)

8

Parking:

Although no longer a CEQA issue, the parking for the hotel is completely inadequate. This issue also needs to be addressed in a comprehensive way for the Downtown Overlay's proposed increased density.

Although the hotel site is largely within the Downtown parking assessment area, the capacity of the Keller Street parking garage and its assessment area was gauged on the current zoning density. It is not reasonable to increase the use and development density of the assessment area, and expect the parking needs to be met. My own experience of owning a building within the parking assessment area is that the garage often completely full.

9

Understanding that we now have the SMART train, it is naïve to expect that a substantive number of hotel guests will travel here by train. That is also the case with hotel staff, who work varying shifts and would be constrained by the limited hours and headways of the train. The City needs to be realistic about parking requirements for the hotel, and not create an impact on the surrounding downtown and neighborhoods. This is an impact that has not been considered with an alternative sites study but is key to the hotel being successfully integrated into the Downtown area. Another site may be able to integrate more parking, or perhaps the hotel needs to be smaller.

10

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Additionally, this is an issue for all areas of Downtown overlay. A comprehensive parking solution needs to be addressed, looking at individual site capacities and perhaps another parking garage. I think most are willing to consider less parking and a greater reliance on alternative transportation, but few see no or very little parking as a realistic solution.

12

Please conduct a thorough review of these deficiencies. Given the foundational revisions needed, it appears that approval of the Draft EIR is premature. A revised Draft would allow a more realistic appraisal of impacts before a Final EIR is prepared. It would also provide guidance for revisions to the hotel proposal and provide valuable input as to whether the Downtown Overlay is advised in its current form. The Petaluma community deserves a complete vetting of this proposal that will greatly affect the future of its historic downtown.

13

Respectfully,

Stephanie McAllister

[REDACTED]

Petaluma, CA 94952

Stephanie McAllister (MCALLISTER)

Response to MCALLISTER-1

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval.

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

The proposed CUP findings, which are part of the legislative actions before the Council in considering approval of the proposed Overlay, serve as those specific performance standards that will reduce the potential impacts below significant. The review process to consider a CUP is well established and subject to the discretion of the Planning Commission. The City already relies upon the CUP process to evaluate proposed projects in accordance with IZO Section 24.060 E, with the stated purpose of ensuring the proper integration of uses which may be suitable only in certain locations and provided that uses are arranged and operated in a particular manner. An affirmative finding for each of the specified criteria (pursuant to the Overlay Ordinance), and supported by substantial evidence, is required for approval of CUP applications for all properties within the proposed Overlay. The comment is noted for the record and provided to the Lead Agency for consideration.

Response to MCALLISTER-2

The analysis included in the Draft EIR for properties within the Overlay Area are consistent with CEQA best professional practices when looking at historic age properties at a programmatic level. The mitigation measures establish a process for the overlay properties to be evaluated on a project-specific basis. The current Historic Context Statement, Design Guidelines, and Historic District documentation is sufficient when combined with the project-specific evaluation, as well as the programmatic analysis of the proposed Overlay as set forth in the Draft EIR.

Response to MCALLISTER-3

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus Law would or would not impact building height maximums and other development standards within the proposed Overlay.

Responses to Written Comments

Response to MCALLISTER-4

Please see Master Response 14, Hotel and Overlay Impacts on Parking.

Response to MCALLISTER-5

The commenter states that the parking and traffic effects of densification including density bonuses should be minimized in the historic downtown Petaluma area. The comment is noted, though it does not specifically address topics contained in the Draft EIR transportation analysis, so no further response is required.

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on the proposed density bonuses and building height requirements/limitations.

Response to MCALLISTER-6

The commenter states that trash pickup and delivery-related traffic impacts have not been effectively addressed in the Draft EIR. The proposed Hotel site plan includes a delivery loading zone within the parking garage that would be expected to accommodate most deliveries. Larger delivery vehicles may need to park on-street; such activity is common in downtown areas and typically occurs during early morning periods when the Hotel's drop-off zones encounter little activity.

Please see Master Response 15, Hotel and Overlay Impacts on Parking, which explains that effects on traffic congestion are no longer considered CEQA impacts.

It is also important to note that the Overlay component has been addressed programmatically in the Draft EIR, since details about the configuration, sizing, and access provided at individual overlay sites (other than the hotel) are unknown at this time. At such time that development applications are submitted for individual projects, the City will perform routine reviews to ensure that projects meet required design criteria, including those needed to accommodate loading and delivery activities in a safe manner. It is also noted that while the overlay would allow 100 percent lot coverage, this does not preclude the City from requiring projects to accommodate delivery and loading activity on-site.

In the case of the proposed Hotel, a delivery loading zone is proposed next to the service elevator in the garage (Exhibit 2-3).

Response to MCALLISTER-7

Please refer to SULLIVAN-5 and SULLIVAN-25 regarding the alternative sites analysis and the proposed location of the Hotel.

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains that an evaluation of a Hotel-Only alternative, or a commercial only alternative would not result in significantly different information from that already presented in the Draft EIR. Lastly, it explains why the Alternative Site Alternative was considered but rejected.

Response to MCALLISTER-8

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval.

Response to MCALLISTER-9

Please refer to Master Response 14, Hotel and Overlay Impacts on Parking.

Response to MCALLISTER-10

Please see Response to KARABEL-6.

Response to MCALLISTER-11

The City's Implementing Zoning Ordinance, Chapter 11, Parking and Facilities, Off Street, would require a total of 48 spaces for the proposed project. As noted in the Project Description, the Hotel would provide 58 underground parking spaces and would therefore be in compliance with the City's parking requirements, as well as CUP Criteria 5 for buildings taller than 60 feet, as demonstrated within Table 3.3-5 of the Draft EIR.

Please refer to Response to TURNER-1 for additional details regarding the parking design for the proposed Hotel.

Response to MCALLISTER-12

Please refer to Master Response 14, Hotel and Overlay Impacts on Parking of this document. Master Response 14 provides additional clarifying information on the requirements to analyze parking impacts under CEQA, the effects of parking on VMT, the City's parking requirements for the proposed use, and the estimates of parking demands generated by the proposed project. Please also see Master Response 15, Traffic Congestion.

Response to MCALLISTER-13

Please refer to Master Response 2, Recirculation Not Required, in Section 2.1, Master Responses, of this document. Master Response 2 discusses why the conditions established in the CEQA Guidelines under which the Draft EIR must be recirculated have not been met.

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From: Melinda Mcilvaine <[REDACTED]>
Sent: Wednesday, September 18, 2024 6:44 PM
To: Greg Powell <gpowell@cityofpetaluma.org>
Subject: Public Hearing on Downtown Overlay Project

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Greg,

Unfortunately due to a class committment on 9/25, I am
Unable to attend the public hearing regarding this project.

I wanted to voice my opinion as a long time Petaluma resident.
I am VERY AGAINST this project.

I feel It will ruin the feel of our quaint, historical downtown. I grew up in southern CA and
know all to well what it is like to live with wall to wall cement and buildings.

I also feel it is completely unnecessary to have another hotel in town.

Your name was on the poster as the lead planner.
Please let me know if there is someone better to share this email with.

Thank you
Melinda

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Melinda Mcilvaine (MCILVAINE)

Response to MCILVAINE-1

The commenter states opposition to the proposed project because of concerns that the feel of the historical downtown will be ruined. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Historic Built Environment Impacts Assessment prepared by South Environmental on June 24, 2024, as well as the visual character analysis of the Draft EIR.

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From: [Melinda Mcilvaine](#)
To: [-- City Clerk](#)
Subject: Resident comment of downtown hotel project
Date: Sunday, October 6, 2024 10:58:34 AM

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

I am writing to voice my strong opposition to the downtown hotel & overlay proposed project.

I feel this will completely ruin our quant and historic downtown! Just look at downtown Santa Rosa with its high rises and big modern buildings and how different it feels.

WE DONT NEED another hotel. There is the Petaluma Hotel, the newer remodeled Hampton Inn, Metro Hotel, Home 2 Suites, Quality Inn and The Sheraton. All on the West side of town. More on the east side

That space at corner of Western & B Street could be turned into something really cool that would compliment our downtown, not take away from it.

Please, Please fight to save our town

Thank you,
Melinda Mcilvaine
42 year resident of Petaluma

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Melinda Mcilvaine (MCILVAINE 2)

Response to MCILVAINE 2-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to MCILVAINE 2-2

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to MCILVAINE 2-3

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

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From: Julia McMichael <[REDACTED]>
Sent: Saturday, October 19, 2024 2:09 PM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: Hotel

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---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

It is incredibly ugly and offensive. Surely the building could be clad like they do in Sacramento to blend with existing charm of the street. I really dislike it for our city.

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Julia McMichael (MCMICHAEL)

Response to MCMICHAEL-1

The comment is noted for the record and provided to the Lead Agency for consideration.

Please refer to Master Response 9, HBEA and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis of the Draft EIR.

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From: Mollie McWilliams <[REDACTED]>
Sent: Monday, October 21, 2024 2:46 PM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: EIR Note/Comment from citizen for documentation for Overlay EIR and Hotel

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear City of Petaluma,

Echoing some of City Council and fellow citizens, the final EIR needs to look at alternative locations of the overlay and hotel, for two reasons: one, because they haven't done so sufficiently in the EIR as-is; and two, because of parking and traffic impact (on the grounds of environment *and* safety). They should be using both VMT and LOS in conjuncture as a LOS E roadway or intersection (as the City has projected D Street and Petaluma Blvd S to become in the next few years - as seen in the parking study submitted by the EKN Group as part of the EIR) should not be cast aside simply because the main model structure the City uses has changed. It can be argued that the overlay and hotel as-is, could be not only a problem to the historical nature of the District, zoning and codes, but the means of safety, like that of (*Taxpayers*, 215 Cal.App.4th at 1053, citing 14Cal. Code Regs. § 15064(e).).

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Thank you,

Mollie McWilliams

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Mollie McWilliams (MCWILLIAMS)

Response to MCWILLIAMS-1

Alternative locations were considered but rejected in accordance with CEQA Guidelines Section 15126.6(f)(2)(A). Because the CEQA Guidelines establish that only locations that would accomplish the objective of avoiding or lessening significant impacts should be considered as alternative locations for the proposed project, and none of the alternative sites listed in the Draft EIR Section 6.7.1 accomplish that objective, these locations were rejected from further consideration. Please refer to SULLIVAN-5 and SULLIVAN-25 for additional details regarding the alternative sites analysis and the proposed location of the Hotel. This comment is noted for the record and provided to the Lead Agency for review and consideration prior to approval of the proposed project.

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains that an evaluation of a Hotel-Only alternative, or a commercial only alternative would not result in significantly different information from that already presented in the Draft EIR. Lastly, it explains why the Alternative Site Alternative was considered but rejected.

Response to MCWILLIAMS-2

Please refer to Master Response 15, Traffic Congestion and Master Response 14, Hotel and Overlay Impacts on Parking.

Response to MCWILLIAMS-3

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please also refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis of the Draft EIR.

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From: Sheryl Nadeau <[REDACTED]>
Sent: Friday, October 4, 2024 1:37 PM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: Re: EKN Hotel Project

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

I find it very concerning that the city representatives are actually considering this project.
The lack of parking along with such an alteration to the historic balance of this city area
just makes me so sad. If this goes forward, there will be no going back to a planned
downtown, much less the ambiance which has been so iconic for our entire history.
I was born here and am now 71. I did not think I would live to see Petaluma evolve into
a
patchwork of mismatched development.
This is a very sad time for our city.
Sheryl Baugh Nadeau.

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Sheryl Nadeau (NADEAU)

Response to NADEAU-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to NADEAU-2

Please see Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character and Master Response 14, Hotel and Overlay Impacts of Parking.

Response to NADEAU-3

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to NADEAU-4

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

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From: Michael Nistler <[REDACTED]>
Sent: Sunday, September 22, 2024 2:06 AM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: City of Petaluma: Comment on Notice of Public Hearing, Draft EIR, EKN
Appellation Hotel at 2 Petaluma Blvd. North

You don't often get email from [REDACTED]. [Learn why this is important](#)
---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---
Dear Uriel Orozco,

Please upload and share my comments regarding the planned Automated Car Parking
System at the Appellation Hotel at 2 Petaluma Blvd North.

Thank you, Michael Nistler
[REDACTED] Petaluma, CA

Automated Car Parking Systems

Background

- A. The APC car loading sequence includes: attendant enters customer's car, drives car into stall, exits stall, closes bay door, robot controls elevator to descent car, awaits robot to descend, move into position, ascend to surface, open bay door, etc.
- B. The time range to park each car may range from of 2 to 10+ minutes to retrieve a car.
- C. Occasionally the robot encounters minor mechanical, sensor, interlock, human error, and on rare occasion may have a catastrophic multiday event
- D. Semi-automated robot systems (paternoster that revolves similar to an up down ferris wheel) are simpler and less expensive than lift and slide (puzzle parking), however semi-automated systems (typically under 100 car capacity) require actions by the parking attendant or driver.
- E. The main disadvantage in the US is access time during rush hour and operator error should the attendant fail to signal the APS of a car to be parked (or driver misplaces the required parking ticket for retrieval)
- F. Below building/below grade APS requires about 225 sq. ft per space (for instance a space 11 feet wide, 20 feet long), costing in the range of \$40K to \$100K for a fully automated space, while a semi-automated systems may cost \$20K to \$40 per space.
- G. The depth of an underground system can be as deep as 130 feet.

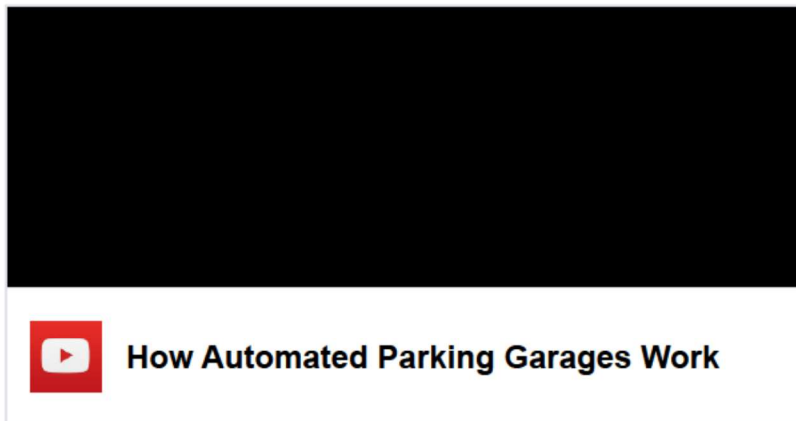
Questions

1. How many months will be required excavate the soil at 2 Petaluma Blvd North?	2
2. Will the excavation work be performed during nighttime hours and how many vehicles will operate simultaneously?	3
3. Will traffic on Petaluma Blvd be impaired or shutdown during excavation?	4
4. What is the anticipated noise level (dB) at street level during steel pile driving operation?	5
5. What large digging, drilling, crane operations, semi-trucks and other heavy equipment (above the City 10,000 pound vehicle limit) will be onsite and staged in public property during construction?	6
6. What is the duration in months relating to the above for the excavation as well as for the entire construction period?	7
7. What is the anticipated peak retrieval rate when cars are parked and retrieved simultaneously?	8
8. For optimized APS retrieval processes, a parked car may be retrieved minutes before owner arrives. In this case, where does the attendant park the car outside the facility?	9
9. How will APS preventive and corrective maintenance as well as catastrophic repairs affect nearby business and traffic?	10
10. Should a prolonged catastrophic repair interval occur, will the owner expect or require special consideration from nearby businesses or the City?	11
11. In the event of a power outage, will a backup generator be used to continue service at a defined performance level?	12
12. Which street/s will provide APS access? (especially noteworthy on the busy Petaluma Blvd)	13
13. Will urgent needs to address catastrophic repairs require the City to make special accommodations that may inconvenience nearby businesses and traffic flows?	14
14. Does the owner's policy include providing customers free short-term rental car usage in the event of a protracted service outage?	15
15. What is the expected life expectancy of the APS and what is the anticipated nearby business impact, traffic flow considerations and estimated upgrade/replacement time?	16

16. Will the owner have staff to perform corrective maintenance as electrical wire break, electric motor failure, bearings/belts/chains lubrication/breakage, hydraulics problems, sensor replacements, optical camera failures, mechanical and electrical calibration, computer problems, emergency shutoff malfunction?	17
17. If not, what is the process and expected time interval to have a qualified repairman on site?	18
18. What are the flood mitigation plans for the APS?	19
19. Has the owner addressed underwater springs, considering the regular water seepage (underground spring) at the downtown United States Post Office at 120 4th St?	20
20. During the winter rain season and considering the above as well as the depth of the APS, what are the estimated gallons per hour are estimated to be pumped into the City storm drains?	21
21. What security measures (closed-circuit recording cameras, coded and/or key locked machinery and computer operation, have been planned to ensure the APS is secure from unauthorized access, including vandalism?	22
22. Aside from customer parking, specifically who else will be using the APS? (management, employees, service vehicles, catering, food and laundry services, storage, staging, etc)	23
23. Regarding the depth of the APS and the building height, what additional earthquake mitigation will be required and how will it affect the construction project?	24
24. Will the Fire Department require additional equipment and training to access the APS in the event of an emergency?	25
25. During daily operations for deliveries, pickups, customer and guest traffic, what will be the additional impact on City streets and where will delivery, pickup and traffic not entering the APS be staged?	26
26. Has the owner entertained purchasing the adjacent BMO (Bank of the West) lot should the scope of the APS environmental impact be insurmountable and/or nearby businesses and Petaluma residents have overwhelming objections?	27
APS Illustrative Video Information	28
https://www.youtube.com/watch?v=a1zgsgP32Cg Utron Slide - Automated Parking Systems	



<https://youtu.be/6blks7vfZog>
[How Automated Parking Garages Work](#)



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CONT

Michael Nistler (NISTLER)

Response to NISTLER-1

The proposed project would not include an automated parking system (APS). The comment is noted for the record.

Response to NISTLER-2

The excavation and removal of soil would take approximately six weeks.

Response to NISTLER-3

The Implementing Zoning Ordinance restricts noise generating activities at the construction site or in areas adjacent to the construction site to the hours between 7:00 a.m. and 10:00 p.m., Monday through Friday and 9:00 a.m. to 10:00 p.m. on Saturday, Sunday, and State, federal, or local Holidays. The schedule of excavation work would be approved with the building department.

While several dump trucks will be operating simultaneously, only one at a time would operate at the project site. Staging of the other trucks would be outside of the downtown area.

Response to NISTLER-4

The proposed project would be required to prepare a traffic control plan for construction addressing such items as access to existing business, temporary lane and parking closures, and emergency vehicle access during construction activities. .I It is anticipated that traffic flow on B Street and Petaluma Boulevard will be maintained on the street, though temporary lane closure or partial lane closure may be necessary and will be conducted in accordance with the traffic control plan and City standards for temporary construction activities within the public right-of-way. Please see Master Response 10 – Construction and Staging.

Response to NISTLER-5

Construction of the proposed Hotel would utilize the Secant Deep Soil Mixing system, which involves advancing a rotating mixing tool into the ground and pumping a binder into soil to create overlapping “soilcrete” piles. Construction of the proposed Hotel would not require the type of impact pile driving referenced by the comment.

Response to NISTLER-6

Only delivery trucks, dump trucks, trash trucks, and cement trucks would visit the site one at a time. Staging would take place off-site. The tower crane would be on-site and expedite unloading of materials.

Response to NISTLER-7

The entire construction period is expected to take approximately 20 months.

Response to NISTLER-8

The peak retrieval rate when cars are parked and retrieved simultaneously is 3 minutes.

Responses to Written Comments

Please refer to Master Response 13, Valet Parking, in Section 2.1, Master Responses of this document. Master Response 13 provides additional clarifying information on the location of the valet pickup and drop-off area, as well as the proposed circulation and operation of the valet parking system.

Response to NISTLER-9

The proposed project would not use an APS system. Cars would be retrieved once the guest has requested retrieval.

Please refer to Master Response 13, Valet Parking, in Section 2.1, Master Responses of this document. Master Response 13 provides additional clarifying information on the location of the valet pickup and drop-off area, as well as the proposed circulation and operation of the valet parking system.

Response to NISTLER-10

The proposed project would not use an APS system; it would use a simple stacker system. The proposed parking plan for the hotel meets the current City parking standards and regulations. If there is a failure of the stacker system, the hotel would temporarily lose one or two parking spots and would promptly initiate maintenance to fix the problem. Additionally, the parking system would be regularly maintained and operators would be trained in order to ensure optimal function and performance.

Please refer to Master Response 13, Valet Parking, in Section 2.1, Master Responses of this document. Master Response 13 provides additional clarifying information on the location of the valet pickup and drop-off area, as well as the proposed circulation and operation of the valet parking system.

Response to NISTLER-11

The owner would not expect or require special consideration from nearby businesses or the City should a prolonged catastrophic repair interval occur.

Response to NISTLER-12

The proposed cogeneration system would fully support all stacker-related functions in the event of a power outage.

Response to NISTLER-13

The proposed project would not use an APS system. The only parking entrance and exit would be along B Street.

Response to NISTLER-14

Urgent needs to address catastrophic repairs would not require the City to make special accommodations that may inconvenience nearby business and traffic flows.

Response to NISTLER-15

The owner's policy does not include providing customers free short-term rental car usage in the event of a protracted service outage.

Response to NISTLER-16

The proposed Hotel project would utilize a simple car stacker system. Should there be a failure, only one or two parking spots would be affected. Such a failure would not affect traffic or businesses or the continued operation of valet services on-site. If an upgrade to the car stacker system is needed, the hotel would upgrade one stacker at a time which would affect only two parking spots at a given time.

Please refer to Master Response 13, Valet Parking, in Section 2.1, Master Responses of this document. Master Response 13 provides additional clarifying information on the location of the valet pickup and drop-off area, as well as the proposed circulation and operation of the valet parking system.

Response to NISTLER-17

The owner would have staff to perform simple repairs. For more intensive repairs, the owner would need to hire outside of their staff. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to NISTLER-18

The expected time interval to have a qualified repair person on-site would be 24 hours. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to NISTLER-19

The proposed project would have a redundant flood water pumping system (e.g., two pumps, one primary and one backup), which will operate during power outages. The proposed project would not utilize an APS system. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to NISTLER-20

The proposed project would include a 5-foot water proof barrier in the parking garage that would provide an effective barrier for water. If there were to be a leak, a proposed pumping system would expel water. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to NISTLER-21

It is not anticipated that a considerable amount of rain water would enter into the garage. In compliance with City engineering requirements, a drainage system at the garage ramp would collect

Responses to Written Comments

all rain water and would pump it out after it is purified. This system would be reviewed as part of the plan check process before a building permit is issued.

Response to NISTLER-22

The proposed garage would be locked with an overhead electronic door and will be monitored 24/7.

Response to NISTLER-23

The proposed project would not include APS.

Response to NISTLER-24

The proposed project would not include APS. Per the Geotechnical Investigation prepared by Miller Pacific Engineering on January 28, 2022 (included in Appendix A2 of the Draft EIR), no additional earthquake mitigation will be required.

Response to NISTLER-25

The proposed project would not include APS. The Fire Department would not require any additional equipment and training to access valet parking in the event of an emergency.

Response to NISTLER-26

The proposed project would not include APS. The Hotel site plan includes a delivery loading zone within the parking garage that would be expected to accommodate most delivery activity (Exhibit 2-3). Larger delivery vehicles may need to park on-street; such activity is common in downtown areas and typically occurs during early morning periods when the Hotel's drop-off zones encounter little activity and would be available. No atypical traffic congestion issues or hazards are expected to occur because of delivery activity.

Response to NISTLER-27

The proposed project would not include APS. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to NISTLER-28

The proposed project would not include APS. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

From: tammara norman <[REDACTED]>
Sent: Friday, October 18, 2024 1:15 PM
To: Olivia Ervin <Oervin@cityofpetaluma.org>
Subject: Public comment on Draft EIR - Downtown Housing & Economic Opportunityverlay & EKN Appellation Hotel project

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear Olivia,

Please find attached my submittal for public comment.

Tammara Norman
Landscape Architect. #4273
C [REDACTED]
[REDACTED]

18 October 2024

City of Petaluma Community Development Department
Olivia Ervin, Principal Environmental Planner
City of Petaluma
11 English Street
Petaluma , CA 94952
Phone: 707.778.4556
Email: Oervin@cityofpetaluma.org

To: City Council & Planning Commission, and Community Development Department

Re: Comments on Draft EIR for Downtown Housing & Economic Overlay and EKN Appellation Hotel Project

My comments to the DIER , are two: 1) It is not possible to evaluate the two parts of the current proposal together as one "Project", and 2) The process being pursued is counter to the sequence of events that City of Petaluma states as part of the General Plan update process.

I am curious, and concerned, how both a proposed project and larger proposed comprehensive zoning overlay containing the proposed project can be submitted together as "The Project" and reviewed under the same Environmental Impact Report.

Per the City of Petaluma Executive summary: "the purpose of an EIR is to evaluate potential impacts associated with the implementation of the project." What has been submitted in the Draft EIR, and presented are 2 very different "projects": 1) a proposed hotel to be built on 14,224 sq foot (2) lots in downtown; the applicant/property owner EKN Development, and 2) a proposed General Plan amendment for 3 separate downtown areas in what appears to be over 5 city blocks of which the number of parcels and current property owners are unidentified.

The City of Petaluma is identified as the Lead Agency preparing an EIR for "the Project". This is in direct conflict to how the City of Petaluma is handling its currently active process of updating the General Plan. The City's General Plan website (planpetaluma.org) in the section titled "The Process", it states:

"Following the adoption of the General Plan, updates to the City's Zoning Ordinance, Station Area Master Plan, Central Petaluma Specific Plan, and Urban Growth Boundary (UGB) may move forward to implement the directions in the newly adopted General Plan. "

Why? and how? can the City of Petaluma be actively representing two conflicting processes?

The City of Petaluma must right this process and address the hotel proposal separately from the proposed Overlay & modification to the General Plan.

Tammara Norman

Tammara Norman (NORMAN)

Response to NORMAN-1

This comment consists of introductory remarks. The concerns pertaining to environmental impacts are addressed in the following response.

Tammara Norman (NORMAN)

Response to NORMAN-2

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Additionally, please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application. Master Response 12 also addresses the timing of consideration of the proposed Overlay with respect to the General Plan Update process.

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From: Veronica Olsen <[REDACTED]>
Sent: Tuesday, September 24, 2024 4:19 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>; -- City Clerk
<cityclerk@cityofpetaluma.org>
Subject: EKN Draft EIR: Negative Impacts on Historic Downtown/Unintended Consequences

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

Dear Planning Commissioners and Historic Preservation Committee,

Firstly, it is important to note that the EKN Appellation Hotel proposal and the "Housing & Economic Overlay" are two separate proposals that have been combined to facilitate the construction of a hotel. While this approach may seem practical from a developer's standpoint, it lacks significant benefits for Petaluma. Moreover, the potential **adverse effects of the oversized, poorly designed hotel and the proposed six-story building heights on our historic downtown have not been thoroughly evaluated.** The Draft Environmental Impact Report (DEIR) inadequacies:

I concur with Lydia Asselein's analysis and also support JF Hancock's concerns regarding shadowing and the destruction of significant viewsheds. It is evident that the EIR consultant did not conduct a comprehensive analysis, and the DEIR project scope does not include the previous written and spoken public comments and concerns from previous meetings, including the DEIR scoping meeting. Furthermore, I share David Keller's concerns about the lack of notice and communication regarding the significant increase in heights for all the parcels. I also stand behind Lance Kuehne's comments 1-6. Additionally, it is concerning that the adjoining historic neighborhood, Oak Hill, and its potential impacts on historic resources have not been addressed.

Thank you for your attention.

Best,

Veronica Olsen

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Veronica Olsen (OLSEN)

Response to OLSEN-1

The Draft EIR appropriately analyzes the environmental effects of the proposed project consisting of the Overlay component and the Hotel component. Though separate entitlements are required for each component, the components are tied together and are appropriately considered as one project under CEQA. The Overlay must be approved in order for the Hotel as proposed to be considered for approval. As such, in the Draft EIR prepared for the proposed project, the Overlay component is evaluated programmatically, while the Hotel is evaluated at the project level. Please also see Response to WHITLEY -14.

Response to OLSEN-2

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which would govern all development associated with the implementation of the proposed project.

Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on the proposed density bonuses and building height requirements/limitations.

Response to OLSEN-3

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis of the Draft EIR.

Additionally, please refer to Response to BEARDSWORTH 2-16 for additional details regarding the Draft EIR's shading and shadow analysis.

Response to OLSEN-4

The commenter's claim that the Draft EIR project scope does not include the written and spoken public comments and concerns from the May Scoping Meeting is inaccurate.

In response to concerns regarding the proposed Hotel's impact on the Commercial Historic District, a HBEA was prepared by South Environmental to evaluate the Rex Ace Hardware Building at 313 B Street, the bank building at 20 S Petaluma Boulevard, and the proposed Hotel's impact on the district as a whole. This is contained in Appendix B of the Draft EIR and summarize Section 3.2, Cultural and Tribal Cultural Resources, of the Draft EIR. Please also refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Responses to Written Comments

In response to concerns regarding impacts of the proposed Hotel on Aesthetics, Visual Simulations were prepared from nine different viewpoints. These are included in Exhibits 3.1-3 through 3.1-3i.

Furthermore, in response to concerns about development under the proposed Overlay, the Draft EIR provides a quantitative buildout projection of the Overlay based on historical development patterns in the City. This was used to evaluate population impacts, public services impacts, and traffic congestion impacts that could result from the proposed Overlay. This analysis is included in Chapter 4, Additional Effects Evaluated in the Initial Study.

In response to concerns regarding Land Use impacts, the Draft EIR included Section 3.2, Land Use, and a policy consistency analysis contained in Table 3.3-3.

In response to concerns regarding flooding and sea level rise, Exhibits 4-1 and 4-2 were created to demonstrate visually the extent of flooding and sea level rise under currently adopted Federal Emergency Management Agency (FEMA) mapping and currently adopted sea level rise modeling scenarios.

In response to concerns regarding water supply, the Draft EIR contains additional information regarding water supply, including information from the City's Urban Water Master Plan.

In response to concerns regarding hazardous materials, additional analysis was incorporated into the Draft EIR, beyond what was provided in the Initial Study, related to excavation and construction in light of prior uses and data related to soil hazards.

In response to concerns regarding an incomplete cumulative impacts analysis, a discussion of potential cumulative effects was included under each topical area, including in Chapter 4, Additional Effects Evaluated in the Initial Study.

In response to alternatives suggested during the scoping period, the Draft EIR considers an alternate site alternative, which was ultimately rejected due to infeasibility. The Draft EIR also includes an analysis of a Reduced Height Alternative and a Reduced Area C Alternative, in response to comments received.

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains that an evaluation of a Hotel-Only alternative, or a commercial only alternative would not result in significantly different information from that already presented in the Draft EIR. Lastly, it explains why the Alternative Site Alternative was considered but rejected.

Response to OLSEN-5

Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Response to OLSEN-6

The Oakhill-Brewster Historic District is identified as part of the environmental setting in the Draft EIR. The proposed Overlay Area C is adjacent to apportion of the Oakhill-Brewster Historic District. As no specific development is proposed in Area C, it would be too speculative to evaluate its impacts on the District. Specific environmental impacts would be evaluated through their own CEQA process at the time that specific development is proposed in the portion of Area C adjacent to the Oakhill-Brewster Historic District.

Response to OLSEN-7

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

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From: [John O'Meara](#)
To: [-- City Clerk](#)
Subject: Comments on EOO plan
Date: Friday, October 4, 2024 1:42:00 PM

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---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

You asked for feedback, so here it is. Please do not move forward with the Economic Overlay or the EKN hotel projects.

I live on the west side and our entire family opposes both projects.

Instead we support an equal application of time, money and resources to cleaning up our downtown, repaving our roads and updating our existing buildings, parks and communal areas.

Thank you,

John O'Meara

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John O'Meara (O'MEARA)

Response to O'MEARA-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

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From: Maria <[REDACTED]>
Sent: Monday, October 21, 2024 8:03 AM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: EKN Appellation Hotel

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To the Planning Commission,

As a Petaluma citizen for almost 30 years I have read the impact study and THIS IS A BAD IDEA.

Do not change our downtown! Put that hotel on the Eastside! Please leave the historical part of Petaluma alone and this obnoxious building does not fit in the space and is UGLY!!!

I have grown to have great disappointment in the PLANNING COMMISSION and their decisions to change our pretty city. Leave it alone!

Thank you,

Maria Parish

Petaluma Business Owner For the Love of Food

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Maria Parish (PARISH)

Response to PARISH-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Please also refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document for an overview of the proposed project's impacts to the historic downtown.

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From: Susan Pateros <[REDACTED]>
Sent: Monday, September 23, 2024 12:06 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: public comment for 9/24/meeting

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---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

I am writing in support of the Downtown Housing & Economic Opportunity Overlay, and the EKN Appellation Hotel.

The hotel would provide a much needed source of revenue for the city, as well as add an upscale destination for residents and visitors to enjoy.

Quoting from the FY 2024-2025 City of Petaluma
Adopted Operating and Capital Improvement Program Budget:

"Despite having additional sales tax revenue, it's important to remember this source is *finite* [sic]. While it provides financial resources that the City has not historically had, the needs far outweigh the available resources. We must continue to prudently manage our finances to maintain reserves and provide core services.

.....general fund departments were required to maintain a flat budget. "

Please note that police, fire, public works, and parks and recreation in Petaluma are funded through the General Fund, which, as noted above, was required to maintain a flat budget.

Petaluma can be justifiably proud of its core services, which enhance its citizens' lives. But if we want to maintain the high standard of those departments, the city needs more revenue, and the hotel would be an important source for that revenue.

Sincerely,

Susan A. Pateros

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Susan A. Pateros (PATEROS)

Response to PATEROS-1

The comment states that the proposed project would be a revenue source for the City. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

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From: [Susan Pateros](#)
To: [-- City Clerk](#)
Subject: public comment
Date: Sunday, October 6, 2024 4:17:55 PM

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---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

I am writing to provide public comment for the City Council meeting on Monday, Oct. 7.

I support the Downtown Housing and Economic Opportunity Overlay and the EKN Appellation Hotel project.

Regarding any further development that might result from the adoption of the Overlay, on the City of Petaluma website, the limitations, requirements, and restrictions of any further development that might be considered if the Overlay is adopted are explained in detail. It is clear from the information provided that any further development would be subject to exhaustive review by the City Council, and therefore, by Petaluma residents themselves.

<https://cityofpetaluma.org/proposed-downtown-housing-economic-opportunity-overlay-for-a-specified-area-in-downtown-petaluma-faqs/#/WHAT-WOULD-THE-PROPOSED-OVERLAY-DO>

The idea promoted by opponents that a hotel would "ruin" downtown is a myopic one. The more expansive view is this, quoting from the City of Petaluma website:

As presented to the PC (Planning Commission) and HCPC (Historic & Cultural Preservation Committee) in June, the EKN Appellation Hotel project would provide other revenue to the City via the transient occupancy tax (TOT) and the sales tax that is associated with the Hotel use. For the initial 25-years of occupancy, the estimated TOT revenue is projected to be ± \$37,000,000 and the estimated sales tax is projected to be ±\$3,800,000. Also as reported in June, the EKN Appellation Hotel project would result in short-term and long-term economic impacts. The short-term economic impacts are driven by the project's development costs, and through the pre-construction and construction periods, the project is expected to support 328 jobs (222 annually) and provide \$55,000,000 in economic activity. The long-term economic impacts associated with the Hotel project are driven by the ongoing hotel and restaurant operations, and when occupied, the project is expected to support over 150 jobs annually and generate \$18,600,000 in economic activity.

The hotel project would economically benefit the city, and all its citizens, in a profound way.

Surely, helping to insure that Petaluma has the economic resources to maintain core services, and therefore enhance life for all its residents now and in the future, outweighs objections based on the subjective idea by some that the hotel "would not fit in" to their idea of what downtown should look like.

Respectfully,

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Susan Pateros

Susan A. Pateros (PATEROS 2)

Response to PATEROS 2-1

The comment in support of the proposed project is noted for the record and provided to the Lead Agency for review and consideration. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to PATEROS 2-2

The comment in support of the proposed project is noted for the record and provided to the Lead Agency for review and consideration. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

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From: Mothers Vet <[REDACTED]>
Sent: Tuesday, September 24, 2024 1:22 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>; -- City Clerk
<cityclerk@cityofpetaluma.org>
Subject: PUBLIC COMMENT: Joint Planning Commission + Historic & Cultural
Preservation Committee Meeting

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OUTSIDE OUR EMAIL SYSTEM.---

To the Planning Commission:

Please enter my comments into the Public Record:

I disagree when the DEIR says that having valet parking for 58 cars when the demand might be for 200 parking spaces at peak times "Provides all required parking below grade".

I disagree with the statement that no alternative site evaluation was necessary since the impact of this hotel is so minimal. A six story building in this location is unsightly, unnecessary and not in line with our historic downtown. I disagree with the fact that the DEIR assumes the overlay is already passed (which it hasn't), and that is the only reason why this hotel conforms to zoning requirements.

I am against this proposed overlay and building of this 6 story hotel and ask that this project be scrapped.

Dom and Carol Peters

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Dom and Carol Peters (PETERS)

Response to PETERS-1

Please see Master Response 13, Valet Parking, and Master Response 14, Hotel and Overlay Impacts on Parking.

Response to PETERS-2

Alternative locations were considered but rejected in accordance with CEQA Guidelines Section 15126.6(f)(2)(A). Because the CEQA Guidelines establish that only locations that would accomplish the objective of avoiding or lessening significant impacts should be considered as alternative locations for the proposed project, and none of the alternative sites listed in the Draft EIR Section 6.7.1 accomplish that objective, these locations were rejected from further consideration. Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains why the Alternative Site Alternative was considered but rejected.

Response to PETERS-3

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis of the Draft EIR.

Response to PETERS-4

The Draft EIR does not assume the Overlay has been adopted; instead, as stated in Chapter 2.0, Project Description, the Draft EIR considers the whole of the proposed project, including the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project, to fully analyze potential environmental effects. Therefore, the analysis provided in the Draft EIR appropriately evaluates development consistent with requirements under the Overlay, the proposed Zoning Map Amendment and Zoning Text Amendment. Please also see Response to GAVRE-5.

Response to PETERS-5

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

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From: Eugenia Praetzel-Davis <[REDACTED]>
Sent: Tuesday, September 24, 2024 3:29 PM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>
Cc: -- City Clerk <cityclerk@cityofpetaluma.org>
Subject: New hotel and overlay plan comment

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[Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear City of Petaluma Planning Department-

I'm writing to express my opposition to both the proposed hotel on the corner of B street and the Boulevard, as well as the overlay plan that would forever destroy the character our historic downtown. As a resident of Oak Hill Historic District, I am infuriated that a change to the historic guidelines is even being considered under the circumstances. Having paid tens of thousands of dollars over the past 20 years in order to conform the the strict historic guidelines, why would we consider throwing out these guidelines just to benefit the whims of a few? The vast majority of Petalumans DO NOT WANT THIS HOTEL!

The planned building is ugly and non conforming to the Historic Guidelines, and would look out of place especially at the gateway to our Historic Downtown district. Additionally, this project will create a parking and traffic nightmare downtown; the project's traffic study both downplays and turns a blind eye to the potential impacts. While the EIR concludes there "will be no significant traffic impact", their own report also states that traffic at the D street intersection will be reduced to a level E, which is described in the same report as an unacceptable low level. How can traffic efficiency be reduced to an unacceptable level yet the at the same time the EIR claims there will be no significant traffic impact. Also where in the EIR is the issue of double parking by delivery trucks addressed? This will create an even bigger mess. The bottom line is this hotel will do nothing positive for our town and will create multitude of problems that will negatively impact our town forever. No to the hotel and No to the overlay!

Sincerely,
Genie Praetzel
[REDACTED]
Petaluma

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Genie Praetzel (PRAETZEL)

Response to PRAETZEL-1

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to PRAETZEL-2

The project does not propose a change to the Petaluma Historic Commercial District Design Guidelines.

Response to PRAETZEL-3

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to PRAETZEL-4

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis of the Draft EIR.

Response to PRAETZEL-5

The commenter notes that the intersection of Petaluma Boulevard/D Street is in conflict with General Plan Policy 5-P-10. The traffic study did not misrepresent the Petaluma General Plan; please see the Response to HANCOCK-5 as well as Master Response 15, Traffic Congestion for further information.

Response to PRAETZEL-6

The Hotel site plan includes a delivery loading zone within the parking garage that would be expected to accommodate most delivery activity (Exhibit 2-3). Larger delivery vehicles may need to park on-street; such activity is common in downtown areas and typically occurs during early morning periods when the Hotel's drop-off zones encounter little activity and would be available. No atypical traffic congestion issues or hazards are expected to occur because of delivery activity.

Response to PRAETZEL-7

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

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From: Lori Pratt <[REDACTED]>
Sent: Tuesday, September 24, 2024 4:16 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Cc: -- City Clerk <cityclerk@cityofpetaluma.org>
Subject: Public Comment

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Joint Planning Commission and Historic & Cultural Preservation Committee,

I disagree with the DEIR. I believe that the overlay will open up Petaluma to buildings in the historic downtown at six to nine stories tall and this would forever change our beautiful downtown. I disagree that the parking for 58 cars when the demand for parking may be as high as 200 cars will be sufficient. 58 parking spaces is not enough. I enjoy going downtown on the weekends and on several occasions I have had to circle the block several times before finding a parking space. I cannot imagine trying to park downtown if the hotel and overlay are approved. I also disagree that no alternative site evaluations were necessary. There are several locations that could be considered.

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Thank you,
Lorraine Pratt
Petaluma Resident

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Lorraine Pratt (PRATT)

Response to PRATT-1

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval.

Response to PRATT-2

Please Master Response 14, Hotel and Overlay Impacts on Parking.

Response to PRATT-3

Alternative locations were considered but rejected in accordance with CEQA Guidelines Section 15126.6(f)(2)(A). Because the CEQA Guidelines establish that only locations that would accomplish the objective of avoiding or lessening significant impacts should be considered as alternative locations for the proposed project, and none of the alternative sites listed in the Draft EIR Section 6.7.1 accomplish that objective, these locations were rejected from further consideration.

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains why the Alternative Site Alternative was considered but rejected.

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From: Susan Price <[REDACTED]>
Sent: Thursday, October 3, 2024 8:33 PM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: Hotel and Overlay

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With so much continued public outrage against the overlay and against the horrible looking hotel, why is this not being put on the ballot? With the city council deciding that this will make no negative impact in the looks of our town, this is not the feeling of the majority of people living in this town. When I heard that response, I felt really inconsequential with no involvement at all in the town I have lived in and loved for 25 years.

This is not OK governance.

Susan Price

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Susan Price (PRICE)

Response to PRICE-1

Regarding the visual impacts of the proposed project, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis of the Draft EIR.

Please also refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval.

Regarding the public involvement process, please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

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From: Cindie Raab <[REDACTED]>
Sent: Tuesday, September 24, 2024 12:17 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: Public comment

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

I am writing in regard to the Downtown Housing & EKN Appellation Hotel Project. I, like most of the Petaluma community am against this project.

I would like to have our historic downtown preserved. The hotel will not only be an eyesore to our historic downtown, but the lack of parking will cause further traffic and parking problems.

WE ARE OPPOSED TO THE DOWNTOWN HOUSING & ECONOMIC OPPORTUNITY
OVERLAY!!!

Sincerely,

Cindie Raab

Lonnie Raab

Sent from my iPhone

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Cindie Raab and Lonnie Raab (RAAB)

Response to RAAB-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to RAAB-2

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to RAAB-3

Please refer to Master Response 14, Hotel and Overlay Impacts on Parking and Master Response 15, Traffic Congestion.

Response to RAAB-4

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

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From: Darren @ Petaluma <darren@petalumaplanning.org>
Sent: Tuesday, September 24, 2024 11:57 PM
To: Andrew Trippel <atrippel@cityofpetaluma.org>; Brian Oh <boh@cityofpetaluma.org>; Olivia Ervin <oervin@cityofpetaluma.org>; Greg Powell <GPOWELL@cityofpetaluma.org>
Cc: -- City Clerk <cityclerk@cityofpetaluma.org>
Subject: Appellation Hotel and Overlay: PC Racusen Findings & Meeting Notes

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Hi Community Development Team and City Clerk,

Great job this evening! I am sending my Appellation & Overlay DEIR questions and comments (which were also my findings for my vote) to be attached to the Meeting Item this evening and to be included in public feedback on the DEIR if/when it moves to final.

Thank you!

Darren Racusen

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1.0: QUESTIONS

1. Are all public and agency comments from the IS/MND included as part and parcel of this document?

ANSWER (combination of Andrew Trippel and Olivia Ervin): The comments from the IS/MND are not explicitly brought in for review from DEIR -> FEIR. Community members who feel their comments weren't addressed in the IS/MND should resubmit them!

2. Am I correct that per city CEQA guidelines outlined in Resolution 93-116, Planning Commission can request to review the FEIR it and when it is prepared?

ANSWER (Olivia Ervin): Yes, we can

3. Do we have a legal determination on how/if projects will be allowed to claim Density Bonus and/or other concessions or waivers via affordable housing bills like SB-330? Especially transit-oriented development incentives in the Density Bonus Laws? Ie. Do we need to anticipate 9-story buildings?
 - a. Is it a requirement, or even legal given HCD's stance on housing, to consider these kinds of state laws in a CEQA review?
 - b. In the Petaluma Downtown Housing & Economic Opportunity Overlay Document (Nov. 2023) page 43 it is stated: "Exceptions to height limit allowed? No, any building over 45' is limited to an overall max of 60'/75'" – is that true even in context of density bonus?

ANSWER (combination of Brian Oh and Olivia Ervin): Not required to analyze impact of State Affordable Housing laws on overlay potential buildout. Current DEIR as a programmatic review definitely does not analyze it as this overlay treats the residential buildout as being 0 additional residential population.

4. Does it matter what the size of buildings and intensity of uses were allowed by the General Plan when a Parking Assessment District was formed? Would subsequent significant changes to projected building size (more people using them) and intensities of use within the boundaries of a Parking Assessment District change the suitability or applicability of a Parking Assessment District? Is there some kind of maximum capacity?
 - a. And Parking Area within C is likely not going away because of no changes to that zoning in the overlay, correct?

ANSWER (combination of Brian Oh and Olivia Ervin): Under AB 2097, for projects within half a mile of public transit (with the exception of hotels and event centers) the city cannot mandate parking

5. Confirming – are restaurant and hotel employees included in parking determination that was made relative to city parking standards?

ANSWER (Andrew Trippel): Yes, they were

6. MM EKN GEO-3: Is any kind of continued monitoring assumed after the building is in use as continued added weight and stresses are being applied with car traffic, parking lifts, etc?

ANSWER: CA Building Code enough to ensure that there won't be additional impacts here once the project is occupied.

7. ~~“Views from the proposed Overlay Area toward the Petaluma River, Sonoma Mountain, and the hillsides and ridgelines to the south are generally obscured by existing intervening development.” — Was there analysis in section 4 of views from parcels whose site lines pass through the overlay? Is that required per CEQA?~~

8. Impact LAND-2: Confirming “However, the proposed Overlay would include a General Plan text amendment that would raise the maximum allowable FAR from 2.5 to 6.0 for nonresidential uses.” – does not raise allowable FAR for residential uses? (pg 272 of PDF, 3.3-18 in document)

ANSWER (combination of Brian Oh and Olivia Ervin): FAR only applies to non-residential. When it comes to residential projects, the relevant analog measure is “density”.

9. ~~Confirming all subsequent developments within the overlay will require CEQA review? Quick description on how future developments will refer to this programmatic EIR in their subsequent reviews~~

10. *“Alternative 3 (Reduced Height) is the environmentally superior alternative as impacts in the majority of the environmental topic areas would be the same as the proposed project, but slightly reduced. Additionally, due to the reduced height under Alternative 3, the less than significant with mitigation impacts related to aesthetics, historic resources and land use would be reduced to a greater degree compared to the proposed project, Alternative 1, and Alternative 2, because a CUP and compliance with MM Overlay CUL-1e would no longer be required for increased height.”* – what does this environmentally superior alternative mean for the project?

ANSWER (Olivia Ervin): We can request the applicant pursue a certain alternative more.

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CONT

2.0 COMMENTS

2.1 PARKING, TRAFFIC, VMT, GHG:

2.1.1 Parking and secondary impacts - Hotel

The exclusion of parking impacts from the EIR is unjustified and could violate CEQA's requirement for comprehensive environmental review.

Under CEQA Guidelines Section 15064.3, while parking impacts themselves may not need to be analyzed as direct environmental effects, the secondary impacts of parking deficiencies—such as traffic congestion, vehicle miles traveled (VMT), greenhouse gas (GHG) emissions, air quality degradation, and safety concerns—are all potential significant impacts that should be evaluated. CEQA Guidelines encourage the analysis of all potential impacts, including these secondary to parking deficiencies.

The EIR notes that parking impacts were excluded from its environmental review. Failing to assess these impacts may result in an incomplete evaluation of the project's overall environmental

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impact, particularly given the project's location in a congested downtown area. The project proposes a 58-space parking garage for a 93-room hotel with a restaurant and event space. 58 spaces will not be sufficient to meet peak demand, especially during events or peak tourism seasons. Excluding parking analysis when there is a reasonably foreseeable conflict between the number of spaces compared to the number of employees, restaurant patrons and hotel guests raises concerns under CEQA about traffic, circulation, and secondary environmental impacts, including:

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CONT

- VMTs & GHGs : Inadequate parking could lead to vehicles circulating in search of parking spaces, increasing traffic congestion and VMT, which in turn increases air emissions and contributes to GHG production. That creates waterfall impacts into those areas of the EIR

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- Traffic Safety and Pedestrian Impacts: Increased traffic in downtown areas often leads to increased conflicts with pedestrians and cyclists, particularly in a pedestrian-oriented downtown like Petaluma. We can also consider the increase of ride-share services being used in this area, which can often lead to blocked lanes and active transportation pathways. Failing to consider these impacts violates CEQA's requirements to analyze all potential safety hazards.

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- Cumulative Impacts: Parking deficiencies in this project could contribute to broader cumulative impacts downtown, especially when combined with other nearby developments. The EIR fails to consider how this project's parking needs could exacerbate already existing congestion and circulation problems in the area.

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2.1.2 Parking and secondary impacts – overlay

Future projects that fall within the overlay and within the parking assessment district can bypass parking requirements. If future developments within the overlay, that are larger in scale and intensity of use than the existing General Plan, are not analyzed for parking impacts we may be excluding a responsible analysis of potentially significant cumulative impacts that waterfall into transportation, safety, VMTs and GHGs.

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2.1.3 Legal Precedent

In **Taxpayers for Accountable School Bond Spending v. San Diego Unified School District** (<https://caselaw.findlaw.com/court/ca-court-of-appeal/1629130.html>), the court ruled that while parking itself may not be an environmental issue, the secondary effects of parking shortages, such as increased traffic and emissions, must be analyzed under CEQA. The Draft EIR's exclusion of parking impacts fails to meet this requirement.

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2.2 GENERAL PLAN CONSISTENCY

CEQA requires that EIRs assess whether a project is consistent with the General Plan. Under CEQA Guidelines Section 15125(d), an EIR must address any inconsistencies between the proposed project and the local General Plan. The overlay and hotel conflict with many goals and policies in Petaluma's General Plan 2025, including foundational guidance regarding FAR limits whose importance are consistently reinforced in Land Use and Downtown sections of the document. There are inconsistencies with other goals and policies in GP Elements 1, 2, 3 and.

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Sections 2.2.1 and 2.2.2 provide a summary of important, foundational policy conflicts with GP 2025 Elements 1,2 and 3. Section 2.2.3 contains a table analyzing the consistency of goals and policies listed in Table 3.3-3 of the Draft EIR.

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CONT

2.2.1 Land Use, Growth Management, and the Built Environment (Element 1)

FAR Limits: The Petaluma General Plan limits FAR to 2.5 within the General Plan Land Uses we have in our downtown area. The hotel project and the accompanying overlay, seeks to dramatically increase FAR, which directly contradicts some of the most important context in the General Plan 2025:

“FAR is a broad measure of building bulk that controls both visual prominence and traffic generation... The FAR standards can be clearly translated to a limit on building bulk in the Development Code (the City’s zoning regulations) and is independent of the type of use occupying the building.” (GP 2025 pg. 1-3)

The General Plan Land Use Designations outline in the General Plan 2025 limit FAR to 2.5 in the downtown area. This is designed to preserve the historic and pedestrian-oriented character of downtown, preventing over-scaled development that could disrupt the existing built environment.

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Intensity Limits: The General Plan specifies that density and intensity standards should ensure new development is in scale with the existing urban context, particularly in sensitive areas like downtown:

“The density/intensity standards do not imply that development projects will be approved at the maximum, density or intensity specified for each use. Development regulations consistent with General Plan policies...may reduce development potential” (GP 2025 pg. 1-3)

Further, policy 1-P-1 states that we must:

*“**Maintain** both minimum and **maximum development intensities** as stipulated in the General Plan Land Use Classifications.” (GP 2025 pg. 1-14)*

The zoning changes in the overlay and the construction of the hotel project at the current requested FAR limits go against these fundamental, and consistently reinforced, land use policies in the General Plan.

2.2.2 Community Design et al & Historic Preservation (Elements 2 & 3)

The General Plan emphasizes the importance of maintaining the historic and cultural character of Petaluma’s downtown. It’s clear that the goals for downtown in Elements 2 and 3 focus on maintaining the historic character, the pedestrian scale and preventing overdevelopment.

In the General Plan 2025 “Community Design, Character, and Green Building” Element, the downtown is described as:

“...a destination in the city and a hub of commercial and retail activity, Downtown is the special place most frequently identified by residents in planning workshops. The area is

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marked by its **historic structures** and **a walkable street scale**, making it an important district in Petaluma” (GP 2025 pg. 2-2 thru 2-3)

This statement reinforces the importance of historic integrity and building scale when considering changes to our downtown. This is reinforced by context given to the Downtown subsection of the element:

*“Downtown’s unique characteristics—**historic buildings, the river, and pedestrian scale**—make it a destination point with visitors and residents alike. This General Plan envisions preserving and enhancing these features in order to create a vibrant mixed-use center, with specialty retail, restaurants, public uses, professional offices and limited opportunities for residential uses.”* (GP 2025 pg. 2-6)

There is also guidance in Policy 2-P-5 when it comes to limiting height of infill development on arterial corridors:

“Improve key arterial corridors through:

- *Intensification via infilling, orientation of facades toward the street, **appropriate building height**, and interior parking lot configuration on the parcel;”* (GP 2025 pg. 2-4)

Under Policy 3-P-1 there is more reinforcement that building mass in the downtown area should be limited

“Develop floor area ratio and other design standards that relate overall building size and bulk to site area for Downtown...” (GP 2025 pg. 3-2)

Importantly, there are no policies that advocate for increasing the FAR limits and height limits of downtown. The overlay and hotel directly conflict with the policy direction that is fundamental in these areas of the General Plan.

2.2.3 Analysis of General Plan consistency put forth in DEIR

Here I have analyzed the Goals and Policies from Table 3.3-3 (PDF page 276) of the Draft EIR and they are assessed as using the following relationships with the General Plan 2025 document: 1. Inconsistent 2. Inconsistent with Greater Context 3. Not applicable or 4. Consistent. Any consistency determination without explanation matches what is already present on Table 3.3-3.

Policy	Overlay Consistency	Hotel Consistency
Chapter 1: Land Use, Growth Management, and the Built Environment		
1-G-1: Maintain a balanced land use program that meets the long-term residential, employment, retail, institutional, education, recreation, and open space needs of the community.	Tenuous applicability: Far too general to use this goal - literally any project could meet this requirement	Tenuous applicability: Far too general to use this goal - literally any project could meet this requirement
1-P-1: Promote a range of land	Inconsistent: sub-bullet in this section provides	Inconsistent: sub-bullet in this section provides

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CONT

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uses at densities and intensities to serve the community's needs within the Urban Growth Boundary (UGB).	additional guidance that says: "Maintain both minimum and maximum development intensities as stipulated in the General Plan Land Use Classifications." – this project increases maximum intensities	additional guidance that says: "Maintain both minimum and maximum development intensities as stipulated in the General Plan Land Use Classifications." – this project increases maximum intensities	13 CONT
1-P-2: Use land efficiently by promoting infill development, at equal or higher density and intensity than surrounding uses.	Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.	Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.	14
1-P-3: Preserve the overall scale and character of established residential neighborhoods.	Inconsistent: could be argued that development of scale and intensity not in GP 2025 will potentially impact neighboring residential neighborhoods.	Inconsistent: could be argued that development of scale and intensity not in GP 2025 will potentially impact neighboring residential neighborhoods.	15
1-P-6: Encourage mixed-use development, which includes opportunities for increased transit access.	Consistent	Consistent	16
1-P-7: Encourage flexibility in building form and in the nature of activities to allow for innovation and the ability to change over time.	Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.	Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.	17
1-P-11: Allow land use intensification at strategic locations along the arterial corridors leading to Downtown and Central Petaluma, including aging commercial and industrial sites.	Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.	Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.	18
1-P-12: Encourage reuse of under-utilized sites along East Washington Street and Petaluma Boulevard as multi-use residential/commercial corridors, allowing ground-floor retail and residential	Inconsistent: Specific guidance under this policy is: "Develop incentives in the Development Code to encourage lot consolidation to enable efficient multi-story buildings, and relocation of driveways to side streets."	Inconsistent: Specific guidance under this policy is: "Develop incentives in the Development Code to encourage lot consolidation to enable efficient multi-story buildings, and relocation of driveways to side streets."	19

and/or commercial/office uses on upper floors	Nothing related to FAR increases. It is established throughout the GP 2025 document that FAR standards and maximum development intensities should be held firm	Nothing related to FAR increases. It is established throughout the GP 2025 document that FAR standards and maximum development intensities should be held firm	19 CONT
1-P-14: Require provision of street trees, landscaping, parking, and access features to help integrate land uses and achieve an effective transition between uses of disparate intensities.	Not applicable	Consistent	20
1-P-27: Encourage innovative site and building design to address parking solutions such as shared, structured, and/or underground facilities	Not applicable	Consistent	21
1-P-47: Ensure that the pace of growth does not create spikes that unduly strain City services. A. Monitor the availability of resources necessary to serve new development, prior to granting entitlements.	Inconsistent: The rest of this policy seems to focus on limited expanded development, both residential and non-residential. May conflict with the goals of the overlay. The rest of this policy: "B. Upon adoption of the General Plan, immediately reevaluate the Residential Growth Management System, with the possibility of reducing the annual allocation numbers and/or eliminating or reducing exemptions, to keep pace with infrastructure capacities and to allow a reasonable annual growth rate through 2025. C. Evaluate the need for a nonresidential growth management program."	Consistent	22
1-P-48: Ensure all new development provides necessary public facilities to support the development. A. Collect proportionate fair share of long-term infrastructure improvement	Consistent	Consistent	23

costs as entitlements are granted. B. Initiate design of long-term infrastructure improvements in a timely manner to ensure their completeness to coincide with demand.			23 CONT
1-P-50: Preserve and expand the inventory of trees on public property, by undertaking the following: A. Develop a program, and associated costs, to monitor and maintain all trees on public property. B. Develop Street Tree Master Plan(s) for neighborhoods and Downtown districts. C. Assist and encourage private property owners to plant street trees (e.g., no fee permits for concrete removal, neighborhood tree planting programs). D. Allocate funding for the planting and long-term care of trees.	Not applicable	Not Applicable: This policy references programs that proactively add tree canopy. Also focuses on “public property” in policy language.	24
Chapter 2: Community Design, Character, and Green Building			
2-G-3: Advance Downtown Petaluma as a focus of civic and cultural activity in the community, retain a strong pedestrian orientation and scale, preserve and enhance buildings of historic and architectural importance.	Inconsistent: GP context above this listed goal "limited opportunities for residential uses" - contraindicates opening up ground floor Mixed Use for residential development Pedestrian scale in the context of GP 2025 could refer to smaller-scaled development, not increased FAR and height as overlay proposes.	Inconsistent: Pedestrian scale” in the context of GP 2025 could refer to smaller-scaled development, not increased FAR and height. Hotel could impact buildings of historic and architectural importance. Will not enhance historic buildings - at best, will not have negative impacts.	25

2-P-3: Maintain landmarks and aspects of Petaluma's heritage that foster its unique identity.	Consistent	Not applicable: Details on this policy specify "Adaptively reutilizing, reusing and preserving industrial landmarks such as the Train Depot, the Sunset Line & Twine building, Petaluma & Santa Rosa Railroad trestle, the livery stable at Steamer Landing Park, and existing granaries." The hotel does not relate to this policy.	26
2-P-5: Strengthen the visual and aesthetic character of major arterial corridors.	Inconsistent: This policy further clarifies "Intensification via infilling, orientation of facades toward the street, appropriate building height , and interior parking lot configuration on the parcel;" The guidelines to increase height in the overlay contraindicate the specifics of this General Plan policy.	Inconsistent: This policy further clarifies "Intensification via infilling, orientation of facades toward the street, appropriate building height , and interior parking lot configuration on the parcel;" The added height of the hotel contraindicates the specifics of this General Plan policy.	27
2-P-14: Promote the development and intensification of the Downtown commercial core as both a visitor destination and a neighborhood retail center.	Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.	Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.	28
2-P-17: Pursue the development and promotion of cultural activities and facilities, such as museums, meeting halls, community theatres, public art galleries and shows, and outdoor gathering places within the Downtown area.	Inconsistent: The overlay does not promote these activities within the downtown core	Consistent	29
2-P-19: Maintain the grid street pattern within Downtown and improve connections between Downtown and surrounding areas.	Not applicable	Consistent	30
Chapter 3: Historic Preservation			

3-P-6: Ensure that new development adjacent to eligible historic and cultural resources is compatible with the character of those resources.	Inconsistent with Greater Context: it is established throughout the document that FAR standards and maximum development intensities should be held firm in order to protect historic resources.	Inconsistent with Greater Context: it is established throughout the document that FAR standards and maximum development intensities should be held firm in order to protect historic resources.	31
Chapter 4: The Natural Environment			
Goal 4-G-1: Protect and enhance biological and natural resources within the UGB.	Not applicable	Consistent	32
Goal 4-G-3: Improve air quality and meet all federal and State ambient air quality standards and goals by reducing the generation of air pollutants from stationary and mobile sources.	Inconsistent: See inconsistency description in 4-P-7	Inconsistent: Potentially significant impacts due to secondary impacts related to parking. No strategies for reducing SOV use and it doesn't notably reduce reliance on GHG and/or air pollutant sources more than existing zoning. See inconsistency description in 4-P-7	33
4-P-7: Reduce motor vehicle related air pollution.	Inconsistent: The overlay does not allow for greater residential intensity close to downtown services, which would be the primary reduction in motor vehicle use. Rather this overlay promotes greater commercial intensity, which would generate more motor vehicle-related pollution due to a higher volume of people traveling to these larger commercial sites.	Inconsistent: The hotel will be primarily serviced by car, ride share and shuttle for visitors. The restaurant may serve some patrons that can more easily ride their bike, walk or ride a bus. However, restaurant patrons, employees of the hotel and the guests of the hotel will likely drive or use automotive transport, leading to greater motor vehicle pollution.	34
4-P-9: Require a percentage of parking spaces in large parking lots or garages to provide electrical vehicle charging facilities.	Consistent / Not applicable	Consistent	35
4-P-16: To reduce combustion emissions during construction and demolition phases, the contractor of future individual	Consistent	Consistent	36

<p>projects shall encourage the inclusion in construction contracts of the following requirements or measures shown to be equally effective:</p> <ul style="list-style-type: none"> • Maintain construction equipment engines in good condition and in proper tune per manufacturer's specification for the duration of construction; • Minimize idling time of construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment; • Use alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline); • Use add-on control devices such as diesel oxidation catalysts or particulate filters; • Use diesel equipment that meets the ARB's 2000 or newer certification standard for offroad heavy-duty diesel engines; • Phase construction of the project; • Limit the hours of operation of heavy-duty equipment. 			36 CONT
<p>4-P-21: Reduce solid waste and increase reduction, reuse and/or recycling, in compliance with the Countywide Integrated Waste Management Plan (CoIWMP).</p>	<p>Not applicable: Too general, all projects would ostensibly comply and there are no specific incentives or requirements for reduction within the overlay</p>	<p>Consistent</p>	37
<p>4-P-24: Comply with AB 32 and its governing regulations to the full extent of the City's jurisdictional authority.</p>	<p>Inconsistent: See inconsistency description in 4-P-7</p>	<p>Inconsistent: See inconsistency description in 4-P-7</p>	38
Chapter 5: Mobility			
<p>5-P-4: New development and/or major expansion or</p>	<p>Not applicable</p>	<p>Consistent</p>	39

change of use may require construction of offsite mobility improvements to complete appropriate links in the network necessary for connecting the proposed development with existing neighborhoods and land uses.			39 CONT
5-P-5: Consider impacts on overall mobility and travel by multiple travel modes when evaluating transportation impacts.	Inconsistent: See inconsistency description in 4-P-7	Inconsistent: See inconsistency description in 4-P-7	40
Goal 5-G-5: Create and maintain a safe, comprehensive, and integrated bicycle and pedestrian system throughout Petaluma that encourages bicycling and walking and is accessible to all.	Not applicable: Doesn't contribute to said network or further this goal, merely exists within its context as a downtown project that is served by bicycle and pedestrian infrastructure.	Not applicable: Doesn't contribute to said network or further this goal, merely exists within its context as a downtown project that is served by bicycle and pedestrian infrastructure.	41
5-P-22: Preserve and enhance pedestrian connectivity in existing neighborhoods and require a well-connected pedestrian network linking new and existing developments to adjacent land uses.	Not applicable: See not applicable description in 5-G-5.	Not applicable: See not applicable description in 5-G-5	42
5-P-23: Require the provision of pedestrian site access for all new development.	Consistent	Consistent	43
5-P-43: Support efforts for transit-oriented development around the Petaluma Depot and along the Washington Street, Petaluma Boulevard, McDowell Boulevard, Lakeville Street, and other transit corridors.	Consistent	Consistent	44
Chapter 6: Recreation, Music, Parks & the Arts			
6-P-6: Achieve and maintain a park standard of 5 acres per 1,000 residents (community park land at 3 acres per 1,000 population and neighborhood	Not applicable: Overlay does not increase residential density and does not affect the City's parkland standard	Not applicable: Hotel is not a residential project and does not affect the City's parkland standard	45

park land at 2 acres per 1,000 population) and an open space/urban separator standard of 10 acres per 1,000 population, in order to enhance the physical environment of the City and to meet the recreation needs of the community.			45 CONT
Chapter 7: Community Facilities, Service, and Education			
7-P-25: Reduce the potential for a catastrophic fire event in the historic Downtown and other areas.	Consistent	Consistent	46
Chapter 8: Water Resources			
8-P-38: All development activities shall be constructed and maintained in accordance with Phase 2 National Pollutant Discharge Elimination System (NPDES) permit requirements.	Consistent	Compliant	47

This analysis calls into question many areas of General Plan consistency used as the basis for this DEIR.

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2.2.5 Legal Precedent

In **Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors** (<https://casetext.com/case/families-unafraid-to-uphold-v-bd-supervisors>), the court ruled that when a project is inconsistent with the General Plan, it can undermine the validity of the EIR. The ruling emphasizes that General Plan consistency is essential for upholding the legal defensibility of a zoning change or new development.

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2.3 ALTERNATIVES ANALYSIS

Under CEQA Guidelines Section 15126.6, an EIR is required to consider a reasonable range of alternatives to the proposed project that could feasibly attain most of the project's objectives while avoiding or substantially lessening significant environmental impacts. This analysis is critical because it allows decision-makers and the public to consider less harmful ways to achieve the project's goals.

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This Draft EIR fails to adequately explore feasible alternatives that would have reduced environmental impacts, including the possibility of lower-intensity development in terms of height and FAR or an alternative site.

2.3.1 Expanding Analysis of Alternatives

While the No Project Alternative, Reduce Height Alternative and Reduced Area C Alternative are considered, the EIR excludes options that could achieve more benefit, be more consistent with the General Plan and avoid potentially significant impacts. Two such alternatives that are missing are:

- A reduced height and reduced FAR alternative for the hotel that stays within the General Plan's height and FAR limits of 45 feet and 2.5 FAR. The alternative to reduce height to 45' **and** FAR to 2.5 may result in a project that is more consistent with the General Plan 2025 guidance on massing and scale and avoid or lessen potentially significant impacts to aesthetics and historical resources. It would realize most of the benefits of the hotel and obviate the need for the overlay.
- An alternative location outside the sensitive downtown core, where greater height and density would be more compatible with the surrounding context. Analyzing an alternative to relocate the project to a less sensitive area and/or an area more clearly supported by the General Plan 2025 (ie. within the CPSP) may result in a project that is more consistent with the General Plan 2025 and avoid or lessen potentially significant impacts to aesthetics and historical resources

2.3.2 Legal Precedent:

In **Citizens of Goleta Valley v. Board of Supervisors** (<https://casetext.com/case/citizens-of-goleta-valley-v-bd-of-supervisors>), the California Supreme Court ruled that an EIR must consider alternatives that are not only feasible but also serve to reduce significant impacts. The Draft EIR's failure to fully explore an alternative location that is better suited to the hotel project's size and/or an alternative that adheres to FAR standards to be consistent with the General Plan's goals could be viewed as a violation of CEQA.

2.4 DEFERRED MITIGATION - MM Overlay CUL-1e

Future discretionary review alone is not considered sufficient mitigation for aesthetic and cultural impacts identified in an EIR. CEQA requires that mitigation measures be specific, enforceable, and implemented at the time the project is approved, rather than deferred to future processes.

CEQA discourages the deferral of mitigation measures to future actions unless those future actions meet certain strict conditions. Specifically, CEQA Guidelines Section 15126.4(a)(1)(B) states that mitigation measures should not be deferred unless:

- The agency commits to specific performance standards that will mitigate the impacts.
- The agency provides a clear plan or criteria for how the mitigation will be implemented at a later time.

Mitigation Measure CUL-1e does not meet CEQA's requirements for specific, enforceable mitigation and instead represents deferred mitigation, which fails to adequately address the project's significant cultural and aesthetic impacts at the time of project approval.

MM Overlay CUL-1e requires a Conditional Use Permit (CUP) for developments within the overlay zone that exceed 45 feet in height or cover more than 80% of a lot. However, the measure defers critical decisions regarding design compatibility, height impacts, and community benefits to future discretionary review, rather than providing specific, enforceable mitigation actions at the time of project approval.

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2.4.1 Reliance on Future Studies

CEQA prohibits deferring mitigation without clearly defined performance standards. CUL-1e relies heavily on subjective future assessments, such as visual studies and line-of-sight drawings, which lack specific mitigation actions.

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2.4.2 Subjectivity and Lack of Specificity

The criteria for the CUP process—terms like "positive contribution to the overall character" and "exceptional architecture/design"—are vague and subjective. Without objective performance standards, this introduces uncertainty and inconsistency, violating CEQA's requirement for clear and enforceable mitigation.

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2.4.3 Deferred Decision-Making and Uncertain Effectiveness

CUL-1e defers important decisions about whether increased height and lot coverage will negatively impact cultural and historic resources to a future review by the Planning Commission. This uncertainty risks that impacts may not be mitigated adequately, as the criteria are left open to interpretation, without clear guarantees that impacts will be reduced.

58

2.4.5 Direct Mitigations at the Programmatic Level

CEQA allows for tiering of environmental reviews from a programmatic EIR to subsequent project-level EIRs or mitigated negative declarations, it still requires that a programmatic EIR contain specific, enforceable mitigation measures when significant impacts are identified.

There are feasible, non-deferred mitigation measures that could have been included in CUL-1e at the programmatic stage. For example, the city could have set a maximum building height in sensitive areas, required more specific design compatibility standards based on the existing architectural character of downtown Petaluma, or imposed stricter preservation requirements for historical buildings and viewsheds. These measures could have been incorporated directly into the overlay's zoning regulations or the EIR itself, rather than deferring the mitigation to future discretionary review.

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2.4.6 Legal Precedent

In the cases **Communities for a Better Environment v. City of Richmond** (<https://casetext.com/case/comm-for-a-btr-envir-v-city>) and **California Native Plant Society v. City of Rancho Cordova** (<https://casetext.com/case/ca-nat-plant-soc-v-city-of-rancho-cordova>), it was established that deferred mitigation is only permissible when specific performance standards are included to ensure future mitigation effectiveness.

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3.0 OVERLAY AS SPOT ZONING

3.1 Spot Zoning

Spot zoning occurs when a specific parcel or area is subject to zoning changes that benefit a particular property owner or development, often at the expense of the surrounding community. Under California law, zoning amendments must promote the general welfare and align with the comprehensive zoning plan of a municipality. Spot zoning is generally viewed as illegal when it favors individual property owners or developers over the interests of the broader community.

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The EKN Appellation Hotel is at the heart of this overlay. The proposed project is closely tied to the increase in Floor Area Ratio (FAR) from 2.5 to 6.0, an increase in building height from 45 feet to 75 feet, and lot coverage allowances above what is typical in Petaluma's downtown. These changes are not broadly applied to the entire downtown but are focused on specific areas (particularly Area A where the hotel is located), strongly suggesting that the primary goal of the overlay is to allow the hotel project to bypass existing zoning regulations.

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3.2 Public Economic Benefit of the Overlay

The EIR should provide substantial evidence that the overlay serves a legitimate public purpose or addresses significant issues beyond benefiting the specific hotel project. As constructed, the overlay does not increase growth rates significantly for non-residential uses, does not further any affordable housing goals, and does not incentivize increased residential densities in Petaluma's downtown core that could lead to greater economic activity.

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The overlay does not increase residential access to downtown as residential densities are not increased, as the EIR states multiple times:

The existing residential density requirements (30 dwelling units/acre) would be maintained such that the Overlay would not result in an increase in residential population beyond what is already projected as part of General Plan buildout and what was already evaluated and disclosed in the General Plan Final EIR.

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The allowance of ground-floor residential use in Mixed Use zoning would seem to incentivize housing creation, but that is tempered by parcel-dependent limitations including street-activation requirements and new review historical review requirements. The overlay's combination of proposed changes and mitigation measures leaves a zoning environment that **does not incentivize the creation of housing downtown or increased residential activity that could drive economic benefit**. It could be interpreted that the overlay incentivizes more luxury housing (larger buildings, same density) compared to affordable or affordable-by-design housing.

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The economic inducement for commercial or other non-residential uses also seems weak/immaterial. In the Draft EIR, the growth rate of non-residential development within the overlay area is estimated based on CPSP current growth rates:

"For comparison, the Central Petaluma Specific Plan (CPSP)...Since the time of its adoption, a total of 303,640 square feet of nonresidential development has been approved within the CPSP, representing 15 percent of the CPSP buildout potential over 11 years. As

such, estimating a 25 percent buildout over 20 years is a reasonable estimate.” (DEIR Page 2-29)

Using existing city growth rates to estimate non-residential growth from the overlay is an indication that we don’t anticipate a significant increase in growth compared to what is possible with current zoning.

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There are also significant barriers for non-residential projects to be able to take advantage of any “building flexibility” benefits. These include discretionary review and additional permitting required for increases in height and FAR above current zoning. The overlay also introduces additional historical analyses required for future development projects. These discretionary reviews and additional studies combine to create a barrier preventing many property owners from taking advantage of the building form flexibility, and thereby limiting the economic inducement offered by the overlay. **The overlay does not convey significant public economic benefit in terms of non-residential infill development downtown.**

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Overall, this overlay fails to incentivize investment that supports local businesses and the community. It also fails to effectively preserve the historic character of our city’s downtown and advocates for building types that are inconsistent with our adopted General Plan.

3.3 Inconsistent with General Plan

The overlay is inconsistent with the City of Petaluma’s General Plan, further suggesting spot zoning. See Section 2.2 of this document for details on how the overlay and hotel are not consistent with Petaluma’s General Plan 2025. As one example, it can lead to potentially significant impacts on aesthetics and historical character by bypassing core FAR restrictions in the General Plan.

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The lack of stronger justification for these inconsistencies with the General Plan suggests that the overlay is designed more to benefit a particular developer than to serve citywide planning goals. Spot zoning, by its nature, undermines comprehensive planning because it privileges one project over the city’s overall development strategy.

3.4 Transportation

Section 2.1 of this document describes how both primary and secondary parking impacts of the overlay and hotel project within the Draft EIR are not assessed and may be potentially significant. These effects would have impacts on VMT, GHG, traffic and public safety and would be in direct conflict with the public interest.

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3.5 Public Outcry

Public outcry can be a bellwether in determining if a project serves the public good. If most of our community strongly opposes the project and its impacts (e.g., cultural, aesthetic, or environmental), that opposition can be cited as evidence that the project does not align with the community’s broader interests or the principles of smart growth, historic preservation, or sustainable development. It is also an indicator that a project fails to address community concerns or meet broader community needs.

69

3.5 Public Interest/Benefit vs. Private Gain

The changes proposed under the overlay—such as increasing density, height, and FAR—appear designed to facilitate a single large-scale development that could fundamentally alter the character of downtown Petaluma. The public interest appears secondary to the private interests of the developer.

Sections 3.2, 3.3, 3.4 and 3.5 above outline how the overlay: 1. does not provide public economic benefit outside of the hotel, 2. is not consistent with the General Plan and 3. can be broadly determined to go against the public interest. While an EIR does not examine economic or social impacts, it could be argued that the overlay leads to further negative impacts like the displacement of businesses or residents, gentrification, or the creation of uncharacteristic commercial spaces.

The EIR does not convincingly demonstrate why the hotel cannot be developed within the existing zoning standards or why the existing zoning is inadequate for promoting economic development or housing opportunities. The overlay does not provide sufficient evidence that the broader community will benefit in a way proportional to the concessions made for the hotel.

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3.6 Legal Precedent

California courts have ruled against spot zoning when it does not serve the general welfare or is inconsistent with a city's comprehensive planning goals. For example, in **Foothill Communities Coalition v. County of Orange** (<https://caselaw.findlaw.com/court/ca-court-of-appeal/1654702.html>), the court invalidated a zoning change that exclusively benefited a particular project and contradicted the general plan. Similarly, Petaluma's zoning amendments under this overlay could be seen as an unlawful departure from established planning principles to serve a specific interest rather than the community as a whole.

71

Darren Racusen (RACUSEN)

Response to RACUSEN-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to RACUSEN-2

This comment provides a summary of the questions asked and answered at the September 24, 2024 Planning Commission meeting. As answers were provided at the subject meeting and are available as part of the record, no changes to the EIR or further response is required.

Response to RACUSEN-3

Please refer to Master Response 14, Hotel and Overlay Impacts on Parking.

Response to RACUSEN-4

The commenter states that inadequate parking could lead to traffic congestion and VMT impacts. Please see Master Response 15 Traffic Congestion regarding consideration of traffic congestion in CEQA, and Master Response: Parking Concerns (specifically the subsection regarding the effects of parking on VMT). This comment also does not provide specifics on the potential impacts.

Response to RACUSEN-5

The commenter suggests that the Draft EIR inadequately addresses pedestrian and bicyclist safety as affected by increased traffic, including increased use of rideshare services in downtown Petaluma. The *Traffic Impact Study for the Petaluma Appellation Hotel Project*, W-Trans, 2023, assesses pedestrian and bicyclist circulation near the Hotel as well as intersection safety through review of historical collision patterns at several downtown intersections. The collision review indicated no pattern of pedestrian or bicycle collisions at study intersections that would be exacerbated by the Hotel or Overlay components. Evaluations conducted for the current and prior iterations of the Hotel have led to the incorporation of a sound and light warning system to alert pedestrians of vehicles exiting the Hotel garage. This would be included as a condition of approval. Broader effects related to the addition of traffic on downtown pedestrian and bicyclist safety are typically addressed by the City through routine monitoring and through implementation of improvement measures identified in the City's Active Transportation Plan. Promoting density and mix of uses in a low-speed, downtown setting is consistent with policies in the City's General Plan and is a practice that is generally considered to be beneficial to non-auto users, rather than hazardous because of the associated increases in vehicular traffic and rideshare services.

At this time, it would be too speculative to evaluate potential traffic and pedestrian impacts resulting from the proposed Overlay. Additionally, the proposed Overlay does not propose any specific development projects.

Lastly, any future development within the Overlay Area would have its own environmental review, which would address project-specific impacts. Specific projects will also be subject to a Site Plan and Architectural Review permit which requires a finding regarding "Ingress, egress, internal circulation

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for bicycles and automobiles, off-street automobile and bicycle parking facilities and pedestrian ways are designed so as to promote safety and convenience and conform to applicable City standards,” and any development seeking a use permit, which would also be required to build above 45 feet would require a finding regarding traffic circulation and parking.

- a. The type of street serving the proposed building(s) and use is adequate for the amount of traffic expected to be generated.
- b. The adequacy, convenience, and safety of vehicular access and parking, including the location of driveway entrances and exits is adequate for the amount of traffic expected to be generated, and will be compatible with adjoining buildings and uses.
- c. The amount, timing, and nature of any truck traffic associated with the proposed building(s) and use will be compatible with adjoining buildings and uses.”

These findings adequately address project-specific impacts on traffic and any increase in traffic due to development.

Response to RACUSEN-6

The commenter states that inadequate parking associated with the proposed project in addition to other development could lead to cumulative congestion and circulation impacts. Please see Master Response 15, Traffic Congestion regarding consideration of traffic congestion in CEQA, and Master Response 14, Hotel and Overlay Impacts on Parking, regarding parking concerns. Also note that the City of Petaluma is in the midst of preparing a downtown parking management plan that will identify strategies to accommodate cumulative parking needs.

Response to RACUSEN-7

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. Please also see Response to RACUSEN 5-6.

Response to RACUSEN-8

The commenter states that the Draft EIR fails to analyze secondary impacts associated with parking shortages. Please see Master Response 14, Hotel and Overlay Impacts on Parking (specifically the subsection regarding the effects of parking on VMT), and note that a City-led downtown parking management plan is currently underway.

Response to RACUSEN-9

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the

timeline requirements of CEQA in evaluating an individual land use application. Please also see Response to SHUTE, MIHALY, & WEINBERGER, LLP-44 regarding General Plan consistency.

Additionally, this comment contains introductory remarks summarizing the contents of the letter. The concerns pertaining to specific environmental issues are addressed in the following responses.

Response to RACUSEN-10

Please refer to Master Response 12, Relation Between the Proposed Overlay and Upcoming General Plan Update, in Section 2.1, Master Responses, of this document. Master Response 12 discusses the relationship between the proposed project and the upcoming General Plan Update, as well as the timeline requirements of CEQA in evaluating an individual land use application. Additionally, please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on the proposed density bonuses and building height requirements/limitations. Additionally, the project proposed a General Plan Amendment to modify the permitted FAR within the Overlay Area. If the City Council approves this amendment, the FAR of the proposed Hotel would then align with the General Plan and would be consistent.

Response to RACUSEN-11

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis of the Draft EIR.

Response to RACUSEN-12

The comment states that the General Plan Policy 1-G-1 is too tenuous and too general to be applicable to the proposed project. This is a criticism of the General Plan, not of the proposed project's Draft EIR, and the City disagrees. General Plan goals and policies were analyzed in the General Plan EIR. The applicability of this policy to the proposed project does not change the conclusions of the EIR prepared for the proposed project. Nevertheless, this policy is applicable to the proposed project because the proposed project would support the goal of maintaining a balanced land use program by creating increased employment opportunities and residential uses. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to RACUSEN-13

The comment states that the proposed project is inconsistent with General Plan Policy 1-P-1. The City disagrees. As discussed on Page ES-2 of the Draft EIR, the existing residential density requirements (30 dwelling units per acre) would be maintained such that the proposed Overlay would not result in an increase in residential density beyond what is already projected as part of General Plan buildout and what was already evaluated and disclosed in the General Plan EIR. Although the proposed Overlay would permit greater building intensities as compared to the existing

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zoning allowances, the proposed Overlay would not increase the population of the City beyond what has been planned for by the General Plan. Therefore, the proposed project's intensity does not conflict with this policy.

Response to RACUSEN-14

The comment states that the proposed project is inconsistent with General Plan Policy 1-P-2. Please refer to Response to RACUSEN-10 & 13.

Response to RACUSEN-15

The comment states that the proposed project is inconsistent with General Plan Policy 1-P-3. The City disagrees. As stated in the Draft EIR, the proposed Overlay could create an impact to the scale and character of adjacent residential land uses. However, the Draft EIR explains that as the City receives development applications for subsequent development under the Overlay, those applications would be reviewed by the City for compliance with the policies and programs of the General Plan related to scenic quality in urbanized areas, including scale and character of established neighborhoods and historic resources. In addition, the Municipal Code, which implements the City's General Plan, would be reviewed at the time that development applications are received. For example, development applications would be subject to the development and design standards for each zoning district as well as any other sections of the Municipal Code that govern scenic quality (Draft EIR Page 3.3-23). Furthermore, development within the proposed Overlay would be required to be consistent and compatible with what was already planned as part of the General Plan buildout. SPAR and CUP permits would both be required to build within the Overlay and for structures above 45 feet in height, and both of those permits require findings of compatibility with the neighborhood. Therefore, this comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to RACUSEN-16

The comment states that the proposed project is consistent with General Plan Policy 1-P-6. This comment is noted for the record.

Response to RACUSEN-17

The comment states that the proposed project is inconsistent with General Plan Policy 1-P-7. The City disagrees. Please refer to Response to RACUSEN-13 regarding FAR standards and maximum density.

Response to RACUSEN-18

The comment states that the proposed project is inconsistent with General Plan Policy 1-P-11. The City disagrees. Please refer to Response to RACUSEN-13 regarding FAR standards and maximum density. Additionally, the Overlay would allow intensification of the downtown and is therefore consistent with General Plan Policy 1-P-11.

Response to RACUSEN-19

The comment states that the proposed project is inconsistent with General Plan Policy 1-P-12. The City disagrees. Please refer to Response to RACUSEN-13 regarding FAR standards and maximum density. One of the purposes of the Overlay is to encourage reuse of under-utilized sites, and is therefore consistent with General Plan Policy 1-P-12.

Response to RACUSEN-20

The comment states that the proposed Hotel is consistent with General Plan Policy 1-P-14 and that the proposed Overlay is not applicable. The City disagrees with the latter. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. This comment is noted for the record. While it is unknown what future development would come from the Overlay, the Overlay would encourage future development which would need to be consistent with the General Plan, such as Policy 1-P-14.

Response to RACUSEN-21

The comment states that the proposed Hotel is consistent with General Plan Policy 1-P-27 and the proposed Overlay is not applicable. Please see Response to RACUSEN-20. This comment is noted for the record.

Response to RACUSEN-22

The comment states that the proposed Hotel is consistent with General Plan Policy 1-P-47, but that the proposed Overlay is inconsistent. The City disagrees with the latter. The proposed Overlay would not result in an increase in residential population beyond what is already projected as part of General Plan buildout and what was already evaluated and disclosed in the General Plan Final EIR. Therefore, the proposed Overlay is consistent with the General Plan, and no changes to the EIR or further response is required.

Response to RACUSEN-23

The comment states that the proposed project is consistent with General Plan Policy 1-P-48. This comment is noted for the record.

Response to RACUSEN-24

The comment states that General Plan Policy 1-P-50 is not applicable to the proposed project. The applicability of this policy to the proposed project does not change the conclusions of the EIR. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to RACUSEN-25

The comment states that the proposed project is inconsistent with General Plan Policy 2-G-3. The City disagrees. As discussed in Response to RACUSEN-13 of this document and Section 4.1.15,

Utilities and Service Systems, of the Draft EIR, the permitted residential density would not increase as a result of the proposed Overlay, and, as such, a substantial increase in population beyond what has already been considered in the General Plan EIR is not anticipated. The proposed ground floor residential uses would be consistent with the General Plan buildout potential that was analyzed in the General Plan Final EIR. Therefore, the proposed project is consistent with the General Plan policies. Additionally, regarding potential historic impacts, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to RACUSEN-26

The comment states that the proposed Overlay is consistent with General Plan Policy 2-P-3 but is not applicable to the Hotel. The City disagrees. Policy 2-P-3 aims to maintain aspects of Petaluma's heritage and is not limited to the landmarks listed in the comment letter. The proposed project is designed to avoid impacts to historical resources and is therefore consistent with this policy. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR. Accordingly, this policy is consistent with both the Overlay and the Hotel.

Response to RACUSEN-27

The comment states that the proposed project is inconsistent with General Plan Policy 2-P-5 due to the proposed height of the hotel. The City disagrees. Please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus Law would or would not impact building height maximums and other development standards within the proposed Overlay. Any development within the Overlay would require SPAR, and one of the goals of the Overlay is to encourage development of underutilized parcels, including vacant lots. Development of these vacant lots with a SPAR permit would result in consistency with General Plan Policy 2-P-5.

Response to RACUSEN-28

The comment states that the proposed project is inconsistent with General Plan Policy 2-P-14. The City disagrees. Please refer to Response to RACUSEN-13 regarding FAR standards and maximum density. A purpose of the proposed Overlay is to encourage development and intensification of the Downtown and is therefore consistent with General Plan Policy 2-P-14.

Response to RACUSEN-29

The comment states that the proposed Overlay is inconsistent with General Plan Policy 2-P-17, but that the Hotel is consistent. As stated in the Draft EIR, page 3.3-29, the proposed 1,444-square-foot event space would be consistent with this policy. The Overlay would encourage development. Therefore, no further analysis is required.

Response to RACUSEN-30

The comment states that the proposed Hotel is consistent with General Plan Policy 2-P-19 and the Overlay is not applicable. This comment is noted for the record.

Response to RACUSEN-31

The comment states that the proposed project is inconsistent with General Plan Policy 3-P-6. The City disagrees. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR. The Hotel and any development that results from the Overlay would be required to obtain a CUP and SPAR permit which has specific findings about compatibility and not interfering with historical resources. Accordingly, the proposed project is consistent with General Plan Policy 3-P-6.

Response to RACUSEN-32

The comment states that the proposed Hotel is consistent with General Plan Policy 4-G-1. This comment is noted for the record.

Response to RACUSEN-33

The comment states that the proposed project is inconsistent with General Plan Policy 4-G-3. The City disagrees. Air Quality impacts are discussed in Chapter 4, Additional Effects Evaluated in the Initial Study, of the Draft EIR and impacts were determined to be less than significant with incorporated of MM EKN AQ-1. Please also refer to Master Response 11, Traffic-Related Noise and Air Pollution and Master Response 14, Hotel and Overlay Impacts on Parking in Section 2.1, Master Responses, of this document. Additionally, urban development near high quality public transit like the SMART station is better for air quality than urban sprawl. Any development within the Overlay would need to comply with federal and State air quality standards and would have their own specific analysis under CEQA. Accordingly, the proposed project is consistent with this policy.

Response to RACUSEN-34

The comment states that the proposed project is inconsistent with General Plan Policy 4-P-7. The City disagrees. Air Quality impacts are discussed in Chapter 4, Additional Effects Evaluated in the Initial Study, of the Draft EIR and impacts were determined to be less than significant with incorporation of MM EKN AQ-1.

Additionally, as discussed in Response to SULLIVAN-17, policies that promote increased intensity and density of development in a primarily Mixed Use (MU) area typically reduce motor vehicle-related air pollution. The development allowed by the proposed Overlay would reduce overall dependency on motor vehicles in the Downtown area, thus reducing motor vehicle air pollution, and the proposed Hotel would allow for a reduction of dependence on automobile usage. Furthermore, please refer to Response to RACUSEN -33 for additional details regarding the proposed project's impacts on air quality and greenhouse gas (GHG) emissions. Additionally, urban development near

high-quality public transit like the SMART station is better for air quality than urban sprawl. Accordingly, the proposed project is consistent.

Response to RACUSEN-35

The comment states that the proposed Hotel is consistent with General Plan Policy 4-P-9. This comment is noted for the record.

Response to RACUSEN-36

The comment states that the proposed project is consistent with General Plan Policy 4-P-16. This comment is noted for the record.

Response to RACUSEN-37

The comment states that General Plan Policy 4-P-21 is not applicable to the proposed project, and that the proposed project is consistent. This comment is noted for the record. This comment does not raise any environmental issues, and no further response is required.

Response to RACUSEN-38

The comment states that the proposed project is inconsistent with General Plan Policy 4-P-24. This comment does not raise any environmental issues, and no further response is required. See Response to RACUSEN-34; urban development near high-quality public transit like the SMART station is better for air quality than urban sprawl.

Response to RACUSEN-39

The comment states that the proposed Hotel is consistent with General Plan Policy 5-P-4. This comment is noted for the record.

Response to RACUSEN-40

The commenter indicates that both the hotel and overlay are inconsistent with General Plan Policy 5-P-5, consideration of impacts on overall mobility when evaluating transportation impacts, because the hotel would primarily be accessed by car, and the Overlay-only results in increased commercial density, which unlike increased residential density generates more motor vehicle traffic and pollution. The City disagrees. General Plan Policy 5-P-5 only requires analysis to “consider impacts on overall mobility and travel by multiple travel modes when evaluating transportation impacts.” Both a SPAR permit and CUP would be required for any development above 45 feet in the Overlay, and the SPAR and CUP findings include a specific finding regarding traffic and circulation. Accordingly, any development due to the Overlay would consider impacts on mobility and multiple transportation methods. Therefore, the proposed project would be consistent with General Plan Policy 5-P-5.

Moreover, the Draft EIR as well as the Hotel TIS do assess multimodal circulation (note that additional review of multimodal circulation for overlay sites would be conducted as development applications are filed). It is unclear how the use of automobiles as the primary travel mode for the hotel relates to an inconsistency with Policy 5-P-5. With respect to the overlay, it is also unclear how the addition of commercial uses in downtown Petaluma relates to an inconsistency with Policy 5-P-5;

the commenter's assertion that increased commercial density leads to greater traffic levels is correct (though not considered a CEQA impact), but from an environmental perspective, densification of commercial uses (as well as residential uses) leads to reductions in per capita VMT and is considered a beneficial impact in VMT assessments. This characteristic is discussed on pages 4-66 and 4-67 of the Draft EIR.

Response to RACUSEN-41

The comment states that General Plan Goal 5-G-5 is not applicable to the proposed project. The applicability of this goal to the proposed project does not change the conclusions of the EIR. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration

Response to RACUSEN-42

The comment states that General Plan Policy 5-P-22 is not applicable to the proposed project. The applicability of this policy to the proposed project does not change the conclusions of the EIR. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to RACUSEN-43

The comment states that the proposed project is consistent with General Plan Policy 5-P-23. This comment is noted for the record.

Response to RACUSEN-44

The comment states that the proposed project is consistent with General Plan Policy 5-P-43. This comment is noted for the record.

Response to RACUSEN-45

The comment states that General Plan Policy 6-P-6 is not applicable to the proposed project. The applicability of this policy to the proposed project does not change the conclusions of the EIR. The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to RACUSEN-46

The comment states that the proposed project is consistent with General Plan Policy 7-P-25. This comment is noted for the record.

Response to RACUSEN-47

The comment states that the proposed project is consistent with General Plan Policy 8-P-38. This comment is noted for the record.

Response to RACUSEN-48

Consistency with the General Plan is discussed in Response to RACUSEN-12 through RACUSEN-47 above.

Response to RACUSEN-49

Consistency with the General Plan is discussed in Response to RACUSEN-12 through RACUSEN-47 above. This comment does not provide additional evidence that the proposed project is inconsistent with the General Plan. Therefore, no further response or analysis is required. Please also see Response to SHUTE, MIHALY, & WEINBERGER, LLP-44 regarding General Plan consistency.

Response to RACUSEN-50

As discussed in greater detail in Response to SHUTE, MIHALY, & WEINBERGER, LLP-116 through -124, the Draft EIR included a reasonable range of alternatives, and no additional analysis is required. See also see Master Response 3 regarding Alternatives.

Response to RACUSEN-51

As stated in CEQA Guidelines Section 15126.6, an EIR need not consider every conceivable alternative to a project. The Alternatives analysis, presented in Chapter 6 of the Draft EIR, analyzes three Alternatives and considers but rejects four other alternatives due to issues of infeasibility, inability to achieve project objectives, and the fact that these considered but rejected alternatives would not reduce or avoid any significant impacts. This would be considered a reasonable range of alternatives. As stated in CEQA Guidelines Section 15126.6, reasons for rejecting an alternative include: failure to meet most of the basic project objectives, infeasibility, or inability to avoid significant environmental effects. Please refer to SHUTE, MIHALY, & WEINBERGER, LLP 116 through 124 for additional details regarding alternatives that were considered but rejected from further consideration. Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains why the Alternative Site Alternative was considered but rejected.

Response to RACUSEN-52

The purpose of the Alternatives analysis is to provide decision-makers and the general public with a reasonable range of feasible project alternatives that could attain most of the basic project objectives, while avoiding or reducing any of the proposed project's significant adverse environmental effects. The alternative suggested by the commenter would not achieve this purpose. The Reduced Height Alternative (Alternative 3) would not achieve project objectives because it would reduce the infill development potential of the site, would reduce potential opportunities for employment under the Overlay as well as reducing the number of guestrooms in the Hotel, and would eliminate the rooftop terrace and event space, and would not reduce any significant impacts. Furthermore, it would not meet project objectives related to employment or housing to the same degree as the proposed project. Additionally, without the process for obtaining a CUP related to height, Alternative 3 does not promote flexibility in building forms to the same degree as the proposed project (Draft EIR page 6-31). A reduced height and reduced FAR alternative would have

similar outcomes because it would not achieve project objectives and would not significantly reduce impacts. Please also see Response to SHUTE, MIHALY, & WEINBERGER, LLP-44 regarding General Plan consistency.

Response to RACUSEN-53

Alternative Locations for the proposed Hotel were considered but rejected because the project applicant does not own, nor can they reasonably acquire any of the suggested sites. Therefore, no further analysis is required.

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains why the Alternative Site Alternative was considered but rejected.

Response to RACUSEN-54

As discussed in Response to RACUSEN-53, an alternative location was considered but rejected. The comment does not raise any specific environmental issues related to the adequacy of the EIR's analysis of alternative locations, and no changes to the EIR or further response is required. Furthermore, as discussed in Response to RACUSEN-52, an analysis of a reduced height is included. A reduced FAR alternative would not meet the proposed project's objectives because it would reduce the infill development potential of the site and would not promote flexibility in building forms to the same degree as the proposed project. No further analysis is required.

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document.

Response to RACUSEN-55

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to RACUSEN-56

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Response to RACUSEN-57

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 explains that a Program EIR is appropriate to evaluate environmental effects "at a broad level," so long as to the extent a subsequent project is not covered, additional environmental review occurs.

Response to RACUSEN-58

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area. Please also see Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process.

Response to RACUSEN-59

Please refer to Response to RACUSEN-57. Also, the mitigation measures suggested by the commenter are not specific and do not state the impacts that the mitigation measures would have addressed. Without knowing the specifics of the proposed mitigation measure, it is impossible to know whether the mitigation measures are feasible or if it would clearly lessen the proposed project's significant environmental impacts.

One example includes setting a "maximum building height in sensitive areas." However, as the City does not have a definition of "sensitive areas" and the comment does not define this term, this mitigation measure is not feasible. Additionally, as each development within the Overlay would require its own CEQA review and to build above 45 feet would require a CUP that addresses potential impacts due to height, and the fact that there is Overlay mitigation already proposed to address potential impacts to historic resources, the mitigation suggested by the commenter is not considerably different from what is already in place.

Another suggestion from the commenter is "more specific design compatibility standards based on the existing architectural character of downtown Petaluma." However, the Historic Commercial District Design Guidelines already serve this purpose. An update to design compatibility standards would be a separate City project that would need to go through its own discretionary review process. Furthermore, the CUP requirements outlined in Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, already accounts for compatibility of the surrounding neighborhood and is therefore not considerably different from existing mitigation measures

Response to RACUSEN-60

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 explains that because there are no specific development projects being proposed within the proposed Overlay at this time apart from the proposed Hotel, no specific project-level details are available and project-level CEQA analysis is infeasible. Future development in the Overlay Area may rely on the information in the Draft EIR, including mitigation measures that establish performance standards.

Response to RACUSEN-61

Spot zoning is discussed in Master Response 3. Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains that an evaluation of a

Hotel-Only alternative, or a commercial only alternative would not result in significantly different information from that already presented in the Draft EIR. It also discusses spot zoning and discusses why this proposed project is not spot zoning, and explains why the Alternative Site Alternative was considered but rejected.

Response to RACUSEN-62

Please refer to Response to RACUSEN-61 regarding spot zoning.

Response to RACUSEN-63

Providing an analysis of a project's public purpose, as requested by commenter, is a social issue, and as such, is outside the purview of this environmental document. The purpose of CEQA is not to analyze the social or economic benefits of a proposed project. The EIR focuses on evaluating potential adverse impacts to the physical environment and providing that information to the Lead Agency's decision-makers and the public. The Lead Agency has the discretion to exercise its independent judgment in deciding to carry out or approve a project and may weigh social, economic and technologic interests, among other factors in making that decision.

Response to RACUSEN-64

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to RACUSEN-65

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Please also see Response to SHUTE, MIHALY, & WEINBERGER, LLP-16.

Response to RACUSEN-66

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to RACUSEN-67

Please refer to Response to RACUSEN-61 regarding spot zoning. Please also see Response to SHUTE, MIHALY, & WEINBERGER, LLP-44 regarding General Plan consistency. Policy consistency with the General Plan, including various policies related to historic resources, is analyzed within Section 3.3, Land Use and Planning, of the Draft EIR. The Draft EIR concluded that the proposed project would be consistent with the policies related to historic resources. Also, as explained in responses RACUSEN 9-48 above, the proposed project is consistent with the General Plan.

Responses to Written Comments

Response to RACUSEN-68

Please see Master Response 14, Hotel and Overlay Impacts on Parking and Master Response 15, Traffic Congestion.

Response to RACUSEN-69

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to RACUSEN-70

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

The purpose of the EIR is not to evaluate the relative benefits of development. Instead, the EIR must disclose the potential environmental impacts of the proposed Overlay and the EKN Appellation Hotel.

Response to RACUSEN-71

Please refer to Response to RACUSEN-61 regarding spot zoning.

From: Eva Rhea <[REDACTED]>
Sent: Tuesday, September 24, 2024 1:24 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: Public Comment

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear Planning Commission and HCPC,

As a Petaluma resident, I strongly oppose the EKN Hotel and Overlay. This project will have a lasting negative impact on our town's character, quality of life for its residents, and environment. The scale is far too large and will destroy Petaluma's unique beauty and charm.

I also question whose interests are served by this proposal. The community will face increased traffic, parking issues, environmental damage, and noise while benefiting very little in return.

Please prioritize your citizens and Petaluma's long-term well-being and reject the proposed hotel and overlay.

Thank you,
Eva Rhea
Petaluma Resident

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Eva Rhea (RHEA)

Response to RHEA-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to RHEA-2

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis, and no changes to the Draft EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Additionally, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to RHEA-3

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis, and no changes to the Draft EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Additionally, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to RHEA-4

Please see Master Response 11, Traffic-Related Noise and Air Pollution, Master Response 14, Hotel and Overlay Impacts on Parking, and Master Response 15, Traffic Congestion.

Response to RHEA-5

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

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-----Original Message-----

From: Matt Richman [REDACTED] >
Sent: Monday, September 9, 2024 11:13 AM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>;
gpowell@cityofpetalua.org
Subject: New Overlay plan comment

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear City of Petaluma Planning-

I think changing the Zoning Plan to allow taller buildings, larger buildings, and larger footprints is a terrible terrible idea. This amendment looks to destroy the wonderful character that makes Petaluma special.

I don't want tall buildings downtown. I don't want new buildings set against the edges of the lot. I don't want larger FAR or larger lot coverage.

It seems especially sad to me that it's all being proposed because of one hotel project that is out of scale for our town. Destroying the character of Petaluma to entice tourists seems like a self-defeating plan.

Mark me down as a hard "NO" to the General Plan Amendment.

Thank you,
Matt Richman
[REDACTED]
Petaluma, CA 94952

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Matt Richman (RICHMAN)

Response to RICHMAN-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis, and no changes to the Draft EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Additionally, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

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From: Claudia Aron Ross <[REDACTED]>
Sent: Thursday, October 10, 2024 4:59 PM
To: -- City Council <citycouncil@cityofpetaluma.org>; -- City Attorney <cityattorney@cityofpetaluma.org>
Subject: EIR For Planned Hotel and Overlay

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Ladies and Gentlemen: I have previously sent an e-mail to be entered into record but since then more information has come to light. For many years I was a Senior Paralegal specializing in Real Estate for a few well known firms in San Francisco. We often represented the Developer, sometimes the party the Developer was entering into contract with (such as the Redevelopment Agency of the City and County of San Francisco for the Yerba Buena Development). Never, ever did anyone pay for an EIR other than the Developer. Never. I ask why the City of Petaluma, the City Attorney, the M Group, that functions as our planning department allow the taxpayers of Petaluma to be billed for this? I would like an answer.

Not only are we, the taxpayers, paying the M Group a small fortune for their work on this (according to their contract with Petaluma, while working on any "development" matters they bill at their highest hourly billing rate), but we are not even being advised sufficiently, or properly. Petaluma is now to pay \$161,000 for a badly flawed, useless EIR that they should never have even been charged for. And apparently no one in the M Group even did basic due diligence on EKN. It would have been immediately apparent they they have defaulted on other deals, had a large one in danger of foreclosure and had already been in at least one bankruptcy proceeding.

I respectfully ask for a response.

Sincerely,

Claudia Aron Ross

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Claudia Aron Ross (ROSS)

Response to ROSS-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to ROSS-2

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to ROSS-3

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

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From: sherry sandberg <[REDACTED]>
Sent: Tuesday, September 24, 2024 3:02 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Cc: -- City Council <citycouncil@cityofpetaluma.org>; Greg Powell
<gpowell@cityofpetaluma.org>
Subject: PUBLIC COMMENT on Draft EIR

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

Dear City Representatives,

I reviewed the Draft EIR and still oppose approval of the EKN Hotel and the Overlay/Spot
Zone changes to our downtown. There is not sufficient detail to demonstrate that the
environmental impacts can be reduced to a less than significant levels. The report merely
states that all CEQA impacts can be reduced but not how it could or would be done.

I would like our city representatives to respect the existing zoning regulations for
downtown development.

I understand that property owners may prefer to sell their land to developers that do not
wish to abide by zoning requirements. If our representatives believe that downtown is
blighted in certain areas, perhaps they should consider implementing a vacancy tax for
those properties.

So my vote is NO on proceeding with this Draft EIR.

Thank you.

Sherry Sandberg
Petaluma property owner

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Sherry Sandberg (SANDBERG)

Response to SANDBERG-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to SANDBERG-2

Please refer to Master Response 2, Recirculation Not Required, in Section 2.1, Master Responses, of this document. Master Response 2 discusses why the conditions established in the CEQA Guidelines under which the Draft EIR must be recirculated have not been met.

Response to SANDBERG-3

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

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From: [sherry sandberg](#)
To: [-- City Council](#)
Cc: [Marian Parker](#); [Olivia thompson](#)
Subject: Tonight's cc meeting on advancing EIR process
Date: Monday, October 7, 2024 11:57:18 PM

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

After watching most of this meeting online, I really am convinced that the council members are out of touch with the problems inherent in this process. You appear to be like spiders stuck in your own web. Here are my questions for you. Honest and direct answers would be appreciated.

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1. Is it true that the hotel applicant was told by the city planning staff that their hotel could not be approved unless a zone change was made? FYI this is what the EKN developer said to their audience at the Brooks Note meeting last year.

2. Are you planning to bring the planning department back in house? If so, when? I understand this could not happen all at one time, but a plan for this should have begun last year. What are your plans? What is the timeframe for completion? If you have no such plan, please share that asap. I'll share your plans for continued possible COI with the rest of our town in any way I can.

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3. Where's the beef? You throw around numbers without documentation. It's like the false "cost benefit analysis" you published showing keeping the M Group versus bringing planning in house. Your "cost analysis" defined no benefits. Some of you say that the hotel will bring \$700k per year in tax revenue. Show me the CBA for that. You need to show lost tax revenues (ie from other businesses) and expenses as well as revenues from having this hotel & overlay. We have a right to know this. It's out money you're spending.

3

4. I have listened to so many neighbors who are smart, educated, experienced and dedicated. They keep showing up to cc meetings and taking part in this process because they care about keeping the good parts of this town as well as making it better. WILL YOU LISTEN TO THEM?

Don't just call them names (that's really NOT your job). I've experienced 2 council members saying me and my neighbors are "just clutching at pearls" "conspiracy theorists" "stuck in the past" "allergic to change". BTW those accusations are sexist, ageist and unfounded. That is no way to speak to or about your constituents and you should all know better. As demonstrated by tonight's commenters, your constituents do have vision, are articulate about what they want and are not stuck in anything.

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Please try to remember that you work for us.
Thank you for your time and hopefully for listening.

Sherry Sandberg
District 6 voter

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Sherry Sandberg (SANDBERG 2)

Response to SANDBERG 2-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

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From: Beverly Schor <[REDACTED]>
Sent: Tuesday, October 1, 2024 2:03 PM
To: -- City Clerk <cityclerk@cityofpetaluma.org>
Subject: Downtown Overlay and EKN proposed hotel

Some people who received this message don't often get email from [REDACTED].
[Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

City Clerk,

Please direct my letter to all Council members, Planning Commissioners and project appropriate Staff members including our City Manager, Peggy Flynn.

Thank you,
Beverly Schor
Petaluma Resident

Dear Council, Commissioners and Staff,

I oppose the Downtown Overlay and hotel. In fact, I am aghast.

I attended all the community listening sessions, as did you. I saw you all there. I heard the public say loud and clear that they want: housing and a 48' building height limitation in our downtown.

So how on earth did we get one spot zone that allows for a 72' building cap which happens to be exactly the proposed hotel location, but not in the other two zones which will be limited to 48'? The entire downtown area should have one building standard with a cap of 48' in order to visually fit and harmonize with the rest of our historic downtown.

People, not buildings revitalize urban areas.

Please reconsider the notion of a hotel, even if the developer puts the word 'residence' in the description. This is a verbal airball to pitch to the community that wants downtown housing. "Housing" and "hotels" are not the same thing. People live in housing 24/7. They shop locally. They use the grocery store and the hardware store. Hotel guests are weekend travelers who rarely patronize local businesses except to eat or drink.

Please say NO to the proposed downtown overlay and hotel as it is designed. Please give us the 48' height limitations and housing options we requested in all those late night meetings. Please respect our historic downtown.

Thank you,
Beverly Schor
Petaluma Resident

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Beverly Schor (SCHOR)

Response to SCHOR-1

Spot zoning is discussed in Master Response 3. Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains that an evaluation of a Hotel-Only alternative, or a commercial only alternative would not result in significantly different information from that already presented in the Draft EIR. It also discusses spot zoning and explains why the Alternative Site Alternative was considered but rejected.

Please also refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Hotel's visual character relative to the Historic District.

Response to SCHOR-2

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

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From: [REDACTED]
To: [-- City Clerk](#)
Subject: Downtown visions / Overlay
Date: Monday, October 7, 2024 1:16:57 PM

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Greetings Council Members. My name is Kim Scot and I live at 265 First Street. I first came to Petaluma in the early 70's, have owned 4 homes here, birthed two sons at home on Pepper Road, very proudly taught at McNear Elementary and Valley Oaks School, and after immigrating to Canada in 2003, returned to open a family focused store, Little Luma. In 2016 I moved back to Canada and I very recently have returned to Petaluma and intend to live and serve here in any capacity that my skills can contribute to. In my many years away, both in British Columbia and Massachusetts, I have become familiar with city government functions, and fully appreciate that it is essential work and a fairly thankless job for those who dedicate themselves to endeavor to take it on. I am working hard to catch up on the past few years so that I can offer an informed opinion. With respect for your efforts, I beseech you to consider the explosive moment we find ourselves in, and slow down on making a final decision on the Downtown overlay proposal.

The planet, our country, and our city are on edge. Divisions are harming every aspect of our lives at this time and nerves are raw. Obviously this is not conducive to calm, reasoned, shared communication on issues that clearly have not been resolved. I submit that much will be determined in the next six weeks and it will be weeks after that in which we as a country and city will need to adjust, regardless of what our government will look like on a national and local level. Please remove this contentious topic from the agenda for a few months, with the option to bring it back in late Winter/early Spring. This is absolutely not an issue to be forced to be resolved at this very extraordinary moment in time.

I have much to say about the wonderful work happening in Petaluma; I am truly impressed and excited to be back here. I understand that you have considerations that most of us can't grasp, but I have heard some great ideas in public discussions and candidate forums that can feed into the General Plan, which is where I think the public's and City government's attention needs to be. Let's celebrate the great work that is being done every day and allow time for visioning, even in a very foggy climate. Kudos on the One Petaluma Podcast - brilliant, relevant, and perfect for sharing information pertinent to the General Plan process.

Thank you for your consideration,

Kim Scot
[REDACTED]

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Kim Scot (SCOT)

Response to SCOT-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

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From: John Sergneri <[REDACTED]>
Sent: Friday, September 27, 2024 2:31 PM
To: -- City Clerk <cityclerk@cityofpetaluma.org>
Subject: Citizen Overlay Comment

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Fellow Petalumans,

We're seniors who live at 10th and C streets. We're wondering what our tolerance for traffic pain is, or have we already reached it? Today, we contend with these hot points: (1) Road diet reducing the flow of traffic on the Boulevard to a crawl anywhere from C street to Washington street. This makes it difficult to (2) turn from B street on to the Boulevard. When you add in (3) a large number of pedestrians, many with dogs and strollers and (4) Petaluma High school traffic, we often find ourselves stuck if we choose that route to get to the markets. Or we could (5) leave home and go down D street and risk being T-Boned by speeding dump trucks at 10th street, because it is almost impossible to (6) see around the parked cars on D, even with the (ahem) wonderful, new mitigation efforts. (7) Or we could be stuck for 15 minutes at Kentucky and Washington's traffic lights trying to make it across the Boulevard.

This Saturday, Sept 29th, the downtown Antiques Fair will (8) block most traffic in our main routes leaving us Keokuck to Payran if we want to go to Trader Joe's or the County Library, for example. This also happens to be (9) Homecoming Week for PHS, so we'll happily hunker down so the kids can have their parade, but the Antiques Fair is just one example of road closures which impact us; any event (10) at Steamer Landing, the Fairgrounds, or Walnut park will deny us egress. (11) If the D street bridge is open, you know what that means.

So, let's add in a major hotel to our already growing list of problems and we're pretty much constrained to using Howard Street to get out of our neighborhood, again, if the High School isn't getting out (4), Mass isn't getting out (12) or if there is a funeral (13) at St. Vincent's.

One route only does not enable choices.

This exception (the Overlay) to our existing planning rules to enable some mythical tax revenue does not sit well with us either, as we pay quite enough in taxes (14) and we, as a community, need to be able to manage with what we have. The congestion will not be worth it. We will not be able to turn right or left on to the Boulevard with this monster sitting there. It was bad enough when the corner was occupied by a Chevron station, where we used to gas up for our commutes.

(15) 'A' street parking lot is bad enough; we imagine not being able to use it after this hotel is put in.

(16) In our neighborhood, we have 1 supermarket and no pharmacies, our medical centers are across town. We have to exit the neighborhood to get to these and other services.

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|---|---|
| (17) Emergency evacuation, enough room for everyone? Petaluma has always been a haven during disasters, how will this impact our role when Windsor burns again? I'm sure the hotel management will lower rates and welcome our neighbors in need. | 6 |
| (18) We had one boondoggle with the Hampton Courts and their lovely view of Lakeville street and/or the propane depot, we're thinking we'll have another if this hotel gets built. | 7 |
| (19) Also, the fabled Caulfield connector, allegedly to help in a few decades from now won't help us who are aging in place. | 8 |

We were hoping to limit this to 10 or 12 items and look what we did. As you can guess, we are strongly opposed to the concept of the Overlay and hope you see right by us and kill this effort before it ruins more political futures of bright and newbie city council members.	9
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Thank you,
John Sergneri/Athena Sargent

██████████
Petaluma CA 94952
██████████

John Sergneri and Athena Sargent (SERGNERI)

Response to SERGNERI-1

The commenter provides an introductory statement identifying locations or circumstances in west Petaluma that cause them “traffic pain,” citing the Petaluma Boulevard road diet, pedestrians including those with dogs and strollers, recent pilot program modifications made on D Street, downtown traffic congestion, various special events, and openings of the D Street drawbridge. The comment does not specifically address topics contained in the Draft EIR transportation analysis, and no response is required.

Response to SERGNERI-2

The commenter indicates that with added Hotel traffic, they would have limited driving choices in leaving their neighborhood. It is understood that the commenter has frustrations related to traffic, though congestion is no longer considered a CEQA impact, and the conclusion that the hotel would cause driving routes to be unusable is not supported by evidence or the analysis contained in the Hotel project’s traffic impact study. Please see Master Response 15, Traffic Congestion for additional information.

Response to SERGNERI-3

The commenter states that they would not be able to turn onto Petaluma Boulevard if the proposed Hotel is built. While the Hotel would generate additional automobile traffic, there is no evidence supporting the premise that travel by auto would become impossible. See also Response to SERGNERI-2.

Response to SERGNERI-4

Please see Master Response 14, Hotel and Overlay Impacts on Parking.

Response to SERGNERI-5

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to SERGNERI-6

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Responses to Written Comments

Response to SERGNERI-7

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to SERGNERI-8

The commenter states that the Caulfield connector would not help persons such as themselves who are aging in place. It is unclear how the Caulfield connector relates to the Draft EIR, overlay, or hotel development, though the concern may be rooted in concerns regarding traffic congestion. Please see Master Response 15 Traffic Congestion for additional information.

Response to SERGNERI-9

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

From: Nathan Spindel <[REDACTED]>
Sent: Tuesday, September 24, 2024 3:13 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>; [REDACTED]
<[REDACTED]>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>; Blake Hooper
<[REDACTED]>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>; Janice Cader-
Thompson <jcaderthompson@cityofpetaluma.org>; [REDACTED]
<[REDACTED]>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>; [REDACTED]
<[REDACTED]>; [REDACTED] <[REDACTED]>
Subject: Public Comment on Agenda Item 1

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

Dear Planning Commission and Historic & Cultural Preservation Committee,

My young family has lived and worked in West Petaluma for five years. We plan to stay here for decades. Every day I go downtown to work, shop, eat, and stroll. I love walking in our historic neighborhoods and downtown; it is one of the primary reasons we moved to Petaluma.

I believe our downtown should be upzoned for higher density commercial and residential uses. We need more housing, downtown activity, and activated street space. Such density has many benefits from livability to affordability and climate adaptability. More downtown activity and housing has a significant economic benefit to our city; increased revenues and more affordable housing will go hand in hand to improve all Petalumans' quality of life. Decreased downtown activity and more expensive housing? Not so much.

With the above in mind, I support the Downtown Overlay proposal. Six stories is a fine height for buildings in our downtown (there's already a number of buildings around that height). A few new five/six story buildings is SO much preferred over the status quo of vacant and under-built lots — our town deserves better than that. I am embarrassed to walk visitors by Walnut Park among the many sad, ugly, fenced off empty lots. I fear that if we don't allow and incentivize more intense building that our town will weaken in the coming decades as more people move out; largely due to unaffordable housing, boarded up buildings, uncomfortably empty streets, and blighted lots. That's the opposite of what I want for Petaluma. I want to see more housing, more activated streets, and more small businesses with more beautiful views of our river and hills!

Successful places grow. Growth either happens up or out. If growth doesn't happen, successful places get expensive. If you want affordability, you need to increase building. All new building — commercial, high end residential, anything - helps increase supply and takes pressure off the market. Building up is the only logical choice given our city's climate stance and policies. Building up makes sense in the commercial core.

Regarding historic aesthetic and/or preservation concerns that I've heard many community members raise: the Overlay could be further designed to consider historic/aesthetic context. Our City Attorney indicated that this could be done at the public meeting on July 12 2023. There is precedent for such objective design policy in many other cities (Napa, Healdsburg, Santa Barbara, Pasadena, San Diego, Boston, New Orleans); I encourage our committees and staff to explore if there is a way to include this in the Overlay, a followup ordinance to the Overlay, or the General Plan Update. That would allow for increased density while alleviating historic/aesthetic concerns. We need a path forward for a strong and vibrant future for Petaluma.

Thank you,
Nathan Spindel

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Nathan Spindel (SPINDEL)

Response to SPINDEL-1

The comment in support of the proposed project is noted for the record and provided to the Lead Agency for review and consideration. No environmental issues are raised, and no response is required.

Response to SPINDEL-2

The comment is noted. As detailed in Section 3.1, Aesthetics, of the Draft EIR, future development applications would be reviewed by the City for compliance with applicable policies and programs included in the General Plan Land Use, Growth Management, and the Built Environment Element; Community, Design, Character, and Green Building Element; and the Historic Preservation Element. Among the many policies, the City would consider whether a future development application would aesthetically enhance the Downtown area, maintain and enhance Petaluma's heritage, and protect historic and archaeological resources within the City. Additionally, all future development under the proposed Overlay would be required to adhere to high standards of quality in design and to incorporate street features that promote pedestrian friendliness.

Furthermore, per MM Overlay CUL-1e, any project seeking to build above the permitted 45 feet, (which was analyzed under the General Plan) would require a discretionary CUP, including findings that the project would not adversely impact historical resources and not be detrimental to public welfare. No further response is required.

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From: Barbara Stowe <[REDACTED]>
Sent: Tuesday, September 24, 2024 10:28 AM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: Overlay

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear members of city council,

I am unable to attend tonight's meeting as I will be working . I moved to Petaluma in 2019 and was drawn here by the preserved historic downtown , the many acres of farmland and the thriving community.

I am shocked and dismayed that this overlay is being considered at all- as if city planners have no regard for the treasure we hold here.

So few towns/cities have preserved their historical buildings and overall feel of community - and it seems the city council is trying to lead us in the same direction . Additionally, it seems the council is being deceitful in seeking an EIR that does not truly delve into all the myriad ways these overlays could impact our community .

As elected members, you are tasked with listening to residents and preserving a healthy thriving community. You are not given permission to enable profiteers to come in and rape our cityscape for their own benefit. You are tasked with enabling local business to thrive and succeed yet you act as a barrier for local businesses.

I am confused and disturbed by your agenda and ask that you would stop and consider the long term implications of your decisions today. What are you doing to Petaluma ? What are you preserving for our children and grandchildren? What are you saying about the importance of caring for what we have ?

I intend to Vite in November and my vote will be cast for candidates who seek to preserve Petaluma's history as part of a thriving community.

Sincerely ,
Barbara Stowe
Sent from my iPhone

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Barbara Stowe (STOWE)

Response to STOWE-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Please also refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Hotel's visual character relative to the Historic District.

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From: Lehua K.K. Stuart <[REDACTED]>
Sent: Wednesday, September 25, 2024 1:38 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Subject: Public Comment: Opposition to the Overlay and EKN Downtown Appellation Hotel

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

"B - Fair!" - Helen Putnam

To all concerned,

I am writing to let you know my strong opposition to the proposed Overlay & EKN Appellation Hotel development. Hasn't history taught us anything about the importance of preserving our community's unique character and identity?

This type of development threatens to destroy what makes Petaluma special. It stands as a clear example of outside developers leveraging their financial power to reshape our city according to their interests, disregarding the historical integrity and character that residents value deeply.

Furthermore, reaching this point is not just about removing those who voted for this project; it's also imperative to address the M Group's role within the Planning Division. Their presence represents a conflict of interest, and it is crucial that Petalumans advocate for a Planning Division that truly reflects local priorities. We need to ensure that our community's voice is represented.

As an owner of MU2-zoned property, I have witnessed the overreach in zoning standards and the exceptions made for this project in an MU2 district. This situation is a clear indication that development is spiraling out of control. We must curb urban sprawl and protect our city from excessive development that compromises its character.

It has been done before; let's do it again. I urge you to consider the long-term consequences of this project and stand firm in protecting Petaluma's unique heritage.

Thank you for your attention to this matter.

Best Regard,

Lehua K.K. Stuart

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Lehua K.K. Stuart (STUART)

Response to STUART-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Please also refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the Hotel's visual character relative to the Historic District.

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From: Moira Sullivan <[REDACTED]>

Sent: Monday, October 21, 2024 4:44 PM

To: -- City Clerk <cityclerk@cityofpetaluma.org>; Petaluma Planning
<petalumaplanning@cityofpetaluma.org>; Kevin McDonnell
<kmcdonnell@cityofpetaluma.org>

Subject: Re: Downtown Housing and Economic Overlay and Appellation
Hotel

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

Hello - I am re-submitting my comments on the Downtown Housing and
Economic Overlay and Appellation Hotel from April 2024 (attached). My
understanding was that unless these comments were resubmitted by Oct 21,
2024, they were not going to be carried over and considered for this draft
Environmental Impact Report on the Appellation Hotel. Please add them to
the record.

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Thank you.

Sincerely, Moira Sullivan

April 30, 2024

Subject: DHEO + Hotel NOP Comment



Critical viewsheds of Historic District and ridges (Scott Hess)

Dear Petaluma City Council members, Planning Commissioners, Planning Dept, and Consultants overseeing the update to Petaluma's General Plan,

Please add my comments to the record for the EKN Appellation Hotel project Environmental Impact Report (EIR) and the Zoning Overlay proposed for Petaluma's General Plan update, being orchestrated by the Metropolitan (M) Group Planning consultancy.

2

I concur with key members of Petaluma's Historic and Cultural Preservation Committee (HCPC) that the actual effects of the proposed EKN Appellation hotel need to be evaluated with a full EIR; not one that just analyzes a select subset of environmental impacts (*i.e.*, skips analyzing impacts on Air Quality, Traffic and Circulation, Noise, Utilities and Service Systems, Energy, Greenhouse Gases, as examples). Most especially, in light of the fact that this proposed hotel is located within a National Register Historic District (NR

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District) and that it violates Petaluma's historic regulations, an EIR evaluation that includes an *Alternative Sites Analysis* is essential.

Changes to the current height and lot coverage restrictions both for the proposed zoning overlay of our downtown and for the Appellation Hotel would have a profound – and I’d argue adverse - impact on the setting and feel of our NR District. Most of our buildings downtown are human-scale, 1-2 stories; the historic ironfronts are 3 stories. 6-7 story buildings would positively dwarf our majestic architectural gems and destroy our sightlines, block the views of our iconic hills for which our town is named, and destroy its historic feel and unique sense of place. Petaluma has “architecture unmatched in California” as per Paige & Turnbull, expert Architectural Historians from San Francisco who did Petaluma’s historic inventory for our General Plan update. Indeed, **HCPC member Tom Whitley has stated that, “There is perhaps no worse place in the city for a proposed relaxing of building height and lot coverage restrictions *[than the proposed hotel site]*”.**

Without question, changing the height and lot coverage restrictions with the zoning overlay will make it next to impossible to maintain the district's "integrity of feeling". Tom Whitley, HCPC member and an expert with numerous publications in GIS and spatial analysis told the city that, "any building in this lot of a height greater than two stories, and coverage of more than 80%, would significantly reduce the visibility of the south end of the historic district to all pedestrian or vehicular traffic traveling northwest on Petaluma Boulevard South. Such a building on that site would also restrict the view of, and from, the Carnegie Library Building – a resource which is listed on the NRHP on its own". At 65' in height, the proposed hotel would dominate the skyline the entire length of Petaluma Boulevard (!). Further, per Whitley, "These kinds of impacts might not just be visual ones but could also include altering pedestrian or vehicular traffic flow, changes to infrastructure or utility services, as well as future reduction or segmentation of the district boundaries". Such changes in setting and feeling constitute **significant** impacts to our NR District.



Viewshed that would be impacted, to far right of this image (where Chase Bank is currently) if lot heights were relaxed

Regards aesthetics/cultural resources and the Appellation Hotel, Historic District Design Guidelines state that Infill buildings in the Historic District should “harmoniously coexist with the historic character.” This is a powerful impact that is not mitigated. The proposed hotel is not compatible with the massing, scale, and architectural features of the Historic District. This is a significant, unacceptable impact that is not mitigated by what it contributes to the common good.

14

In addition, because the hundreds of guests this proposed hotel would cater to, along with hotel service workers, are expected to arrive by car, the location of this hotel would greatly increase traffic and traffic emissions in our downtown. Disruption of traffic flow and emissions from hotel delivery trucks alone would be considerable. Consultants Raimi+ Associates, who are assisting in updating Petaluma’s General Plan, have stated that every census tract in Petaluma is adversely impacted by traffic emissions. Traffic pollution is associated with a number of adverse health outcomes. In short, this hotel

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project should undergo a full EIR evaluation, pursuant to CEQA Section 15064.

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I wholeheartedly concur with HCPC member Tom Whitley that the proposed ***zoning overlay be discarded in its entirety***. I am also not in favor of modifying the IZO text nor the IZO map to allow for the zoning overlay.

Petaluma is a one-off. There are ***no*** other towns in the entire State of California with as many ironfronts as Petaluma has. As proposed, the zoning overlay adds no protective covenants, preservation incentives, or other measures that would improve or enhance our NR District (!). Without question, the proposed zoning overlay would adversely affect the integrity of our NR District, pursuant to CEQA, and especially for the criteria of setting and feeling. It's a non-starter for our historic downtown whose very draw - its identity and notoriety - is based on its unique and unparalleled historic setting. *Refer to links below to see the national publicity Petaluma regularly receives as an NR District; critical for tourism.*

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Note that when Napa expanded their downtown with their riverfront, they understood that their role was, "not to transform the downtown, rather to work within the framework, character and history that Napa already provided" (image just below). Petaluma must follow other economically-successful wine country towns (e.g., Sonoma, Healdsburg, Calistoga) and maintain a strong sense of beauty and place when it comes to zoning and new construction. Neither the Appellation Hotel nor the zoning overlay are congruent with Petaluma's Historic Regulations, or respectful of its being an NR District.

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Napa Riverfront

Thus, I ask that you reconsider moving ahead with this proposed hotel and zoning overlay changes to our Historic Downtown. Both would be catastrophic for Petaluma's unique identity - and would materially damage her brand. New builds in our historic downtown should not exceed the permitted 4 stories in height and 80% lot coverage - and should be congruent with our historic regulations for materials and design.

23

This effort to rezone our historic downtown is not an economic overlay, nor is it about housing; it's about making a historic district-violating exception for a specific developer. The State of CA approved Petaluma's Housing Element that was submitted for our General Plan update, and it did not comprise ANY housing in the downtown (overlay area). Further, the city has not provided any data to back up its claim that 6-7 story buildings in an NR district would improve our economy! Refer to the article below, "historic preservation, an economic driver" that provides real statistics on heritage tourism.

24

If the overarching concern is for housing, there are many areas far less densely developed than Petaluma's historic downtown that constitute better locations for modern high-rise buildings with height and lot overages. Some of these areas include the Fairgrounds, Plaza North on McDowell, Kohl's Shopping Center, Target Center, the Wilco shopping center, and the Lucky's shopping center on Petaluma Blvd North, for example. None of them are in proximity to an NR District. Destroying the feel and setting of our lauded NR

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District with non-conforming, incongruent builds is a historic travesty that will *negatively* impact our local economy and be a brand-harming failure.

25
CONT

<https://www.sunset.com/travel/petaluma-california-main-street>

<https://stories.forbestravelguide.com/why-you-should-visit-petaluma-california>

<https://www.sonomamag.com/sonoma-county-town-makes-list-of-top-5-main-streets-in-the-west/>

<https://www.sonomamag.com/2-local-towns-top-list-of-best-main-streets-in-northern-california/>

<https://www.onlyinyourstate.com/northern-california/best-main-streets-norca/>

<https://www.pressdemocrat.com/article/news/petaluma-mendocino-named-among-cutest-towns-in-northern-california-says-w/>

<https://livability.com/best-places/top-100-best-places-to-live/2016/petaluma/#:~:text=The%20city%27s%20diverse%20housing%20options,an%20attractive%20place%20to%20live.>

<https://www.pressdemocrat.com/lifestyle/8737358-181/how-petaluma-became-the-it>

<https://www.placeeconomics.com/resources/historic-preservation-an-overlooked-economic-driver-a-study-of-the-impacts-of-historic-preservation-in-rhode-island/>

26

Location: Rhode Island

Client: Preserve Rhode Island, The Preservation Society of Newport County

Date: 2018

The citizens of Rhode Island have long recognized the importance of their built heritage. Less than 50 years after the Declaration of Independence, the Rhode Island Historical Society was founded in 1822 as one of the earliest history organizations in the nation. This longtime commitment has meant dividends for Rhode Island – its economy, its environment, and its quality of life.

This report was commissioned to systematically look at historic preservation in Rhode Island in four areas: heritage tourism, the impact of the historic tax credit, life and culture, and sustainability. The study found that the assets of the past centuries are the base of a 21st century economy and are often locations of choice for today's Rhode Islanders.

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CONT

Heritage Tourism

- Rhode Island welcomes 9.8 million heritage visitors each year.
- Those visitors add nearly \$1.4 billion to the state's economy.
- The spending of heritage visitors creates jobs for 19,000 workers directly, and another 7,000 indirectly.
- Those jobs generate paychecks of nearly \$1 billion, including \$602 million for direct jobs and \$358 million for indirect and induced jobs.

Historic Tax Credits

- For every \$1 the state invests in a tax credit project, \$10.53 of economic activity in Rhode Island is generated.
- Since 2001, the rehabilitation of 326 historic buildings has attracted over \$1.4 billion in investment that qualified for historic tax credits. When additional, non-qualifying expenditures are included, the total project investment reaches \$1.8 billion.
- Since 2001, tax credits projects have occurred in 26 of Rhode Island's 39 municipalities

- Since 2001, tax credit rehabilitation projects have generated an average 965 direct jobs and an additional 739 indirect and induced jobs each year.
- Since 2001, the rehabilitation of historic buildings using the tax credit has generated direct salaries and wages of \$50 million plus an additional \$35 million in indirect and induced wages on average.
- The State of Rhode Island receives back nearly half of the historic tax credit before it is even awarded.

Quality of Life

- Local historic districts in Rhode Island disproportionately attract workers in the knowledge and creative fields.
- Rhode Island's local historic districts cover only 1% of the state's land area, but are home to 4% of the state's jobs, and 12% of the population.
- Rhode Island's local historic districts attract new residents. Of the population growth since 2000, more than half occurred within local historic districts.
- While 4% of all Rhode Island jobs are in historic districts, those areas are where 8% of the jobs in arts and entertainment are located.
- The historic districts in Rhode Island are virtual mirrors of the state as a whole in income, race and ethnicity.

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Moira Sullivan (SULLIVAN)

Response to SULLIVAN-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis, and no changes to the Draft EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to SULLIVAN-2

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis, and no changes to the Draft EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to SULLIVAN-3

The Draft EIR provides an analysis of Aesthetics, Land Use and Planning, and Tribal Cultural Resources in Sections 3.1, 3.2, and 3.3. Furthermore, all remaining topics in the CEQA Appendix G checklist were evaluated in Chapter 4, Additional Effects Evaluated in the Initial Study. The analysis in each topical area was expanded upon based on comments received during the EIR Scoping period.

Response to SULLIVAN-4

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SULLIVAN-5

The comment is noted. As detailed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, the Draft EIR considered several alternative sites for the proposed Hotel, including but not limited to, near the SMART Train station, at the east side of the Petaluma River along Copeland Street, and Petaluma Fairgrounds. There are no significant and unavoidable impacts associated with the proposed project. Accordingly, none of the sites suggested as alternatives would avoid or substantially lessen a significant and unavoidable impact. However, even though the proposed project's impacts are less than significant with mitigation, alternative locations may have fewer impacts with respect to the City's historic districts compared to the proposed project. Additionally, with respect to the Hotel component, the project applicant does not own, nor can they reasonably acquire any of the suggested sites. Because the CEQA Guidelines establish that only locations that would accomplish the objective of avoiding or lessening significant impacts should be considered as alternative locations for the proposed project, and none of these sites accomplish that objective, these locations are rejected from further consideration. No further response is required.

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains that an evaluation of a Hotel-Only alternative, or a commercial only alternative would not result in significantly different information from that already presented in the Draft EIR. It also explains why the Alternative Site Alternative was considered but rejected.

Response to SULLIVAN-6

The comment is noted. As detailed in Section 3.1, Aesthetics, of the Draft EIR, the proposed Overlay would increase the allowable building height from 45 feet to 75 feet, the FAR from 2.5 to 6.0, and lot coverage from 80 percent to 100 percent. The potential impacts of these proposed changes are evaluated in the Draft EIR. Future development projects within the Overlay Area would be required to obtain a CUP, which would include evaluation of each specific project's compatibility with surrounding development and consistency with the goals of the Overlay, the Overlay development standards, and the General Plan. Therefore, the project and future projects within the Overlay would not be in conflict with applicable zoning and regulations regarding scenic quality.

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SULLIVAN-7

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed Hotel would undergo following certification of the EIR and approval of the Overlay.

Please also refer to Master Response 9, Historic Built Environment Impact Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional information on the substantial evidence, including visual simulations, archival research, survey, and impacts analysis completed by a qualified architectural historian as part of the Draft EIR that supports the conclusion that the proposed Hotel would result in less than significant impacts to Historic resources, including the District.

Response to SULLIVAN-8

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to SULLIVAN-9

Please also refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document regarding the Hotel's design and the City's design review process, which the proposed Hotel project would undergo following certification of the EIR and approvals of legislative actions.

Please also refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9

provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Please also refer to Response to SULLIVAN-5 regarding Alternatives.

Response to SULLIVAN-10

The comment is noted. First, it is important to note that because the proposed project is located in an urbanized area, Downtown Petaluma, the “visual character” discussion in Impact AES-3, is analyzed in terms of compatibility with applicable zoning and other regulations governing scenic quality. Consistency with these regulations, including the General Plan, Zoning Ordinance, and Historic Commercial District, is discussed in detail in the Draft EIR on Pages 3.1-22 through 3.1-23. Please also refer to Response to SULLIVAN-6 regarding the Aesthetic analysis presented in Section 3.1 of the Draft EIR.

Response to SULLIVAN-11

The comment is noted. Please refer to Response to SULLIVAN-10 regarding the Aesthetic analysis presented in Section 3.1 of the Draft EIR and Master Response 5, Noticing and Public Involvement Process, in Section 2.1, of this document, which provides clarifying information on the noticing and public involvement process of the proposed project and EIR.

Response to SULLIVAN-12

The comment suggests that the height of the Hotel, or any building over two stories, is incompatible with the integrity of the area. However, Exhibit 3.1-1 demonstrates that the proposed Hotel is consistent with existing and historic structures near the site. For example, the Great Petaluma Mill is 61 feet tall, the Petaluma Historic Museum and Library is 48 feet tall, Monear’s Mystic Theater at 42 feet tall, the Masonic Building at 62 feet tall and the Mutual Relief Building at 63 feet tall. (Draft EIR, p. 3.1-33, Exhibit 3.1-1). This consistency with buildings of similar height demonstrates that the proposed Hotel would not “dominate” the skyline, but rather, would be consistent with the overall development pattern downtown.

Furthermore, Exhibit 3.1-3g, Visual Simulation Viewpoint 7, demonstrates the view of the proposed Hotel from the Carnegie Library Building. The City’s Draft EIR determined that impacts would be less than significant as discussed in the Draft EIR. Ultimately, the City’s determination of whether an impact is significant is a policy question that calls for the exercise of judgment based on scientific information and other relevant data. (CEQA Guidelines §15064(b)(1)). The City may reject an expert’s opinion on the ultimate question of what constitutes significance for a given impact. (*See Citizen Action to Serve All Students v. Thornley* (1990) 222 CA3d 748, 755). See also, Response to WHITLEY-26.

Response to SULLIVAN-13

Please see Master Response 15, Traffic Congestion.

Responses to Written Comments

Response to SULLIVAN-14

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to SULLIVAN-15

The commenter notes that the Hotel project would greatly increase traffic and emissions downtown. Please see Master Response 15, Traffic Congestion, for information pertaining to traffic.

Response to SULLIVAN-16

Please refer to Master Response 11, Traffic-Related Noise and Air Pollution, in Section 2.1, Master Responses, of this document. Master Response 11 explains that the proposed project's traffic-related noise and air quality impacts are sufficiently addressed in the Draft EIR.

Response to SULLIVAN-17

The comment is noted. As discussed in Section 3.3, Land Use and Planning, of the Draft EIR, the proposed project would be consistent with reducing motor vehicle-related air pollution in the City. The proposed Overlay component would not result in direct physical development and as such would not result in direct air pollution from motor vehicles. Policies that promote increased intensity and density of development in a primarily MU area typically reduce motor vehicle-related air pollution.

The Hotel's location within the downtown area would provide easy access to sidewalks, a Class III bike lane along Petaluma Boulevard, and would be approximately 182 feet from the 4th and C Street bus stop, and within 0.5 mile of the SMART station and the Transit Mall, providing ample access to alternative transportation methods to alleviate motor vehicle reliance. No further response is required.

Response to SULLIVAN-18

Please refer to Master Response 2, Recirculation Not Required, in Section 2.1, Master Responses, of this document. Master Response 2 discusses why the conditions established in the CEQA Guidelines under which the Draft EIR must be recirculated have not been met.

Response to SULLIVAN-19

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to SULLIVAN-20

Please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed Hotel project would undergo following certification of the EIR and approval of the proposed Overlay.

Response to SULLIVAN-21

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to SULLIVAN-22

The comment is noted. Policy consistency with the General Plan, including various policies related to historic resources, is analyzed within Section 3.3, Land Use and Planning, of the Draft EIR. The Draft EIR concluded that the proposed project would be consistent with the policies related to historic resources.

Additionally, please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval.

Response to SULLIVAN-23

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to SULLIVAN-24

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to SULLIVAN-25

The comment is noted. As detailed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, the underlying purpose of the Overlay is to support housing and mixed-use development opportunities in a portion of the Downtown area that is best suited to accommodate infill development and support greater intensity of use. As such, the City's objectives for the proposed project would not be achieved if the Overlay were applied to a different location in the City, as areas outside of the Downtown would not achieve the stated objectives.

Additionally, it is important to note that the City originally considered a 10-block zoning overlay within a 14-block study area, inclusive of the EKN Appellation Hotel site and generally bounded by Washington Street to the north, Petaluma Boulevard to the east, D Street to the south, and Howard/Liberty Streets to the west. Based on public comment and feedback provided by the Planning Commission and Historic and Cultural Preservation Committee at the June 13, 2023 study session, the originally proposed 10-block Overlay was revised to reduce the area to focus on underutilized parcels in three smaller areas, avoid overlap with designated historic districts, and to avoid residential areas. Accordingly, the City considered several alternative locations within the Downtown, but ultimately rejected those other areas as not meeting the City's objectives related to historic preservation, support for businesses, and promoting economic development and employee generation proximate to existing goods services and transit.

Additionally, the Draft EIR considered several alternative sites for the proposed Hotel, including but not limited to, near the SMART Train station, at the east side of the Petaluma River along Copeland Street, and Petaluma Fairgrounds. There are no significant and unavoidable impacts associated with the proposed project. Accordingly, none of the sites suggested as alternatives would avoid or substantially lessen a significant and unavoidable impact. However, even though the proposed project's impacts are less than significant with mitigation, alternative locations may have fewer impacts with respect to the City's historic districts compared to the proposed project. Furthermore, with respect to the Hotel component, the project applicant does not own, nor can they reasonably acquire any of the suggested sites. Because the CEQA Guidelines establish that only locations that would accomplish the objective of avoiding or lessening significant impacts should be considered as alternative locations for the proposed project, and none of these sites accomplish that objective, these locations are rejected from further consideration. No further response is required.

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document.

Response to SULLIVAN-26

The comment is noted. The comment provides links and references in support of their letter. No environmental issues are raised, and no response is required.

From: Moira Sullivan <[REDACTED]>

Sent: Monday, October 21, 2024 4:48 PM

To: -- City Clerk <cityclerk@cityofpetaluma.org>; Kevin McDonnell
<kmcdonnell@cityofpetaluma.org>; Petaluma Planning
<petalumaplanning@cityofpetaluma.org>

Subject: Re: Appellation Hotel DEIR and Downtown Housing and Economic Overlay

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

Dear City of Petaluma, Member of Planning and Mayor McDonnell -

I am re-submitting my comments on the Downtown Housing and Economic Overlay and
Appellation Hotel from 2023 and 2024 (attached). My understanding was that unless
these comments were resubmitted by Oct 21, 2024, they were not going to be carried
over and considered for this draft Environmental Impact Report on the Appellation Hotel.
Please add them to the record.

Thank you.

Sincerely, Moira Sullivan

September 24, 2024

Subject: EKN Hotel and Downtown Rezoning Overlay



Critical viewsheds of Historic District and ridges (Scott Hess)

Dear Planning Commissioners,

Please add my comments to the record for the EKN Appellation Hotel project Environmental Impact Report (EIR) and the Zoning Overlay proposed for Petaluma's General Plan update, being orchestrated by the Metropolitan (M) Group Planning consultancy.

I have read through much of the 414 page Draft Environmental Impact Report for the EKN hotel and accompanying overlay. There are a great many inaccuracies, inconsistencies and omissions. I will enumerate them here.

I concur with key members of Petaluma's Historic and Cultural Preservation Committee (HCPC) that the actual effects of the proposed EKN Appellation hotel need to be evaluated with a full EIR; not one that just analyzes a select subset of environmental impacts (*i.e.*, skips analyzing impacts on Air Quality, Traffic and Circulation, Noise, Utilities and Service Systems, Energy, Greenhouse Gases, as examples). Most especially, in light of the fact that this

proposed hotel is located within a National Register Historic District (NR District) and that it violates Petaluma’s historic regulations, an EIR evaluation that includes an *Alternative Sites Analysis* is essential.

2
CONT

Changes to the current height and lot coverage restrictions both for the proposed zoning overlay of our downtown and for the Appellation Hotel would have a profound – and I’d argue adverse - impact on the setting and feel of our NR District. Most of our buildings downtown are human-scale, 1-2 stories; the historic ironfronts are 3 stories. 6-7 story buildings would positively dwarf our majestic architectural gems and destroy our sightlines, block the views of our iconic hills for which our town is named, and destroy its historic feel and unique sense of place. Petaluma has “architecture unmatched in California” as per Paige & Turnbull, expert Architectural Historians from San Francisco who did Petaluma’s historic inventory for our General Plan update. Indeed, **HCPC member Tom Whitley has stated that, “There is perhaps no worse place in the city for a proposed relaxing of building height and lot coverage restrictions [*than the proposed hotel site*]”.**

Without question, changing the height and lot coverage restrictions with the zoning overlay will make it next to impossible to maintain the district’s “integrity of feeling”. Tom Whitley, HCPC member and an expert with numerous publications in GIS and spatial analysis told the city that, “any building in this lot of a height greater than two stories, and coverage of more than 80%, would significantly reduce the visibility of the south end of the historic district to all pedestrian or vehicular traffic traveling northwest on Petaluma Boulevard South. Such a building on that site would also restrict the view of, and from, the Carnegie Library Building – a resource which is listed on the NRHP on its own”. At 65’ in height, the proposed hotel would dominate the skyline the entire length of Petaluma Boulevard (!). Further, per Whitley, “These kinds of impacts might not just be visual ones but could also include altering pedestrian or vehicular traffic flow, changes to infrastructure or utility services, as well as future reduction or segmentation of the district boundaries”. Such changes in setting and feeling constitute **significant** impacts to our NR District.

3



Viewshed that would be impacted, to far right of this image (where Chase Bank is currently) if lot heights were relaxed

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Regards aesthetics/cultural resources and the Appellation Hotel, Historic District Design Guidelines state that Infill buildings in the Historic District should “harmoniously coexist with the historic character.” This is a powerful impact that is not mitigated. The proposed hotel is not compatible with the massing, scale, and architectural features of the Historic District. This is a significant, unacceptable impact that is not mitigated by what it contributes to the common good.

4

In addition, because the hundreds of guests this proposed hotel would cater to, along with hotel service workers, are expected to arrive by car, the location of this hotel would greatly increase traffic and traffic emissions in our downtown. Disruption of traffic flow and emissions from hotel delivery trucks alone would be considerable. Consultants Raimi+ Associates, who are assisting in updating Petaluma’s General Plan, have stated that every census tract in Petaluma is adversely impacted by traffic emissions. Traffic pollution is associated with a number of adverse health outcomes. In short, this hotel

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project should undergo a full EIR evaluation, pursuant to CEQA Section 15064.

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CONT

I wholeheartedly concur with HCPC member Tom Whitley that the proposed ***zoning overlay be discarded in its entirety***. I am also not in favor of modifying the IZO text nor the IZO map to allow for the zoning overlay. Petaluma is a one-off. There are ***no*** other towns in the entire State of California with as many ironfronts as Petaluma has. As proposed, the zoning overlay adds no protective covenants, preservation incentives, or other measures that would improve or enhance our NR District (!). Without question, the proposed zoning overlay would adversely affect the integrity of our NR District, pursuant to CEQA, and especially for the criteria of setting and feeling. It's a non-starter for our historic downtown whose very draw - its identity and notoriety - is based on its unique and unparalleled historic setting. *Refer to links below to see the national publicity Petaluma regularly receives as an NR District; critical for tourism.*

6

Note that when Napa expanded their downtown with their riverfront, they understood that their role was, “not to transform the downtown, rather to work within the framework, character and history that Napa already provided” (image just below). Petaluma must follow other economically-successful wine country towns (e.g., Sonoma, Healdsburg, Calistoga) and maintain a strong sense of beauty and place when it comes to zoning and new construction. Neither the Appellation Hotel nor the zoning overlay are congruent with Petaluma’s Historic Regulations, or respectful of its being an NR District.



Napa Riverfront

Thus, I ask that you reconsider moving ahead with this proposed hotel and zoning overlay changes to our Historic Downtown. Both would be catastrophic for Petaluma's unique identity - and would materially damage her brand. New builds in our historic downtown should not exceed the permitted 4 stories in height and 80% lot coverage - and should be congruent with our historic regulations for materials and design.

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This effort to rezone our historic downtown is not an economic overlay. The city has not provided any data to back up its claim that 6-7 story buildings in an NR district would improve our economy! Refer to the article below, "historic preservation, an economic driver" that provides real statistics on heritage tourism. If the overarching concern is for housing, there are many areas far less densely developed than Petaluma's historic downtown that constitute better locations for modern high-rise buildings with height and lot overages. Some of these areas include the Fairgrounds, Plaza North on McDowell, Kohl's Shopping Center, Target Center, the Wilco shopping center, and the Lucky's shopping center on Petaluma Blvd North, for example. None of them are in proximity to an NR District. Destroying the feel and setting of our lauded NR District with non-conforming, incongruent builds is a historic travesty that will *negatively* impact our local economy and be a brand-harming failure.

7

<https://www.sunset.com/travel/petaluma-california-main-street>

<https://stories.forbestravelguide.com/why-you-should-visit-petaluma-california>

<https://www.sonomamag.com/sonoma-county-town-makes-list-of-top-5-main-streets-in-the-west/>

<https://www.sonomamag.com/2-local-towns-top-list-of-best-main-streets-in-northern-california/>

<https://www.onlyinyourstate.com/northern-california/best-main-streets-norcal/>

<https://www.pressdemocrat.com/article/news/petaluma-mendocino-named-among-cutest-towns-in-northern-california-says-w/>

<https://livability.com/best-places/top-100-best-places-to-live/2016/petaluma/#:~:text=The%20city%27s%20diverse%20housing%20options,an%20attractive%20place%20to%20live.>

<https://www.pressdemocrat.com/lifestyle/8737358-181/how-petaluma-became-the-it>

<https://www.placeeconomics.com/resources/historic-preservation-an-overlooked-economic-driver-a-study-of-the-impacts-of-historic-preservation-in-rhode-island/>

Location: Rhode Island

Client: Preserve Rhode Island, The Preservation Society of Newport County

Date: 2018

The citizens of Rhode Island have long recognized the importance of their built heritage. Less than 50 years after the Declaration of Independence, the Rhode Island Historical Society was founded in 1822 as one of the earliest history organizations in the nation. This longtime commitment has meant dividends for Rhode Island – its economy, its environment, and its quality of life.

This report was commissioned to systematically look at historic preservation in Rhode Island in four areas: heritage tourism, the impact of the historic tax credit, life and culture, and sustainability. The study found that the assets of the past centuries are the base of a 21st century economy and are often locations of choice for today's Rhode Islanders.

Heritage Tourism

- Rhode Island welcomes 9.8 million heritage visitors each year.
- Those visitors add nearly \$1.4 billion to the state's economy.
- The spending of heritage visitors creates jobs for 19,000 workers directly, and another 7,000 indirectly.
- Those jobs generate paychecks of nearly \$1 billion, including \$602 million for direct jobs and \$358 million for indirect and induced jobs.

Historic Tax Credits

- For every \$1 the state invests in a tax credit project, \$10.53 of economic activity in Rhode Island is generated.
- Since 2001, the rehabilitation of 326 historic buildings has attracted over \$1.4 billion in investment that qualified for historic tax credits. When additional, non-qualifying expenditures are included, the total project investment reaches \$1.8 billion.
- Since 2001, tax credits projects have occurred in 26 of Rhode Island's 39 municipalities
- Since 2001, tax credit rehabilitation projects have generated an average 965 direct jobs and an additional 739 indirect and induced jobs each year.
- Since 2001, the rehabilitation of historic buildings using the tax credit has generated direct salaries and wages of \$50 million plus an additional \$35 million in indirect and induced wages on average.

- The State of Rhode Island receives back nearly half of the historic tax credit before it is even awarded.

Quality of Life

- Local historic districts in Rhode Island disproportionately attract workers in the knowledge and creative fields.
- Rhode Island's local historic districts cover only 1% of the state's land area, but are home to 4% of the state's jobs, and 12% of the population.
- Rhode Island's local historic districts attract new residents. Of the population growth since 2000, more than half occurred within local historic districts.
- While 4% of all Rhode Island jobs are in historic districts, those areas are where 8% of the jobs in arts and entertainment are located.
- The historic districts in Rhode Island are virtual mirrors of the state as a whole in income, race and ethnicity.

November 5, 2023

Dear City Council Members –

Petaluma's uniqueness as a river town, with its rural/agricultural past and storied architecture, "unmatched in California", is what makes it a huge draw for citizens and tourists alike. We have the greatest number of ironfronts West of the Mississippi. If you google Petaluma, note the images that are featured on Wikipedia and websites like visitpetaluma.com. They feature some of our more prominent and beautiful architectural triumphs, including Petaluma's most recently anointed boutique hotel, the historic Silk Mill, now a Hampton Inn.

What other elite tourist towns, like Healdsburg, Sonoma, and Napa so clearly understand is that you don't mess with this uniqueness but, rather, enhance it. When Napa expanded their downtown with their riverfront, they understood that their role was, "not to transform the downtown, rather to work within the framework, character and history that Napa already provided" (see below).



Napa's Riverfront

When these other wine country tourist towns build a new hotel or housing development, they do so with ***class and elegance*** (e.g., Healdsburg's new Mill District development, and their numerous BOUTIQUE hotels, Hotel Healdsburg, the H2 Hotel) that *match their*

existing brand. The design and scale emphasize a sense of place and beauty. Healdsburg's hotels also comprise a lot of greenscape.



Healdsburg's award-winning Hotel within full view of the historic downtown



Hotel Healdsburg



Hotel Healdsburg

We ***don't*** have to be the ugly cousin to these gorgeous tourist towns and more resemble, for example, San Rafael and Santa Rosa – with their oddball jumble of high buildings, and utterly unmemorable downtowns. But it appears that's where we are headed with the current leadership – which will be a tragic miss on every level. Healdsburg/Sonoma/Napa would *never* allow big, blocky chain hotels or out-of-scale tall structures that mar their scenic views and remind people of (unfortunate) Rohnert Park, such as the pre-fab Marriott hotel that Petaluma approved that blocks views of our river and hills. So, what is our capacity at this moment in time to learn from the masters (*i.e.*, the ones who get it right time and again)?

We Petalumans have a responsibility for the beauty and history of our town, to similarly not destroy it. Petaluma has a storied agricultural history, with a downtown & surrounds that reflect that, in the highly-visible waterfront mill, Dairyman's Feed silo, and with viewsheds of our iconic hills from our downtown, for which our town is named (Petaluma = little hills). Even Paris, France, a major city, has set strict height limits that, "enable Paris to retain its beauty and well-proportioned scale. It also allows Paris' famous monuments – the Eiffel Tower, the Arc de Triomphe, and the Basilica of Sacre-Coeur – to reign unchallenged" (height limits are also part of Paris Mayor's Bioclimatic Urban Plan to

reduce carbon emissions). Note that every single census tract in Petaluma is already adversely impacted by traffic emissions (Raimi + Associates consultants). We don't need more congestion and unhealthy air.

While it's vital that we protect our farms and green spaces from encroachment, that can't result in a panicked narrative that leads to truly bad planning decisions, like this proposed Building Form Overlay (IZO zoning overlay) of Petaluma's downtown district. We have to focus on growing in an intelligent, measured way, approving structures that are beautiful and that will delight tourists and residents alike. Developers will always try and negotiate the best outcome. With this proposed IZO zoning overlay, not only are we *not* going to be allowed to place obligations on developers (they will be able to flout our planning policies with vastly inflated densities and height/lot coverage breaches), but we're also going to end up with a lot of ugly, outsized structures that don't make sense for us as a town. This zoning overlay will greatly impact our functionality, increase our pollution, and irreparably impact our unique brand. It will open us to enormous exploitation by developers, and trample the interests of us citizens.

The last thing Petalumans want is for new builds to dwarf our iconic structures. We want to maintain our unique sense of place. In short, a re-zoning overlay of our historic and downtown district that would allow for higher than normal buildings, and buildings that cover more of a lot would be a terrible thing to have come to pass for our beautiful town. **Please vote the IZO zoning overlay down and allow the citizens – not developers – to maintain control of what gets built in our downtown.**

In regards to EKN's Appellation Hotel specifically, the current lot comprises 2 parcels in our historic district, and the hotel would occupy a prominent corner on Petaluma's main boulevard, in full view of the majestic Italianate iron fronts, Masonic clock tower, Brainerd Jones's neo-classical Carnegie Library built in 1904, and the Old Petaluma Mill. ***By necessity, that merits a high bar in terms of architectural design.***

There are rules regarding context and the physical look of new builds on historic lots (which the IZO zoning overlay would obliterate). EKN's 6-

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story hotel design, a CAD-generated, oversized structure, reminiscent of an office building in a place like Sacramento, does not conform to our historic guidelines. It would exceed our current planning policies for Floor Area Ratio (FAR), building height, and lot coverage maximums. Strolling down Petaluma's main drag, where one now sees Petaluma's iconic Victorian clock tower silhouetted against the sky, you would instead see the modern, 6-story Appellation Hotel rising above it. It has no place here in this historic town; it doesn't in any way represent Petaluma's unique brand AND *it violates our General Plan.*



Petaluma's Masonic Clock Tower

In (stark) contrast to EKN's proposal, other hotels in Petaluma's downtown are congruent with our illustrious architectural past. The Petaluma Hotel has the advantage of a welcoming courtyard, u-shaped design, and pleasing countenance, and the Hampton Inn's Twine Factory exterior has charm to spare (and it was only ever intended to be a perfunctory commercial building, and not decorative). But it's a classic, as is the Burdell building in the vicinity.

Any proposed addition to EKN's vacant lot, that would visually compete with our town's brand, its majestic ironfronts (listed as Petaluma's

“most significant architectural gems”), iconic clock tower and library, all of which are listed on the National Historic Register, must be judiciously and meticulously considered by the town’s inhabitants. Charlie Palmer, who has his Dry Creek Kitchen on Healdsburg’s leafy square, well knows that Healdsburg would never allow EKN’s hotel structure in their town. Look, for example, at what Santa Rosa has approved as a boutique hotel in its historic Courthouse Square (image below): the exterior of the new hotel **is designed to mesh** with the existing beaux arts Empire building on the square, a Santa Rosa landmark since 1908. Neither structure exceeds 4 stories in height. Surely if Santa Rosa’s downtown design aesthetic is deserving of historic consideration, Petaluma’s downtown with its commercial historic district on the National Register most decidedly is.



Santa Rosa’s Empire Bank building repurposed as luxury boutique hotel, with converted garage on left.

Newer builds in close proximity to our downtown (*e.g.*, Petaluma’s theater district) have been sensitive in their design to our storied historical past – just as is done in Healdsburg/Sonoma/Napa. And any arguments claiming the Appellation Hotel’s vacant lot is outside the historic district are bunk. The theater district further to the South describes itself as, “the heart of downtown Petaluma”. And both the historic D Street Bridge and Walnut Park, as well as many grand Victorian homes and our historic post office (listed on the National

Register), lie to the South of the Appellation Hotel lot. In 2000, the U.S. Library of Congress officially recognized Petaluma's Walnut Park, built in 1873, as a "Historic American Landmark".

EKN's hotel design needs to fit within the framework, character and history that Petaluma historic downtown already provides. They don't have to reinvent the wheel. If they want to build a blocky structure, they can build a classic structure with awnings (and warmth) like the Hotel Rose in Santa Rosa's historic railroad square (image below).



Santa Rosa's Historic La Rose Hotel

When an addition was required to the historic Silk Mill (originally built in 1892), renowned architect Brainerd Jones designed the (seamless) addition to go with the original classic Georgian Revival style of the mill. (all this effort for a perfunctory twine factory!). Today, we are grateful for this design foresight. With the Appellation Hotel, now we're talking about a **significant** addition to our storied downtown historic district; a structure that would dwarf our iconic historic clock tower iron front and McNear buildings. The fact that this hotel will be adjacent to one of our downtown's most picturesque blocks, makes it an obligation to fit into the character of Western Petaluma. Let's do right by our unique brand, as Healdsburg/Napa/Sonoma routinely do. Those are the towns we want to emulate – to be successful.

Petaluma residents want this to be a hotel they can call their own, and be proud of. Recall that there were 850 individuals that contributed to the financing and support of The Petaluma Hotel. Pretty darn progressive for the 1920s. And, “Visionary architects from San Francisco” were recruited to design it. The design of this prominently-placed hotel in our historic downtown needs to be more of a community-influenced process.

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Buildings stand for a long time; typically 50-100 years. What we are making now we will all have to live with for a very long time. We cannot afford to diminish our brand with yet more botched urban development/blight as we saw with the inappropriate Marriott hotel. **Please do not approve the Appellation Hotel as designed, and do not approve the IZO rezoning overlay** – that would result in Petalumans losing control over the design process of structures in its downtown – and grossly alter the face of our historic district.

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Thank you for your time and critical consideration.

Sincerely,

Moiria Sullivan
Petaluma Resident

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Moira Sullivan (SULLIVAN 2)

Response to SULLIVAN 2-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to SULLIVAN 2-2

Please refer to *Responses to SULLIVAN-2 through SULLIVAN-5*, above. No further response is required.

Response to SULLIVAN 2-3

Please refer to *Responses to SULLIVAN-6 through SULLIVAN-13*, above. No further response is required.

Response to SULLIVAN 2-4

Please refer to *Response to SULLIVAN-14*, above. No further response is required.

Response to SULLIVAN 2-5

The commenter states that the Hotel project would greatly increase traffic and emissions downtown, including traffic and emissions impacts created by delivery trucks.

The Hotel site plan includes a delivery loading zone within the parking garage that would be expected to accommodate most delivery activity (Exhibit 2-3). Larger delivery vehicles may need to park on-street; such activity is common in downtown areas and typically occurs during early morning periods when the Hotel's drop-off zones encounter little activity and would be available. No atypical traffic congestion issues or hazards are expected to occur because of delivery activity. Please see Master Response 15, Traffic Congestion for additional information pertaining to traffic.

Response to SULLIVAN 2-6

Please refer to *Responses to SULLIVAN-19 through SULLIVAN-23*, above. No further response is required.

Response to SULLIVAN 2-7

Please refer to *Responses to SULLIVAN-24 through SULLIVAN-25*, above. No further response is required.

Response to SULLIVAN 2-8

Please refer to *Response to SULLIVAN-26*, above. No further response is required.

Response to SULLIVAN 2-9

The comment is noted. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying

information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Additionally, it is important to note that because the proposed project is located in an urbanized area, Downtown Petaluma, the “visual character” discussion in Impact AES-3 is analyzed in terms of compatibility with applicable zoning and other regulations governing scenic quality. Consistency with these regulations, including the General Plan, Zoning Ordinance, and Historic Commercial District, is discussed in detail in the Draft EIR on Pages 3.1-22 through 3.1-23.

As detailed in Section 3.1, Aesthetics, of the Draft EIR, the proposed Overlay would increase the allowable building height from 45 feet to 75 feet, the FAR from 2.5 to 6.0, and lot coverage from 80 percent to 100 percent. The potential impacts of these proposed changes are evaluated in the Draft EIR. Future development projects within the Overlay Area would be required to obtain a CUP, which would include evaluation of each specific project’s compatibility with surrounding development and consistency with the Overlay, Historic District Design Guidelines, and the General Plan, as well as subject to SPAR/HSPAR review process. Therefore, the project and future projects within the Overlay would not be in conflict with applicable zoning and regulations regarding scenic quality. No further response is required.

Response to SULLIVAN 2-10

The comment is noted. Policy consistency with the General Plan, including various policies related to historic resources, is analyzed within Section 3.3, Land Use and Planning, of the Draft EIR. The Draft EIR concluded that the proposed project would be consistent with the policies related to historic resources.

Furthermore, the Hotel has already undergone one round of review and has been modified in line with HCPC recommendations. With approval of the proposed Overlay, a maximum building height of up to 75 feet, a FAR of 6.0, and up to 100 percent lot coverage would be allowed. As such, the Hotel project would be within the requirements of the proposed Overlay.

Additionally, please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR. Lastly, please refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City’s Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel’s design and the City’s design review process, which the proposed project would undergo following certification of the EIR and project approval.

Response to SULLIVAN 2-11

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Additionally, please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Response to SULLIVAN 2-12

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

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From: Moira Sullivan <[REDACTED]>
Sent: Monday, October 21, 2024 4:57 PM
To: -- City Clerk <cityclerk@cityofpetaluma.org>; Petaluma Planning
<petalumaplanning@cityofpetaluma.org>; Kevin McDonnell
<kmcdonnell@cityofpetaluma.org>
Subject: RE: Downtown Overlay and Appellation Hotel

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE
OUR EMAIL SYSTEM.---

Hello - I am submitting new comments on the Downtown Housing and Economic Overlay
and Appellation Hotel (attached word document). These comments are specific to the
Appellation Hotel DEIR. My understanding is that they are due today, Oct 21, 2024. Please
add them to the record. Thank you.

Sincerely,

Moira Sullivan

Comments on the Draft EKN EIR

Oct 20, 2024

Upon reviewing the Appellation Hotel Noise and Vibration Assessment by Illingworth and Rodkin, Inc, dated September 11, 2024, and the W-Trans Traffic and Impact Study for the Petaluma Hotel Appellation Project, I have a number of concerns/comments. Much of the consultant language in these 2 documents is vague with unreferenced values from which they draw spurious conclusions that are not supported by the data/write-up. Also there is no analysis here of cumulative impacts.

Re: Hotel Rooms

- Noise thresholds for speech interference (indoors) are about 45 dBA (steady) and 55 dBA (fluctuating) – pg. 2
- **Steady noises above 35 dBA and fluctuating noise levels above 45 dBA affect sleep – pg. 2**
- Sleep and speech interference are possible where exterior noise levels are 57-62dBA L_{dn} (average sound level) with open windows and 65-70 dBA L_{dn} if windows are closed – pg. 2
- When the L_{nd} = 60 dBA, approximately 12% of the population is believed to be “highly annoyed” - pg. 3
- Hotel rooms facing Petaluma Blvd would be exposed to *exterior* noise level of 71 dBA CNEL (State of CA Building Code and City of Petaluma require that *interior* noise levels within new hotels not exceed 45 dBA CNEL) – pg. 23
- To reduce noise levels within the hotel to the required 45 dBA CNEL or less, they have to provide a “suitable form of forced-air mechanical ventilation so that windows can be kept closed to control noise” – pg. 23

2

Noise

The Illingworth and Rodkin Noise and Vibration Assessment consultant report states that the Appellation Hotel project would be built out over an *approximate* 18.5 month period. The report’s statement that the **average** noise level would not exceed the Federal Transit Administration’s (FTA’s) criteria for construction noise of 85 dBA (decibels) for commercial, and 80 dBA for residential “assumes that only the two loudest pieces of equipment per phase are present at the site”. Table 7 shows that if **all** pertinent equipment is present at the site, the construction noise levels could exceed the FTA commercial and residential thresholds, and by a considerable amount. Moreover, these FTA thresholds represent averages and so the upper bound could be well above the stated averages. Illingworth and

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Rodkin state on pg. 3 that, at 70 dBA and above, the percentage of the population that is “highly annoyed” comprises 25-30% of the population; each additional decibel above 70 and up to 80 dBA increases the percentage by ~ 3%. The report does not discuss annoyance impact above 80 dBA in this report, but the FTA’s thresholds clearly allow for values higher than 80 dBA. This massive project will have a considerable impact over a sustained period of time on the downtown residents and merchants.

3
CONT

RE: Rooftop Noise (pgs. 29-30)

Table 9 in the document presents Typical Noise Source Levels for Special Events, and this is further defined in the text as “typical noise levels generated by *small and moderate sized special events* at a distance of 50 feet from the source”. All events listed in Table 9 are between 64-72 dBA (decibels) @ 50 ft. The document then concludes that, “with attenuation provided by the hotel building itself, event noise would be 56 dBA or less to the nearest noise-sensitive receptor” and that, “this a less than significant impact”. However, this contradicts Page 2 of this consultant’s report, where it very clearly states that, “steady noises of sufficient intensity (above 35 dBA) and fluctuating noise levels above about 45 dBA have been shown to affect sleep”. This project has the potential to adversely impact the surrounding neighborhood, some of which is residential, and might also include the hotel guests (the CA Building Code requires interior noise levels attributable to exterior environmental noise sources not to exceed 45 dBA L_{dn}/C_{NEL} in any habitable room).

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This document is missing an enormous amount of specificity. First, do the events/activities listed in Table 9 represent a comprehensive list of ALL the events/activities that might be permitted at this rooftop facility? The document does not tell us that. Instead, in this same section it clearly states that, “the type and size of events that will take place at the [EKN Hotel] rooftop indoor event space or rooftop patio area ***has not been specified***”. So we don’t actually know what size the events(s) are that will be held on EKN’s rooftop hotel and therefore cannot assume that the dBA values or types of events listed in Table 9 (defined as “typical noise levels generated by small to

moderate sized events”) actually apply to this particular event space. In addition, no reference source is provided for the dBA event values listed in Table 9. Where do these values come from? How do we know that they are representative of “small to moderate” events? How were these values measured (i.e., indoor or outdoor, under what conditions, were there other noise sources present like mechanical equipment or traffic and was this accounted for, etc)? Note that Illingworth and Rodkin do provide source data for other tables in this document – so this is inconsistent.

Further, the document states that, “The indoor event space is 1,412 sq ft and the [outdoor] patio area is 6,200 sq ft, allowing for an unspecified number of guests”. An “unspecified number of guests” indicates that the size of the event(s) has not been specified, and yet again this consultant decided to use “typical noise levels generated by a small to moderate sized event” and then makes the claim that any event that took place on the rooftop would be, “a less than significant impact”. The consultant has not supplied enough information about the actual event space or the origin of the data to be making such definitive conclusions. Therefore, no credible/reliable conclusions about the significance of an impact can be determined by such poorly delineated and vague, inadequate information.

Regarding rooftop equipment and contributing and cumulative noise impacts, it’s critical to look at combined noise-generating sources to get a complete and credible picture of the noise level on the rooftop, and that music, voices, films, etc may have to be amplified even more than this report indicates, to account for the noise emanating from the rooftop mechanical equipment. We know from the report that, “on-site operational noise sources consisting of heating, ventilation, cooling, exhaust fans and other similar equipment” would be located on the rooftop of the building. Available project plans identify approximately 40 pieces of rooftop mechanical equipment that would potentially contribute to the noise environment including, in addition to those already mentioned, condensing units, heat pumps, fans, exhaust and DOAS units. The report states that, “it is **expected** that mechanical equipment for the proposed project could **feasibly** be designed to meet the City’s applicable

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CONT

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noise limit of 60 dBA Leq day or night”. So it’s not certain but *expected* and, while *feasible*, that doesn’t mean it could/will meet the City’s noise limit.

The document states that, “A review of I & R [Illingworth and Rodkin consultant] files indicates that this equipment would generate from about 46 to 75 dBA at three feet”. This range contains values that are higher than the City’s applicable noise limit of 60 dBA Leq. The document further states that, “For the purpose of establishing a *credible* worst-case analysis, all project rooftop equipment was assumed to be 75 dBA at three feet”. Again, this is significantly higher than the City’s noise limit of 60 dBA Leq day or night and the 75 dBA level of noise attainment is listed as “credible” (so not far-fetched). With amplified music and /or films or raised voices, this decibel level could go much higher. Per the consultant report, hotels are considered “conditionally acceptable” up to 70 dBA L_{dn} CNEL, “normally *unacceptable*” between 70 and 80 dBA L_{dn} or CNEL, and “clearly unacceptable” above 80 dBA L_{dn} or CNEL (pg. 9). In addition to the generation of noise from the rooftop equipment above 70 dBA, Table 9 lists several events/activities (for a “small to moderate size event”) over 70 dBA (and the source of these estimated values is not provided).

Further, it would be highly preferable to see either manufacturer’s decibel level data for this mechanical equipment, or a non-consultant referenced source. It’s not sufficient to just take a paid consultant’s word, who is preparing this document for a paying client. Critically, the noise contribution of this rooftop equipment was not factored into the calculations for significant impacts, thusly the claims of a less-than-significant impact(s) is simply not credible.

5
CONT

RE: Traffic Noise (pg. 30-31) & Cumulative Traffic Impacts

Per the W-Trans Traffic Impact Study for the Petaluma Appellation Hotel Project, there will be 966 additional cars/day on Petaluma Blvd. This will result in the D Street/Petaluma Blvd intersection going from a D Level of Service to

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an E, which is a failing grade. The Illingworth and Rodkin noise consultant claims that “a traffic noise increase of less than 1 dBA CNEL was calculated along both Petaluma Boulevard South and B Street” and concludes that, “The impact is less-than-significant”. Please ask the consultant to transparently provide all assumptions that went into these calculations/conclusions.

This volume of vehicles (966 additional cars/day) is just from this one project, the Appellation Hotel. Yet other projects in the nearby vicinity are both planned and approved (e.g., Oyster Cove, Downtown transit station, Old Casa Grande Motel site, empty lot behind Grocery Outlet, and the re-design of the Golden Eagle Shopping Center, etc). Oyster Cove, which is an approved development, and where the sole route of egress is out D Street at Copeland, comprises parking for 250 vehicles. No cumulative impacts assessment has been done for these projects and/expected build out of the surrounding area in proximity to the Appellation Hotel. Thus noise and traffic impacts (including GHGs) have not been adequately accounted for.

- Per page 3, “At a level of 60 dBA, 12% of the population is “highly annoyed”. A number of the events (amplified speech and amplified music) are in the range of 71-72 dBA (@ 50 ft).

6
CONT

Compaction (pg. 6)

The Appellation Hotel proposes to build a 2-level underground garage. Per the Illingworth and Rodkin consultant report (pg. 31), this hotel project *will* result in excessive groundbourne vibration due to construction, **and this is considered a significant impact**. The CA Dept of Transportation (Caltrans) recommends a vibration limit of 0.3 in/sec PPV for “buildings that are found to be structurally sound but where structural damage in a major concern”. “The use of pile driving equipment and vibratory compaction equipment typically generates the highest construction related groundbourne vibration levels”.

The Appellation project site is located within a National Historic District in close proximity to many historic buildings, including Petaluma’s 1904 neo-classical Carnegie Library. This Carnegie library was designed by the celebrated architect Brainerd Jones and is listed on the National Register of Historic Places (1988). The interior includes a leaded glass dome

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which is the largest free-standing dome in Northern California. This building has been identified as being in need of earthquake retrofitting and may well not be “structurally sound”.

This report states that, “Construction-related vibration **levels could exceed 0.3 in/sec PPV** at the nearest buildings of conventional construction” and that, “for structural damage, the CA Dept of Transportation recommends a vibration limit of 0.25 in/sec PPV for **historic** and some old buildings”. That cosmetic or threshold damage would include “hairline cracking in plaster, opening of old cracks, loosening of paint or the dislodging of loose objects”. The report says that “the nearest historic building located near the [hotel] site is located at 20 4th street, and is approximately 220-feet from the site”. And that, “At this distance, the 0.25 in/sec PPV limited for historic and old buildings would not be exceeded”. Again, the City of Petaluma has acknowledged that the Historic Carnegie Library is in need of earthquake retrofitting and the integrity of the library’s glass dome has not been inspected to know if it could withstand 0.25 in/sec PPV construction vibration, let alone vibration that exceeds the Caltrans vibration limit of 0.25 in/sec PPV (as the report indicates will occur). Glass is not plaster, and the reports says, “dislodging loose objects” can occur at the vibration levels that will be reached in this project. Thusly, the risk of a possible adverse impact on this historic dome from pile driving equipment and vibratory compaction equipment has not been assessed, and this dome is rare and irreplaceable.

This report clearly states that, “vibration levels due to construction activities would **exceed** 0.3 in/sec PPV at nearby buildings” (pg. 34). Critically, it does not say BY HOW MUCH the 0.3 in/sec PPV will be exceeded. *This is alarming.* Table 3, Reaction of People and Damage to Buildings from Continuous or Frequent Intermittent Vibration Levels (source: Caltrans) shows that 0.5 in/sec PPV is the threshold at which “there is a risk of damage to new residential and modern commercial/industrial structures”, which would include the Rex Hardware next door, at a minimum. Already, 0.1 in/sec PPV is the threshold at which “there is a risk of damage to fragile buildings”.

The location of this project site is very small (0.33 of an acre) and the area is congested. It’s not clear where the staging of materials and vehicles would be located for this project? The consultant’s report clearly states that the project must, “prohibit the use of heavy vibration-generating construction equipment within 20 feet of adjacent buildings”. Moreover, the report says that the project would be built out over an *approximate* 18.5 month period. How many days /months of sustained vibration/compaction does this equate to? In no way have the historic buildings in close proximity to this project site, and most especially the Carnegie Library, been evaluated for a sustained campaign of heavy, structure-damaging construction.

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Moira Sullivan (SULLIVAN 3)

Response to SULLIVAN 3-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to SULLIVAN 3-2

The comment contains a summary of noise thresholds included in the Draft EIR's Appendix F Noise and Vibration Study. The Noise and Vibration Study includes a range of thresholds for informational purposes to help the reader gain a rudimentary understanding of noise fundamentals. Not all the thresholds summarized by the comment have been adopted as thresholds of significance for the proposed project by the Lead Agency. In other words, not all of the cited thresholds have direct CEQA relevance to the Draft EIR and the impacts of the proposed project.

Cumulative noise impacts are addressed on pages 4-57 through 4-59 of the Draft EIR. Please also see Response to SULLIVAN 3-3 below.

Response to SULLIVAN 3-3

The City of Petaluma is the Lead Agency for CEQA review of the proposed project and therefore has the discretion to apply thresholds of significance and correspondingly appropriate methodologies used for impact analysis. The City has adopted the Federal Transit Administration (FTA) criteria shown in Table 6 of the Appendix F Noise and Vibration Study. These are the FTA criteria referenced by the comment.

The results of the Hotel-specific construction phase noise analysis are described on page 25 of the Appendix F Noise and Vibration Study. They are also summarized below and given at a reference distance of 50 feet:

- Site Preparation: 81 dBA L_{eq}
- Grading and Excavation: 79 dBA L_{eq}
- Trenching and Foundation: 77 dBA L_{eq}
- Building Construction: 79 dBA L_{eq}
- Architectural Coating: 74 dBA L_{eq}
- Paving: 77 dBA L_{eq}

The Table 7 noise levels are not specific to the project's individualized construction phases and equipment; they represent typical ranges of construction noise levels based on United States Environmental Protection Agency (EPA) noise surveys. The Table 7 noise levels are presented informationally to demonstrate that the project-specific noise levels listed above are consistent with typical values. In other words, they demonstrate that the project-specific analysis has not resulted in abnormally low or high projections. The estimated project-specific construction noise levels are in line with typical values.

The annoyance thresholds cited by the comment are presented in the Noise and Vibration Study, which is included in Appendix A.2 of the Draft EIR, w for informational purposes to help the reader gain a rudimentary understanding of noise fundamentals. They have not been adopted by the Lead Agency for CEQA review of the proposed project. The comment does not provide any substantial evidence that construction of the proposed Hotel would result in exceedances of the adopted thresholds of significance.

The comment does not set forth any facts to establish that commenter is an expert in the field of environmental noise or acoustics. A lay person's opinion based on technical information that requires expertise does not qualify as substantial evidence. (*Joshua Tree Downtown Business Alliance v. County of San Bernardino*, supra, 1 Cal.App.5th at pp. 690-691; *Jensen v. City of Santa Rosa* (2018) 23 CA5th 877, 894 (noise calculations were essentially opinions of nonexperts, not substantial evidence)). Additionally, public comments that are not based on a specific factual foundation do not constitute substantial evidence (Cal. Pub. Res. Code § 21082.2(c)). However, even if the commenter were an expert, the City need not accept expert opinion that lacks specificity or fails to adequately explain why the project might cause a significant impact. (*Rominger v. County of Colusa* (2014) 229 CA4th 690). Accordingly, the City finds that this comment does not provide any facts to establish the commenter as an expert and also does not include specific facts to support the opinions expressed.

Response to SULLIVAN 3-4

There are several issues with the comment's analysis, which alleges that a 56 dBA noise impact at the nearest residential receptor would exceed 35 dBA and 45 dBA thresholds related to healthy sleeping environments. First, the 35 dBA and 45 dBA thresholds referenced by the comment have not been adopted by the City of Petaluma as Lead Agency for CEQA review of the proposed project. These thresholds are provided for informational purposes to help the reader gain a rudimentary understanding of noise fundamentals. Second, the 56 dBA noise impact is calculated for the exterior of the nearest residential receptor, but the 35 dBA and 45 dBA criteria are only relevant in the interior where sleeping actually occurs. Given that the nearest residential receptor is a newer building, its windows would be expected to provide a minimum 25 dBA of exterior to interior attenuation, meaning that interior noise levels attributable to the proposed Hotel's rooftop events would be below 31 dBA (56 dBA – 25 dBA = 31 dBA). Third, the City's IZO prohibits amplified noises capable of creating a noise disturbance after 10:00 p.m., which would limit the potential for the proposed Hotel's rooftop events to interfere with healthy sleeping environments at surrounding residential receptors that are over 200 feet away. Therefore, the comment is flawed in several respects and does not actually demonstrate that the proposed Hotel's rooftop events would interfere with healthy sleeping environments or result in exceedances of the Lead Agency's adopted thresholds of significance.

Response to SULLIVAN 3-5

The comment speculates that "music, voices, films, etc." from the rooftop event space "may have to be amplified even more than this report indicates" in order to compensate "for the noise emanating from the rooftop mechanical equipment." However, the proposed Hotel's mechanical equipment rooftop area would be separated and screened from the rooftop event space and terrace areas. The

Appendix F Noise and Vibration Study assumes a worst-case scenario in which rooftop equipment generates a noise level of 75 dBA at three feet. At 25 feet and with screening, this translates to a noise level below 50 dBA L_{eq} within the proposed Hotel's rooftop event space and terrace areas. This would not interfere with normal usage of the rooftop event space and terrace areas and would not lead to excessive amplification in the manner suggested by the comment.

The comment also suggests that because rooftop equipment is assumed to generate 75 dBA at three feet, this would exceed the City's minimum 60 dBA L_{eq} noise limit and 70 dBA L_{dn} or Community Noise Equivalent Level (CNEL) "normally unacceptable" standard for Hotel land uses. The comment is flawed for the following reasons. First, the City's minimum 60 dBA L_{eq} noise limit is applied at the location where a noise disturbance is experienced. The location of a noise disturbance would be outside of the proposed Hotel's property. Given that the rooftop mechanical equipment would be located at a height of approximately 55 feet, the maximum off-site noise level at ground level attributable to this equipment would be just 50 dBA L_{eq} , which is below the City's minimum 60 dBA L_{eq} noise limit. This limit would not be enforced three feet from the equipment from atop the proposed Hotel's rooftop, as implied by the comment. Second, the City's acceptable noise compatibility standards are intended to evaluate the appropriateness of existing noise sources on proposed land uses. They are not applied to evaluate the appropriateness of a land use's noise levels on itself, which is the manner suggested by the comment. The General Plan does not contain any policy approximating the project-on-project standard suggested by the comment. No further response is needed.

Response to SULLIVAN 3-6

The commenter asserts that per the Hotel TIS, there would be 966 additional cars per day on Petaluma Boulevard, resulting in the D Street/Petaluma Boulevard intersection dropping from LOS D to LOS E, which is a failing grade. The estimate of additional daily cars on Petaluma cited by the commenter is primarily on the block between B and C Streets. Traffic generated by the project on Petaluma Boulevard to the north and south are both less than 500 vehicles per day.

Regarding the intersection level of service at the D Street/Petaluma Boulevard intersection, it should be understood that the intersection is projected to remain with a LOS D under Existing Plus Project conditions, is projected to operate at a LOS E in the future without the project, and is projected to maintain LOS E operation in the future with the hotel, experiencing an imperceptible increase in delay. Although LOS E is considered unacceptable by City standards, it was previously anticipated by the General Plan EIR that this intersection would operate at a LOS E following at Buildout pursuant to the General Plan, and a statement of overriding considerations was adopted.

The commenter also notes that no cumulative impacts assessment has been performed for the surrounding area in proximity to the Hotel, citing specific projects in the vicinity. The hotel traffic impact analysis does include a cumulative assessment, using output from the Sonoma County Transportation Authority's travel demand model year 2040 scenario, which relies on land use projections tied to buildout of the current Petaluma General Plan (as well as other long-range land use plans in the County).

The traffic noise analysis focuses on weekday PM peak-hour conditions, which are associated with the proposed Hotel's maximum peak-hour trip generation. During the PM peak-hour, the proposed Hotel is estimated to generate 79 vehicle trips. If valet trips are included, 99 total trips would be generated during this time period.

A helpful mathematical relationship is that a doubling of traffic volumes is associated with an approximately 3 dBA increase in traffic-related noise levels. This relationship was utilized to estimate traffic noise increases associated with the proposed Hotel's traffic on nearby roadways. Existing traffic counts for the proposed Hotel's nearest roadway segments were obtained from Figure 2 of the proposed Hotel's Traffic Impact Study (Appendix L). Existing PM peak-hour traffic volumes for the nearest roadway segments that would experience the greatest share of project traffic are the following:

Existing PM Peak-hour Traffic Volumes

- Petaluma Boulevard, west of B Street: 859 trips
- Petaluma Boulevard, east of B Street: 790 trips
- B Street, south of Petaluma Boulevard: 265 trips

The analysis then conservatively assumes that the proposed Hotel's maximum trip generation, including value trips (99 total trips), would utilize these roadway segments. This yields the following traffic volumes:

Existing Plus Proposed Hotel PM Peak-hour Traffic Volumes

- Petaluma Boulevard, west of B Street: 958 trips
- Petaluma Boulevard, east of B Street: 790 trips
- B Street, south of Petaluma Boulevard: 364 trips

The following equation was then utilized to estimate PM peak-hour noise increases associated with traffic from the proposed Hotel: $\text{dBA increase} = 10\log_{10}(\text{Existing Plus Proposed hotel traffic volume/existing traffic volume})$. It results in the following PM peak-hour noise increases:

- Petaluma Boulevard, west of B Street: 0.5 dBA increase
- Petaluma Boulevard, east of B Street: 0.5 dBA increase
- B Street, south of Petaluma Boulevard: 1.4 dBA increase

These results suggest that overall 24-hour increases due to the proposed Hotel's traffic would be below 1 dBA CNEL or L_{dn} , because the proposed Hotel's traffic-related noise increases would be reduced during non-peak hours, especially during late evening and early morning hours.

Cumulative impacts are addressed in pages 4-57 through 4-59 of the Draft EIR.

Regarding GHGs, the comment is unclear and does not specify how the Draft EIR has failed to address GHG impacts associated with the proposed project. Furthermore, as it relates to the

commenter's assertion that GHGs have not been adequately accounted for in the analysis, please refer to Master Response 11, Traffic-Related Noise and Air Pollution, in Section 2.1, Master Responses, of this document. Master Response 11 explains that the proposed project's traffic-related noise and air quality impacts are sufficiently addressed in the Draft EIR. The annoyance threshold cited by the comment has not been adopted by the City of Petaluma as Lead Agency for CEQA review of the proposed project. The comment's comparison of the proposed Hotel's event space noise levels with the referenced threshold is erroneous because the event space noise levels cited by the comment reflect a distance of 50 feet, despite the fact that the nearest residential receptors would be located approximately 300 feet away.

Response to SULLIVAN 3-7

Overall, the comment misrepresents the conclusions of the Draft EIR's vibration analysis. The Appendix F Noise and Vibration Study determines that, without mitigation, "Project-generated vibration levels would be capable of cosmetically damaging the adjacent buildings or creating minor damae along the southwest boundary of the site if vibratory rollers are used, or if heavy equipment is dropped, within 20 feet of the buildings." This potential impact is therefore limited to the proposed Hotel's neighboring Ace Hardware building, which is the only building within 20 feet of the proposed Hotel site. To address this potential impact, the Draft EIR adopts MM EKN NOI-2, which requires protective measures when vibration-generating activities occur within 20 feet of adjacent buildings. These measures would prevent groundborne vibration levels from exceeding the 0.3 inches per second threshold of significance at the Ace Hardware building. Therefore, the Draft EIR determines that vibration impacts would be less than significant after implementation of MM EKN NOI-2.

The comment speculates with no substantial evidence that construction of the proposed Hotel may expose a building at 20 4th Street to potentially damaging levels of groundborne vibration in excess of 0.25 inches per second. This building is located approximately 220 feet from the proposed Hotel construction site. At this distance, groundborne vibration from vibratory compaction equipment would be a maximum 0.008 inches per second. This is not only below the 0.25 inches per second threshold cited by the comment, but also below the most stringent 0.08 inches per second threshold that Caltrans applies to extremely fragile historic buildings, ruins, and ancient monuments that are exposed to continuous, frequent, or intermittent vibration sources. Therefore, according to Caltrans methodology, there is no risk that groundborne vibrations emanating from the proposed Hotel site would result in cosmetic, structural, or any other damages to the receptor cited by the comment. Additionally, construction of the proposed Hotel would not require impact pile driving, as suggested by the comment.

It is currently unknown what the duration of vibratory compaction activities would be. Typically, vibratory rollers are used to compact soils and asphalt. They would likely be utilized infrequently throughout construction for these purposes. They would not be used every day of construction, and total daily use is unlikely to exceed a couple hours, at most. Regardless, with implementation of MM EKN NOI-2, construction of the proposed project would not expose any surrounding buildings to potentially damaging levels of groundborne vibration.

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From: Teri Drobnick <[REDACTED]>
Sent: Wednesday, September 25, 2024 10:44 AM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>
Subject: Overlay for prospectice downtown hoteldoe

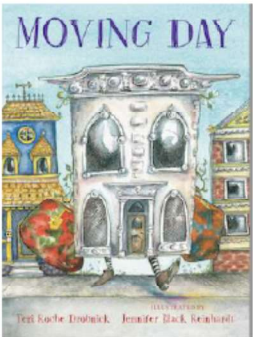
You don't often get email from [REDACTED]. [Learn why this is important](#)
---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

I was at the meeting last night regarding the overlay for the prospective hotel. I live blocks away from the site and am very disappointed in the overall plan. I am not against a hotel, but why does it need to be in the middle of the historic downtown district and why are they attempting to cram a large hotel into a small space? It seems like there are plenty of other places in Petaluma that this hotel could go, where it wouldn't interfere with the aesthetics of the historic district. I feel that the findings that it would fit with the historical feel of the downtown are incorrect. If they were attempting to make it look like the historic buildings I may feel different, but it is still too large and will significantly affect the already limited parking in downtown. The fact that the city is not requiring any setback from the streets and no trees or landscaping is also disappointing.

We are proud of our community and the old town charm of our downtown, let's not ruin that with a bad decision.

TR Drobnick

Teri	Roche	Drobnick
Author of MOVING DAY		
Holiday	House,	March
Available	for	preorder
teridrobnick.com		2025 now!
[REDACTED]		



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Teri Drobnick (T. DROBNICK)

Response to T. DROBNICK-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to T. DROBNICK-2

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to T. DROBNICK-3

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

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[REDACTED]
Petaluma, CA 94952

[REDACTED]
August 29, 2024

City of Petaluma
22 Bassett Street
Petaluma, CA 94952

Dear Mayor, City Council members and Planning Commission members,

I am writing to formally oppose ANY building form overlay in Petaluma's downtown area.

I am not opposed to high-density development in Petaluma. I am in favor of high-density development on non-downtown parcels within a half mile of a SMART station.

The proposed boundaries for a downtown building form overlay keep shifting, which is confusing and unfair to community members attempting to track and comment on this proposal.

I dislike 100% lot fill where alleys are not present because it places unsightly and odorous utility/garbage functions adjacent to pedestrian areas. In my opinion, the garbage collection systems at the 100% lot filled projects at Theatre Square are less than successful.

I disagree with Planning Manager Andrew Trippell's claim that non-historic commercial structures in downtown Petaluma are "underutilized." I oppose his recommendation that these buildings be bulldozed to make way for high-rise buildings with 100% lot fill to maximize economic benefit to the city.

Most of the parcels which Mr. Trippell has referred to as "underutilized" house successful businesses which serve our community well. Why threaten these businesses with relocation by encouraging redevelopment on these specific parcels? Why not instead focus on only the redevelopment of blighted properties (at a scale already allowed for in our General Plan)?

I am not convinced that downtown high-rise buildings are a panacea for Petaluma's economic woes. I believe the economic impacts of same, as well as long-term downtown parking solutions, need much further study before this building form overlay can be adequately analyzed.

Lastly, I suggest that if city leaders wish to continue considering a downtown building form overlay, they educate and then poll residents to determine if this is something our community truly desires.

Thank you for considering my perspective.

Sincerely,

Todd Gracyk

Todd Gracyk

cc: Olivia Ervin, City of Petaluma Principal Environmental Planner

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Todd Gracyk (T. GRACYK)

Response to T. GRACYK-1

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to T. GRACYK-2

Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Response to T. GRACYK-3

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to T. GRACYK-4

A Draft EIR or Final EIR are not required to disclose “positive outcomes” of a proposed project. A Findings of Fact and Statement of Overriding Considerations document considers any overriding considerations, such as economic, housing, urban revitalization, sustainability, or cultural preservation benefits, for the Lead Agency’s consideration in whether to approve a project that may have significant and unavoidable environmental impacts. However, the proposed project does not have any significant and unavoidable environmental impacts and therefore does not require a statement of overriding considerations. This comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis; however, this comment is noted for the record and provided to the Lead Agency for review and consideration.

Please see Master Response 14, Hotel and Overlay Impacts on Parking and note that a City-led downtown parking management plan is currently underway.

Response to T. GRACYK-5

Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

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From: Taryn Obaid <[REDACTED]>
Sent: Tuesday, September 24, 2024 5:25 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Cc: Ahmed Obaid <[REDACTED]>
Subject: public comment tonight Hotel zoning overlay meeting

You don't often get email from [REDACTED]. [Learn why this is important](#)
---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---
Dear Planning Commissioners,

The public does not want this hotel and the overlay city has been pushing through multiple iterations in attempt to shoe-horn it in.

Just last year we finalized our Housing Element, which stated no housing developments in our Downtown due to infrastructure constraints and parking and traffic negative impacts. The entire City residents were involved in finalizing that plan. Why are you trying to change it now just for this hotel developer?

Multiple attempts for this hotel developer to give away our town, and the people have overwhelmingly opposed it at many meetings, in writing, and all over social media.

Multiple attempts for this hotel:

1. Hotel overlay
2. Calling it the housing and economic overlay
3. Now calling it the mixed use overlay

Petalumans see right through this effort, and we overwhelmingly say "no." State Laws will grant density/height onuses and "no parking." Have you analyzed those huge carbon and climate impacts?

Just vote how the people you represent want: "no."

Taryn Obaid

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Taryn Obaid (T. OBAID)

Response to T. OBAID-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to T. OBAID-2

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required.

Response to T. OBAID-3

An analysis of GHG emissions is included in Chapter 4, Additional Effects Evaluated in the Initial Study, of the Draft EIR,

Response to T. OBAID-4

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

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From: Taryn Obaid <[REDACTED]>
Sent: Tuesday, September 24, 2024 8:21 PM
To: Orozco, Uriel <uorozco@cityofpetaluma.org>
Cc: -- City Council <citycouncil@cityofpetaluma.org>
Subject: public comment for Overlay EIR

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Petaluma can and must do more than the bare minimum on this EIR. The wellbeing, safety, and health of Petalumans must be City's first concern. That is the #1 role of our city government.

1

Using the excuse that law does not require assessing parking or traffic, pollution/emissions, or economic impacts **do not preclude us from doing so.**

2

Excuses by consultants for not doing a thorough, full, and excellent job with the EIR because it's not required is not acceptable.

Our elected leaders must insist on full, thorough EIR to protect Petalumans and our quality of life. Especially for seniors and families (not everyone can ride a bike!).

3

Taryn Obaid

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Taryn Obaid (T. OBAID 2)

Response to T. OBAID 2-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to T. OBAID 2-2

Potential impacts to transportation and air quality are analyzed in Chapter 4, Additional Effects Evaluated in the Initial Study, of the Draft EIR. The Draft EIR determined that there would be less than significant impacts related to conflicts with an air quality emission standard or an air quality plan or nearby sensitive receptors with the implementation of MM EKN AQ-1, which requires the implementation of BMPs to control for fugitive dust and exhaust during construction.

The commenter states that not being required to assess parking and traffic by law does not preclude the City from doing so. The commenter is correct that the City may require parking and traffic analyses to be performed for development projects, though CEQA does preclude the findings of such analyses from being considered environmental impacts. The City has required the proposed Hotel project to prepare a traffic impact study, and consistent with standard practice for development project entitlements, would require traffic and/or parking studies for future projects occurring as a result of the Overlay. The scope of such traffic and parking analyses is generally commensurate with the size of the project and is typically determined by Public Works staff during initial project review.

The Draft EIR also determined that impacts related to transportation (conflicts with plans, policies, and ordinances, CEQA Guidelines Section 15064.3(b), geometric design feature hazards, and emergency access) would be less than significant with the implementation of MM EKN TRA-1, which requires the submittal and approval of a Valet Service Plan prepared by a licensed traffic engineer. No further response is required.

Regarding parking, please see Master Response 14, Hotel and Overlay Impacts on Parking (specifically that a City-led downtown parking management plan is currently underway). The City's Implementing Zoning Ordinance, Chapter 11, Parking and Facilities, Off Street, would require a total of 48 spaces for the project. As noted in the Project Description, the Hotel would provide 58 underground parking spaces and would therefore be in compliance with the City's parking requirements. Future development pursuant to the Overlay would similarly be evaluated for consistency with regulations in effect at the time an application is received.

Response to T. OBAID 2-3

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

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From: [REDACTED] <[REDACTED]>
Sent: Monday, October 21, 2024 2:43 PM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>
Subject: Comments on the Overlay, the Hotel, the EIR and the City Council Vote

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

I have attended the meetings about the prospective EKN Appellation hotel since last fall and have been impressed by the depth of research done by the residents of Petaluma. Many citizens read the long and complicated documents, including the EIR, and independently tried to confirm the statements made about the income that the proposed hotel would generate for the City of Petaluma. I left every meeting with the thought that the public was asking the questions that should have been asked by the City Council members.

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At this point, no comprehensive economic feasibility study has been done which is particularly important now that the contractor, EKN, has declared bankruptcy on a hotel project in Lake Tahoe.

2

The EIR (both the document and the subsequent presentation at City Hall) failed to answer many concerns about parking, traffic congestion and how the hotel would be accessed for deliveries and other services. Noise abatement was not adequately addressed either. Many of us are frustrated that our questions have not been answered and we will have to live with the outcome of hasty decisions made by the City Council.

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Equally frustrating has been the process for the review and approval of this project. First, the zoning overlay was created just to accommodate the six story hotel. But by approving the overlay, the City Council will be able to propose additional high rise buildings at other sites in downtown Petaluma, the first step in changing the character of our town.

5

Finally, the City Council agreed to request an EIR for the prospective hotel and the public was invited to attend a presentation explaining its recommendations. However, at that meeting Mayor McDonnell moved to have the Council vote on advancing the EIR to the next stage even BEFORE the closing date for public comments. This is really appalling.

6

I am opposed to the hotel, the overlay and the process that the City Council has used to marginalize public opinion of this project. Let's hope that the upcoming election will bring much needed changes to the City Council and a better review process that is more respectful to feedback from Petaluma residents.

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Thank you.

Laurie Treleven
[REDACTED]
Petaluma

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Laurie Treleven (TRELEVEN)

Response to TRELEVEN-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to TRELEVEN-2

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

The comment raises concern about the applicant's proposed development in Tahoe. It is understood that EKN's Tahoe project remains an active development, and that the existing financing is currently being restructured to better align with the Tahoe project's long-term goals and market conditions. The applicant's finances are not an environmental impact and the Draft EIR for the subject project does not need to evaluate finances or otherwise take into consideration the finances of the applicant's project in Tahoe. The comment is noted for the record and provided to the Council for consideration.

Response to TRELEVEN-3

Please see Master Response 14, Hotel and Overlay Impacts on Parking and Master Response 15, Traffic Congestion.

Response to TRELEVEN-4

The comment does not specify how the Draft EIR has inadequately addressed the issue of "noise abatement," as it alleges. The proposed project's noise impacts are addressed in pages 4-52 through 4-58 of the Draft EIR. Appendix F of the Draft EIR contains an additional 35-page noise and vibration study addressing impacts that would result from construction and operations of the proposed Hotel.

Response to TRELEVEN-5

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to TRELEVEN-6

Please refer to Master Response 5, Noticing and Public Involvement Process, in Section 2.1, Master Responses, of this document. Master Response 5 provides additional clarifying information on the noticing and public involvement process of the proposed project and EIR.

Responses to Written Comments

Response to TRELEVEN-7

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

From: Suzanne Tucker <[REDACTED]>
Sent: Wednesday, October 9, 2024 10:37 AM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: Progress is what the overlay brings

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---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

That vacant lot has been an eyesore downtown for MANY, MANY years.

The previous owner, Ross Smith was an architect and couldn't figure out a way to make an economically viable use out of the property.

The new hotel will bring in high-end tourists to town and provide another fine local restaurant and meeting space.

Parking needs to be addressed and any architectural touches that keep it in line with the historic nature of the town - as Theater Square did.

But - above all - let's find productive use of this empty eyesore of a vacant lott.

--

Suzanne Tucker
Marketing Solutions / One Stop Graphics

[REDACTED]

[REDACTED] Fax [REDACTED]
www.onestopgraphics.com



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Suzanne Tucker (TUCKER)

Response to TUCKER-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to TUCKER-2

The comment is noted. Policy consistency with the General Plan, including various policies related to historic resources, is analyzed within Section 3.3, Land Use and Planning, of the Draft EIR. The Draft EIR concluded that the proposed project would be consistent with the policies related to historic resources.

Furthermore, the Hotel has already undergone one round of review and has been modified in line with HCPC recommendations. With approval of the proposed Overlay, a maximum building height of up to 75 feet, a FAR of 6.0, and up to 100 percent lot coverage would be allowed. As such, the Hotel project would be within the requirements of the proposed Overlay.

Additionally, the Hotel's design and operational plan align with current City parking regulations, ensuring sufficient capacity for guests, employees, and visitors. No further response is required.

Response to TUCKER-3

The comment in support of the Hotel project is noted for the record and provided to the Lead Agency for review and consideration. No further response is required.

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From: Karen Turner <[REDACTED]>
Sent: Friday, October 4, 2024 2:37 PM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: New hotel

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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While I'm not against a new hotel in downtown, I am strongly opposed to the current site next to Rex Hardware. The size of the hotel will dwarf everything close by and will look ridiculously out of proportion. Also the fact that there is literally no parking in that area of town . Never mind the light that it will obscure for the surrounding buildings. There are so many more appropriate sites, close by and walking distance to all of downtown. The now empty Bank of America building, the now empty Northbay Savings building, the now empty 4th and Sea building, the empty lot at D and the boulevard, to name just a few. Plus most of those sites offer larger lots and more parking. Please don't ruin our town- we've got so many empty stores that are falling into disrepair, can you please focus on getting the owners to do something about this, instead of spending thousands of our taxpayer dollars to build some ridiculous hotel. The owners blame the city for moving so slowly on permits and the city blames the owners- not sure who is to blame, but it's really sad to see so many empty run down buildings in downtown- please focus on that!

Karen Turner
Sent from my iPhone

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Karen Turner (TURNER)

Response to TURNER-1

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to TURNER-2

The comment is noted and provided to the Lead Agency for their review and consideration of the proposed project as a whole.

Parking

While parking is not a physical impact on the environment that CEQA typically analyzes, the secondary effects of parking can be an impact—for instance, an increase of vehicle emissions could result from visitors driving around looking for parking. When parking is limited, it encourages the use of alternative modes of transportation such as public transit, biking, and walking. This shift can lead to fewer cars on the road, thereby reducing GHG emissions. Additionally, per AB 2712, since most of the Overlay is within 0.5 mile of the SMART Station, the City cannot impose parking minimums on those properties. Additionally, future development in the Overlay would be reviewed by the City at the time each application is submitted to ensure compliance with regulations in effect at that time. Moreover, development is already permitted on the sites within the Overlay. The Overlay Ordinance provides the opportunity to increase height, FAR, and lot coverage, but the residential density would remain 30 dwelling units per acre. The current General Plan EIR analyzed the impacts associated with buildout in the Overlay Area and surrounding downtown. To increase height and/or lot coverage pursuant to the proposed Overlay would require a discretionary CUP, including specific findings that relate, in part, to enhancements to the pedestrian experience that can include widened sidewalks, mid-block paseos, and underground parking.

As discussed in the Air Quality and Energy sections of the Draft EIR, the proposed project supports existing State, regional, and local plans and policies adopted for the purpose of reducing the emissions of GHGs. The Overlay component of the proposed project would allow for greater intensity of use through increased building height, lot coverage, and FAR, which would allow for a higher concentration of infill growth in the City's downtown area, which has nearby public transit, thereby reducing reliance on automobile travel, and in turn reducing GHG emissions. As such, the Overlay component of the proposed project would not conflict with a plan, policy, or regulation adopted for the purpose of reducing GHG emissions and impacts would be less than significant.

Please see Master Response 14, Hotel and Overlay Impacts on Parking.

Light and Shadow

As described in the Draft EIR and shown in Exhibit 3.1-4j, at 9:00 a.m. during the winter solstice, the proposed project Hotel would cast a shadow over Center Park, which already experiences shading from its mature trees. However, morning shadows during one season of the year would not

constitute a substantial new shadow over any routinely usable outdoor space. No further response is required.

Response to TURNER-3

The comment is noted. As detailed in Section 6.7, Alternatives Rejected from Further Consideration, the Draft EIR considered several alternative sites for the proposed Hotel, including but not limited to, near the SMART Train station, at the east side of the Petaluma River along Copeland Street, and Petaluma Fairgrounds. There are no significant and unavoidable impacts associated with the proposed project. Accordingly, none of the sites suggested as alternatives would avoid or substantially lessen a significant and unavoidable impact. Additionally, with respect to the Hotel component, the project applicant does not own, nor can they reasonably acquire any of the suggested sites. Because the CEQA Guidelines establish that only locations that would accomplish the objective of avoiding or lessening significant impacts should be considered as alternative locations for the proposed project, and none of these sites accomplish that objective, these locations are rejected from further consideration. No further response is required.

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document. Master Response 3 explains why the Alternative Site Alternative was considered but rejected.

Response to TURNER-4

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

From: juli walters <[REDACTED]>
Sent: Saturday, October 19, 2024 11:18 PM
To: Petaluma Planning <PetalumaPlanning@cityofpetaluma.org>
Subject: Proposed EKN Hotel

You don't often get email from [REDACTED]. [Learn why this is important](#)

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I have no objection to a new hotel downtown, however the uninspired and blocky modern design of the proposed building is a travesty on many levels. As the daughter of some of the founding members of Petaluma's Heritage Homes Association, I know firsthand how much how so many people in the 60's and 70's fought to save and enhance our historic downtown with its treasured architecture. As a town, we have been reaping the rewards of having salvaged and preserved so much of the charm that so many other communities did not have the foresight or gumption to protect. I believe it is completely foolhardy to construct such a mundane structure in the heart of our historic downtown. Why do you think the hotel's potential guests are flocking to Petaluma? It's not because of banal architecture like the EKN folks are proposing.

[Sent from AT&T Yahoo Mail for iPhone](#)

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Juli Walters (WALTERS)

Response to WALTERS-1

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Please also refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval.

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From: CHRISTINE WHITE <[REDACTED]>
Sent: Friday, October 4, 2024 4:07 PM
To: Greg Powell <GPOWELL@cityofpetaluma.org>
Cc: CHRISTINE WHITE <[REDACTED]>
Subject: Downtown Overlay Comments for the upcoming City Council Meeting

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---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

To Whom It May Concern:

I will be unable to attend the October 7 City Council Meeting, so I am sending in this email. I hope it is read and addressed. I must say that as instructed in May I also submitted my concerns regarding the downtown overlay and at the Meeting on September 24th, Olivia and the M Group reported that the EIR reviewed all citizens' comments, and they had been mitigated. I am not in agreement with this statement as I do not believe my concerns regarding maintaining our historic downtown were addressed or mitigated. I do not see how a CUP review for each building will suffice if the overlay approves up to 6 stories, with the potential to build up to 9 stories if the housing density is included. I'm also wondering how many of the M Group live and work in Petaluma. This is important because they will really understand first-hand the passion we have here, the issues that we face currently, and the impact this overlay will have for the future of Petaluma.

I would like to thank our PC and HCPC for their questions and requests of additional information and review for the EIR.

On September 23rd I attended a meeting re: I Street and we were told that Petaluma has a Vision Zero for our roads. This vision is to eliminate severe injuries and deaths from traffic collisions by 2030.

What is the Vision for Petaluma as a City? Has it been shared and agreed to by the citizens of Petaluma?

My vision would be to preserve and protect our National Historic downtown. It would include future enterprises and businesses that can thrive in our empty buildings and spaces including those at the Outlet Mall and our other shopping centers. It would also include transparency in our city government.

I have been to several public meetings about the proposed overlay and at each meeting more information about what it really includes is uncovered. I'm disappointed that there seems to be a lack of transparency, in laymen's terms, to the citizens of Petaluma. I also wonder (as do others I speak with) why this is not put to a vote on our ballot?

I commuted for many years to San Francisco, LA, Pleasanton, Vacaville, and Rohnert Park. This was tolerable because I had Petaluma to come home to. A unique city that

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has both rural and urban amenities (for lack of a better word). It is both tranquil and if you want to go out offers great restaurants, theater options, and shopping experiences of unique shops or shopping centers. When driving you have views of the surrounding mountains, trees, and hills; thankfully not high-rise buildings that you can see in any other city. This is why we moved here over 30 years ago and why we stay.

I see opportunities to further promote our historic downtown and allow for the hotel (which I do not believe needs to exceed 4 stories). Look at the new Adobe Creek Winery and how big that is at 2-3 stories. To help our downtown businesses, perhaps there could be an E-Trolley (painted or designed to look like it is from the 1900's) to take people from the Smart Train to downtown. There is a pilot for the E-shuttle; however, currently that is not available everywhere (for example where I live in Westridge Knolls).

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CONT

It seems premature to try to move so fast on the entire overlay. Why not start with the hotel within 4 stories and use that as a pilot. They could still have a rooftop bar. See what the parking, traffic, cultural impact is before adding more.

7

Thank you,

Christine White

[REDACTED]
[REDACTED]

Christine White (WHITE)

Response to WHITE-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to WHITE-2

Although historic buildings in the Petaluma Commercial Historic District have been 1-3 stories, the Petaluma Historic Commercial District Design Guidelines do not preclude new development from being six stories in height or greater.

The Overlay Ordinance imposes a CUP process as a mitigation measure which further addresses aesthetics and cultural resources. Under the CUP, the Planning Commission must make affirmative findings during a duly noticed public hearing that:

- The additional height positively contributes to the overall character of the area and ensures compatibility with surrounding structures.
- The increased height does not adversely impact the exterior architectural characteristics or other features of the property in question, nor does it disrupt harmony with neighboring structures or affect the historical, architectural, or aesthetic value of the district.
- The additional height will not unreasonably restrict light and air from adjacent properties or the public right-of-way, nor will it be detrimental to public health, safety, or welfare.

Response to WHITE-3

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to WHITE-4

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to WHITE-5

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to WHITE-6

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Response to WHITE-7

This comment is noted. Alternative 3—Reduced Height Alternative is evaluated in Chapter 6 of the Draft EIR.

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CITY OF PETALUMA, CALIFORNIA
JOINT MEETING OF THE PLANNING COMMISSION AND
THE HISTORIC AND CULTURAL PRESERVATION COMMITTEE
Tuesday, September 24, 2024

HCPC Chair Thomas G. Whitley:
Questions and Comments on the
Draft Environmental Impact Report for
The Downtown Housing and Economic Opportunity Overlay
and EKN Appellation Hotel Project.

Questions:

- | | |
|---|---|
| • The initial assumption of the overlay is that the lack of development in the areas identified as A, B, and C, is a product of the current Floor-Area-Ratio (FAR = 2.5) and the height restrictions (45 ft) in the downtown Mixed Use (MU) zoning designation. Did the city or the applicant do any research to determine that these are in fact leading contributors to the absence of development? There is no indication of this in the DEIR. Is there evidence that such overlays have worked to generate development in other Sonoma County or California cities? | 1 |
| • The overlay is characterized as an area for increasing economic and housing opportunities and the assumption is made that about 25% will be filled, in 20 years, in accordance with current city growth statistics, and the commensurate changes in development footprints given in the DEIR (going from 1.1 million sq ft to 1.5 million sq ft). But has the city or the applicant calculated what financial numbers – estimated increases in city tax revenues or decreases in average housing costs, for example – we are talking about? | 2 |
| • We know there are adverse impacts of the proposed overlay and the EKN project. The assumption is that aside from mitigative actions on these adverse impacts (which are laid out in the DEIR) there will be some financial benefit to the city. If development in vacant areas isn't being stymied by the current FAR/height restrictions, is there any another benefit we would expect to see from the overlay? | 3 |
| • Does the city intend to market the overlay to developers to attract more investment? What's the cost-benefit ratio of doing something like that? Is there a plan for adaptive re-use or subsidizing preservation of historic buildings in the overlay outside of the opportunity zones? Or maybe just in the National Register District in general? | 4 |
| • I understand the nature of the "opportunity sites" identified within the proposed overlay as currently including "vacant lots, vacant structures, and low-density developments on lots dominated by parking." Have there been multiple applicants for city planning permits in these opportunity sites whose proposed projects would not meet the current FAR and height requirements? | 5 |
| • Why is there a distinction between the overlay boundary and the "opportunity" areas? Is the intent to change additional zoning criteria within the opportunity zones at some point in the future? Why are the overlay boundaries different? Is there no "opportunity" within the overlay areas outside of those zones? | 6 |
| • The DEIR states that, with the overlay, employment opportunities "could" increase (an estimate of 628 jobs is given) and therefore residential development would be required in some portions of the overlay, and increasing the FAR and height allowances would permit more units than existing zoning. If these "possible" jobs are associated with retail, hotel, and food service operations – as we have to expect they would be – then what makes the city, or the applicant, believe that brand new residential units in the overlay are going to be affordable for low wage | 7 |

HCPC Chair Whitley Questions and Comments: Overlay and EKN Appellation Hotel DEIR

employees? Will the city (or the state) subsidize affordable housing developments in the overlay? Do current city, county, or state, affordable housing laws apply or not? Will they allow additional height of proposed developments, as some people seem to believe?	7 CONT
<ul style="list-style-type: none"> In the Alternatives Analysis section of the DEIR, there is a No Alternative, a Reduced Area C Alternative, and a Reduced Height Alternative. An EIR does not necessarily need to consider alternatives. However, the public comments and the HCPC specifically asked for an alternatives analysis. The alternative hotel locations are rejected at the outset since the applicant “does not own nor can they reasonably acquire any of the suggested sites.” What does “reasonably acquire” mean in this context? Did the applicant reach out to the property owners at each of the identified locations, inquiring about whether they were for sale or not? Were the prices too high to maintain profitability? Or was no one selling? Did they attempt to identify other suitable lots in the city that were for sale? 	8
<ul style="list-style-type: none"> Given that the “opportunity” areas are identified as potential locations for future development, why were they not evaluated as possible alternate sites for the hotel? Presumably, acquiring them would be “reasonable” if the expectation is that other developers might acquire them. 	9

Comments

<ul style="list-style-type: none"> The overlay is characterized as providing “housing and economic opportunities” for the city of Petaluma. I don’t think this was demonstrated by the city or the applicant, and definitely not by the IS/MND or by the DEIR. Granted, the DEIR is intended to identify the adverse or unintended effects of the proposed project; not necessarily the benefits. But in asking the city to accept the adverse effects (mitigated or otherwise) I would expect to see some kind of evidentiary support for the assumed benefits. I’m not seeing that. It’s all speculation about what “could” take place. And there are no financial numbers placed on this expectation; just more speculation. 	10
<ul style="list-style-type: none"> A component of support for the overlay is that it would provide more opportunities for affordable housing in the downtown area. Again, I’m seeing no evidence for this. In fact, it would just as likely produce less affordable housing if it’s not subsidized by the city or the state; and I haven’t seen any plans or proposals for that. I don’t see any evidence that the estimated 600+ jobs that would be generated by the overlay would be high-paying enough to afford units downtown. These individuals are not likely to live in Petaluma at all, if the current residence patterns mean anything. Their employment within the overlay area is only likely to increase parking congestion, and strain the existing infrastructure. 	11
<ul style="list-style-type: none"> Combining the overlay and the hotel into a single DEIR seems to undermine the Alternatives Analysis by reducing the possible alternatives to a yes/no on the overlay and hotel combined, with a full height or reduced height on the hotel, and also a reduced Area C option (which isn’t connected to the proposed hotel at all). Nowhere is a serious consideration made for changing the proposed hotel location – at any height or footprint. The opportunity zones are presented as potential locations for future development, yet there is no discussion of why those locations are not a possible alternative site for the proposed hotel. Some understanding of the costs of development might clear that up. We have no clear explanation for why there is no adequate alternative that addresses even one alternate location. The DEIR is insufficient in this regard. 	12
<ul style="list-style-type: none"> The second thing that bundling the overlay and the proposed hotel together does is it gives the confusing impression that the overlay is a mitigation measure for the proposed hotel. Mitigation measures need to offset an adverse effect. The overlay doesn’t appear to mitigate anything itself. It only implements the same HSPAR or SPAR process that would occur anyway – but now 	13

HCPC Chair Whitley Questions and Comments: Overlay and EKN Appellation Hotel DEIR

<p>under a Conditional Use Permit (CUP). If we consider this a programmatic mitigation measure, it has to clearly define the CUP processes and objective standards which apply that go beyond what would be expected for a project which would be allowable if the overlay were not in place. It is not clear that the HSPAR or SPAR processes would be more stringent for projects that require the new FAR/height allowances under the overlay's CUP process.</p>	<p>13 CONT</p>
<ul style="list-style-type: none"> • Additionally, bundling the overlay and the proposed hotel together into a single EIR seems to undermine the HSPAR and/or SPAR processes by making it appear that the impacts of the hotel and the impacts of the overlay are the same thing. Allowing the DEIR to move forward would suggest that all environmental effects have been adequately assessed for both and prevent re-visiting them during the CUP/HSPAR process for the hotel. I recognize that we (the HCPC or the PC) probably would be able to request additional analyses or assess the specific impacts associated with the hotel during the CUP stage. But from the perspective of the City Council, the HCPC or PC doing so would carry much less weight in comparison to a previously approved FEIR. It "smacks" of a pre-approval, in my opinion. 	<p>14</p>
<ul style="list-style-type: none"> • I find that the Cultural Resources reports in general are mostly thorough. I don't think there are any serious tribal or archaeological issues that cannot be resolved through the mitigation strategies suggested. But there is one glaring issue that is not fully addressed in either of the architectural reports, and therefore is absent from the DEIR. That is the direct and cumulative effects on the integrity of setting and the integrity of feeling for the NR District by both the proposed overlay and the proposed hotel. 	<p>15</p>
<ul style="list-style-type: none"> • The primary public concern from written and presented comments has repeatedly been the direct and cumulative visual effects on the National Register District and other historic buildings. The original Cultural Resources report (Painter 2023) failed to address the individual criteria of integrity (location, setting, design, materials, workmanship, feeling, and association) for the NR District by either the overlay or the hotel. Yet, it indicated that the NR District "retains a high degree of architectural integrity and maintains its associations to the historic period" (Painter 2023:20). It suggests that "the south end of the historic district has seen some loss of integrity in the last ten-to-twenty years" (Painter 2023:8) without further explanation. 	<p>16</p>
<ul style="list-style-type: none"> • The additional Cultural Resources report (Corder 2024) clarifies this to some degree for the hotel by stating that "the establishment and associated new construction in and adjacent to the Petaluma Theater District to the north, east, and west east of the project site ..." (<i>Not sure what they mean by "west east," but the Theater District is entirely northeast of the proposed hotel site and the figure shown in the report is northwest of the intersection at C Street, not B Street, as they are not-so-subtly trying to suggest</i>) "... have introduced new architectural styles, materials, and pedestrian experiences. This redevelopment has compromised the historic integrity of this portion of the historic district, thus there is no potential for the proposed project to impact the existing historic setting/context of the district. Additionally, the proposed project site is located at the easternmost edge of the district, so the majority of district to the west would retain its ability to convey historical significance after the project's construction" (Corder 2024:22-23). 	<p>17</p>
<ul style="list-style-type: none"> • I would point out that "integrity" is not an all or nothing proposition. Yes, the Theater District has introduced new architectural styles, materials, and pedestrian experiences to the northeast, but the proposed hotel introduces additional visual obstructions and viewshed alterations. It will alter both vehicular and pedestrian traffic in Center Park in ways that the Theater District does not. It is also situated between the already developed Theater District and the NR District – the previously affected areas are, in fact, in the opposite direction from the NR District. 	<p>18</p>

HCPC Chair Whitley Questions and Comments: Overlay and EKN Appellation Hotel DEIR

- | | |
|---|--------------|
| <ul style="list-style-type: none"> • The adverse effects of the hotel are <i>in addition to</i> the ones that already exist, or occurred in the past. Writing them off as “not significant” because there has been some alteration of nearby areas (not actually in the NR District) in the past is absolutely not in keeping with the General Plan’s objective to maintain the historic-era integrity of the NR District. And again, the word “integrity” is short-hand for seven different criteria that need to be evaluated individually for the impacts from both the hotel and the overlay. Corder (2024) is obviously familiar with this since they evaluate each of the integrity criteria individually on the DPR 523 forms for the buildings at 313 B Street and 20 Petaluma Blvd South. | 19 |
| <ul style="list-style-type: none"> • This isn’t rocket science, and obviously there can be disagreement among experts on this. But these potential effects aren’t seriously addressed, much less justified in the reports or the DEIR. Yes, I agree that the individual historic age buildings in Area A and adjacent to it are not necessarily eligible for the National or California Registers. But the hotel will be visible from many portions of the NR District (including the clearly eligible and contributing 1903 Gossage-O’Neill Building, the 1911 McNear Building, the 1886 McNear Building, the 1911 Lan Mart Building, and the 1882 Masonic Building) as well as the individually-listed 1906 Carnegie Library Building. The proposed hotel will clearly change the viewsheds to and from these locations and add pedestrian and vehicular traffic to Center Park (not to mention 19 months of construction disturbance) changing both the integrity of setting and the integrity of feeling for the NR District. None of these changes have been addressed in the DEIR or its supporting documents. | 20

21 |
| <ul style="list-style-type: none"> • Likewise, the proposed overlay will have cumulative effects across an even broader area. We have a number of structures in the overlay that have not been evaluated, or some which need re-evaluation. Aside from direct or cumulative effects to the integrities of setting and feeling, there could also be cumulative effects to the integrities of association, materials, and workmanship in other portions of the overlay – especially from future projects not associated with the hotel. None of these have been addressed either. I don’t expect the applicant’s experts to necessarily agree with my opinion on these issues – or with the general public’s opinions. But I do expect an EIR to fully consider them, and for the experts not to “phone it in” so to speak. In my opinion, the DEIR and its supporting documents are not sufficient in this regard. | 22 |
| <ul style="list-style-type: none"> • <i>Put more simply, each of the seven integrity criteria (as defined in the National Register supporting documentation and as already mentioned in the DPR forms for 313 B Street and 20 Petaluma Blvd South) needs to be evaluated in the context of a No Alternative, an As Proposed Alternative, and all other alternatives for each of the eligible, potentially eligible, and listed buildings within the viewshed of the proposed hotel, and within the boundaries of the proposed overlay. Additionally, the NR District needs to be evaluated the same way as an entity on its own. There needs to be an assessment of direct impacts (including the 19-month period of construction itself as a temporary impact) and an assessment of cumulative impacts over the long-term for both the hotel and the overlay itself.</i> | 23

24 |
| <ul style="list-style-type: none"> • Overall, I don’t see what purpose the overlay serves other than to allow the proposed hotel as initially designed. The overlay and hotel project proposals are carefully crafted to suggest there is some economic or affordable housing advantage to be expected without demonstrating what, how, or why that would occur. The IS/MND and the DEIR were written to assume that is the case without any evidentiary support. The idea that either or both of them would lead to affordable housing, or open the dam holding back development, seems particularly spurious. The adverse effects identified and evaluated, as well as the alternatives chosen for comparison seem to be cherry-picked to support the proposed hotel and anything which doesn’t is ignored, under-examined, or considered as resulting from “expert disagreement.” | 25 |

HCPC Chair Whitley Questions and Comments: Overlay and EKN Appellation Hotel DEIR

- I'd like to be clear, I'm not against the hotel as designed. I like the design, and would be happy to see it somewhere in Petaluma. However, the proposed scale is, in my opinion, too large for the proposed location and the adverse effects have not been fully addressed in the DEIR. Again, I recognize that there may be "expert disagreement" on this issue. But I haven't actually seen an expert's explanation for why there is no significant direct or cumulative effects on the integrity of setting or integrity of feeling of the NR District – including those contributing buildings in its proposed viewshed. There is also no serious consideration of the direct and cumulative effects on the individually-listed Carnegie Library building. Should that actually be presented and considered, then maybe I'll agree with the findings. But the DEIR doesn't appear to present them in its text or supplemental materials. This is obviously a key element of public concern. 26
- I find the DEIR to be insufficient in a number of details – many not in my area of expertise, but also convincingly discussed by members of the HCPC and the PC; such as parking, hazardous waste, infrastructure, etc. There is a serious lack of actual evaluation of the effects on the integrity of the NR District, and absence of knowledge regarding many of the resources in the overlay, an inadequate (and frankly disingenuous) alternatives analysis, a confusing approach to programmatic mitigation, and flawed assumptions about the benefits of the project to begin with. With that in mind, I would recommend the DEIR should NOT move forward to a FEIR stage unless those issues have been resolved and the HCPC and PC have another opportunity to review a revised DEIR. 27

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Thomas G. Whitley (WHITLEY)

Response to WHITLEY-1

The comment does not address environmental topics or analysis contained in the Draft EIR. No further response is required.

Response to WHITLEY-2

The comment does not address environmental topics or analysis contained in the Draft EIR. No further response is required.

Response to WHITLEY-3

The comment does not address environmental topics or analysis contained in the Draft EIR. No further response is required.

Response to WHITLEY-4

The comment does not address environmental topics or analysis contained in the Draft EIR. No further response is required.

Response to WHITLEY-5

The comment is noted and provided to the Lead Agency for their consideration.

Response to WHITLEY-6

The comment is noted for the record and provided to the Lead Agency for their review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to WHITLEY-7

The comment is noted. As discussed on Page ES-2 of the Draft EIR, the existing residential density requirements (30 dwelling units per acre) would be maintained such that the proposed Overlay would not result in an increase in residential population beyond what is already projected as part of General Plan buildout and what was already evaluated and disclosed in the General Plan Final EIR.

Additionally, please refer to Master Response 7, Density Bonus and Building Height, in Section 2.1, Master Responses, of this document. Master Response 7 provides additional clarifying information on how the Density Bonus Law would or would not impact building height maximums and other development standards within the proposed Overlay.

Response to WHITLEY-8

The comment is noted. As stated in CEQA Guidelines Section 15126.6, an EIR need not consider every conceivable alternative to a project. Further, CEQA Guidelines Section 15126.6, specifies that the reasons for rejecting an alternative include any one or combination of the following: failure to meet most of the basic project objectives, infeasibility, or inability to avoid significant environmental effects.

Potential alternative locations for the proposed Hotel were identified based on comments and suggestions received during the NOP period. These alternative sites include but are not limited to, the east side of the Petaluma River along Copeland Street, land now occupied by Bank of the West, Petaluma Fairgrounds, and the Plaza North Shopping Center. There are no significant and unavoidable impacts associated with the proposed project. Accordingly, none of the sites suggested as alternatives would avoid or substantially lessen a significant and unavoidable impact. Because the CEQA Guidelines establish that only locations that would accomplish the objective of avoiding or lessening significant impacts should be considered as alternative locations for the proposed project, and none of these sites accomplish that objective, these locations are rejected from further consideration. The Draft EIR also notes that with respect to the Hotel component, the project applicant does not own, nor can they reasonably acquire any of the suggested sites. The City may reject the alternative sites for any one of the above reasons.

Please refer to Master Response 3, Alternatives, in Section 2.1, Master Responses, of this document, which explains why the Alternative Site Alternative was considered but rejected.

Response to WHITLEY-9

See Response to WHITLEY-8 above.

Additionally, the Hotel site is identified as an Opportunity Site, see Page 2-7 of the Draft EIR. No further response is required.

Response to WHITLEY-10

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

A Draft EIR or Final EIR are not required to disclose “positive outcomes” of a proposed project. A Findings of Fact and Statement of Overriding Considerations document considers any overriding considerations, such as economic, housing, urban revitalization, sustainability, or cultural preservation benefits, for the Lead Agency’s consideration in whether to approve a project that may have significant and unavoidable environmental impacts. However, the proposed project does not have any significant and unavoidable environmental impacts and therefore does not require a statement of overriding considerations. This comment does not raise any specific environmental issues related to the proposed project or the adequacy of the Draft EIR analysis; however, this comment is noted for the record and provided to the Lead Agency for their review and consideration.

Response to WHITLEY-11

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The

comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to WHITLEY-12

Please refer to Response to WHITLEY-8.

Response to WHITLEY-13

Please refer to Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation, in Section 2.1, Master Responses, of this document. Master Response 4 provides additional information on the requirements of a programmatic analysis for the proposed Overlay and the subsequent environmental review that will be performed as the City receives specific development applications in the Overlay Area.

Please also refer to Master Response 6, Hotel and Overlay Impacts on Aesthetics and the City's Design Review and Conditional Use Permit Review Process, in Section 2.1, Master Responses, of this document. Master Response 6 provides additional clarifying information on the Hotel's design and the City's design review process, which the proposed project would undergo following certification of the EIR and project approval.

Response to WHITLEY-14

It is appropriate to include the Hotel and Overlay in the Draft EIR because the environmental review appropriately considers the whole of the action. *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* ["*Laurel Heights*"] (1988) 47 Cal.3d. 376, 396 sets out the general standard for determining the scope of what constitutes the whole of the project that must be reviewed in a CEQA document. In *Laurel Heights*, the Supreme Court held that

... an EIR must include an analysis of the environmental effects of future expansion or other action if:

- (1) it is a reasonably foreseeable consequence of the initial project; and
- (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.

The Hotel utilizes the provisions of the Overlay and, therefore, because it is a reasonably foreseeable consequence of approving the Overlay, is appropriately considered in the Draft EIR. Certification of the EIR does not limit the City's authority or discretion under the CUP, HSPAR, or SPAR process. The Planning Commission would have the authority to approve, approve with modifications, or disapprove SPAR applications for construction, alteration, demolition, and repair or maintenance work on structures, as provided in Section 24.050 through 24.070 of the IZO. Appendix D to the Draft EIR summarizes the discretionary review and appeals processes related to applications for SPAR, HSPAR and CUP approvals.

Additionally, the timing for preparation of the Draft EIR is consistent with CEQA's requirement that public agencies complying with CEQA prepare EIRs as early as feasible in the planning process (CEQA Guidelines §15004(b)), with the goal of considering environmental issues while the process still has genuine flexibility. (*Mount Sutro Defense Comm. v. Regents of Univ. of Cal.* (1978) 77 CA3d 20, 34).

Response to WHITLEY-15

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Please also see Response to WHITLEY-13

Response to WHITLEY-16

Please see the Historic Built Environment Assessment prepared by South Environmental in Appendix B of the Draft EIR as well as Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to WHITLEY-17

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to WHITLEY-18

Please see Response to WHITLEY-17

Response to WHITLEY-19

Please see Response to WHITLEY-17

Response to WHITLEY-20

This comment acknowledges that there can be disagreement among experts, but generally alleges that the Draft EIR does not address significant effects. Specific responses are provided to more specific comments throughout this Final EIR. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

Response to WHITLEY-21

This comment is noted and is included in the record and provided to the Lead Agency for their review and consideration of the proposed project as a whole. The fact that the Hotel would be

visible from, and taller than surrounding development, does not in and of itself indicate an impact on the historical significance on historic buildings or the District. The visual simulations, together with the historic building assessment, review by the HCPC, development standards associated with MU2 zone district, and CUP requirements and findings associated with the proposed Overlay were all considered in the analysis of potential aesthetic impacts.

Note that the photos were taken on February 22, 2024, during the winter season when deciduous trees do not have foliage. As such, the photos can be considered “worst-case scenario.” The proposed Hotel would be more concealed from Viewpoints 5 and 6 during other seasons.

As discussed in Section 3.1, Aesthetics, compliance with all of the City’s existing and proposed standards and consideration by the City via the discretionary review processes for SPAR, HSPAR, and CUP would ensure the proposed project would not result in a significant aesthetic impact.

The Discretionary Review Processes, summarized in Appendix D of the Draft EIR, provides further information related to the requirements of the existing and proposed City processes that ensure applications for development are appropriately reviewed and refined (and recommended for denial or approval) to confirm that potential impacts are avoided or reduced to a less than significant level and that the City’s development standards are being followed. Please also refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character.

Impacts related to transportation are analyzed in Chapter 4, Additional Effects Evaluated in the Initial Study, of the Draft EIR. As analyzed therein, the proposed project would have less than significant impacts related to transportation with the implementation of MM TRA-1. No further response is required.

Response to WHITLEY-22

The analysis included in the Draft EIR for properties within the Overlay Area are consistent with CEQA best professional practices when looking at historic age properties at a programmatic level. The mitigation measures establish a process for the overlay properties to be evaluated on a project-specific basis.

The current Historic Context Statement, Design Guidelines, and Historic District documentation is sufficient for purposes of evaluating the subject project impacts.

Response to WHITLEY-23

Please refer to Master Response 3, Alternatives. The level of detail requested in the comment is not required by CEQA. An EIR’s discussion and analysis of alternatives need not be as exhaustive as commenter suggests. As outlined in CEQA Guidelines Section 15146, “the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity . . . [a]n EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.” (*See also Al Larson Boat Shop, Inc. v. Board of Harbor Comm’rs* (1993) 18

Cal.App.4th 729, 746 [An EIR on the adoption of a general plan must focus on secondary effects of adoption, but need not be as precise as an EIR on the specific projects which might follow]; *Rio Vista Farm Bureau Ctr. v. County of Solano* (1992) 5 Cal.App.4th 351; *Atherton v. Board of Supervisors* (1983) 146 Cal.App.3d 346.) PHA complains that the Draft EIR discussion of alternatives significant impacts is insufficiently detailed. The significant adverse environmental effects of each alternative must be discussed, but in less detail than is required for the project's effects. (CEQA Guidelines §15126.6(d)). A matrix, such as Table 6-1: Summary of Alternatives, in the Draft EIR, showing the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison of alternatives with the proposed project. (CEQA Guidelines § 15126.6(d); see *Sierra Club v. City of Orange* (2008) 163 CA4th 523, 547.) Accordingly, the Draft EIR's evaluation of alternatives is appropriate.

Response to WHITLEY-24

The Historic Built Environment Assessment evaluates the proposed Hotel's impact on the Petaluma Historic Commercial District as a whole. Please see Appendix B of the Draft EIR.

Response to WHITLEY-25

The comment is noted. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document. Master Response 1 provides additional clarifying information on the scope of CEQA in response to comments received during the public review period, including comments that express general opposition to the proposed project.

The comment alleges that alternatives were not sufficiently addressed in the Draft EIR, but does not offer any alternatives for further discussion or identify any specific deficiencies in the alternatives analysis. The Draft EIR thoroughly discusses a reasonable range of alternatives in Chapter 6, Alternatives.

An EIR's discussion of alternatives is not required to include alternatives that do not offer significant environmental advantages in comparison with the project or with the alternatives that are presented in the EIR. (CEQA Guidelines § 15126.6(b); *Tracy First v. City of Tracy* (2009) 177 CA4th 912, 929). The breadth of the range of alternatives discussed in the EIR appropriately reflects the fact that the proposed project would not result in any significant and unavoidable impacts.

Response to WHITLEY-26

The commenter disagrees with the conclusions in the Draft EIR and requests additional discussion. The comment does not identify any facts or data demonstrating a new or more significant impact than evaluated in the Draft EIR. Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Furthermore, Exhibit 3.1-3g, Visual Simulation Viewpoint 7, demonstrates the view of the proposed Hotel from the Carnegie Library Building. The integrity of the Carnegie Library Building is not

dependent on its viewshed. The Carnegie Library Building is currently not visible from the Hotel site, and construction of the proposed Hotel would not impact views of it.

Response to WHITLEY-27

This comment provides concluding remarks summarizing comments addressed above. The comment is noted. Please refer to Response to WHITLEY-25. Regarding parking, the City's Implementing Zoning Ordinance, Chapter 11, Parking and Facilities, Off Street, would require a total of 48 spaces for the project. As noted in the Project Description, the Hotel would provide 58 underground parking spaces and would therefore be in compliance with the City's parking requirements. Please refer to Master Response 14, Hotel and Overlay Impacts on Parking.

For additional discussion regarding hazardous soils, please also see Master Response 17, Hazardous Materials. Construction dewatering would be performed as necessary to prevent groundwater intrusion during construction. This work would be performed under permit from Sonoma County. Construction techniques would be used to prevent any groundwater intrusion into the subterranean parking garage.

The Draft EIR analyzes the Overlay at a programmatic level as further explained in Master Response 4, Comments Asserting that the Draft EIR Defers Analysis and/or Mitigation. The comment does not identify any specific issues with the programmatic mitigation, nor does it offer any additional mitigation measures. No changes to the Draft EIR are required. Further, the Final EIR does not include any revisions that require recirculation. See Master Response 2, Recirculation Not Required.

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From: Sarah Wilson <[REDACTED]>
Sent: Monday, September 23, 2024 7:51 PM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>
Subject: Response to ECONOMIC OPPORTUNITY OVERLAY & EKN APPELLATION PROJECTS

You don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear City of Petaluma Planning Department,

As a new resident to Petaluma, I am wholeheartedly against the Economic Opportunity Overlay and EKN Appellation Project. I love Petaluma because it has such a distinctive historic feel and the town serves the locals who live here. You feel it in the town at restaurants, walking around town. You feel the pride of the local residents and their love for this town.

Native to Sonoma County, I have always loved the small town feel of towns in Sonoma County. I grew up in Healdsburg and am now aghast at the changes to that town which do not serve the local population but thrive on wealthy tourists who have dismantled the ability for locals to enjoy their town; locals can NOT: afford housing, afford to dine at restaurants, afford to pay for entertainment which can be costly (eg winery concerts, events etc). The small town I grew up in now caters to a very wealthy demographic and the spirit of the town I feel has suffered greatly from that economic development. I've heard my community there say, yeah you only run into locals at Costco. Not in the commercial part of town where hotels cost over \$1,000/night and restaurants only cater to the very wealthy elite with unbelievable price tags for meals.

These two Petaluma proposals feel to me like a step in the direction that Healdsburg has taken: to allow expensive hotels to pop up in the center of town with no historic preservation architectural continuity, leading the way for new businesses to cater to a wealthy tourist population which eventually wipes out small mom and pop businesses that make Petaluma so special. Commercial real estate costs soar and prices go up.

I am against the proposals for the following reasons:

1. The historic aesthetic of Petaluma which makes the town so distinctive will be lost with a 6 story hotel and rooftop space. It will not embody the historic architecture of this town and will instead create a huge eye sore with a building that tall.

2. Parking and traffic downtown is already so impacted particularly on Petaluma Blvd South. There is a constant stream of cars. I walk on a daily basis in town and feel the traffic issues already and sometimes fear for my safety in crossing the streets. This development will only serve to increase those issues in that already impacted area. It is a terrible idea from the standpoint of traffic congestion, potentially making it harder for locals to access services downtown.

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3. There is a potential in bringing in this type of development to increase the cost of goods and services to the local community. It is fantastic to live in Petaluma and be able to afford to dine out knowing that other locals are doing the same. It creates and supports community; you don't feel like your town has been overwrought with tourists with big pocket books, which is the case in Healdsburg. It is so lovely to dine in Petaluma knowing the prices are less than the Bay Area. Bring in a huge development like this proposal and the cost of goods and services will soar.

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4. Opening the door to this development will lead to more similar developments in the future. It is imperative that the City Planning Department uphold the historic architecture and feel of this town and not dramatically alter the architectural landscape with a higher rise building. You have to take a stand now and not allow this development because it will open the door to more future development and risk destroying what makes Petaluma so special.

5

To summarize, the ECONOMIC OPPORTUNITY OVERLAY & EKN APPELLATION PROJECTS would be terrible for the town of Petaluma. The local architecture, culture and economy will suffer greatly for those of us who love this town which serves locals so greatly. The majority of residents in this town according to the *Petaluma Argus Courier* on September 23, 2024 are against this development. It should not be built. We do not want it built. It is your duty as public officials to hear our concern and act on that concern and vote to stop the development. The EIR was created by the developers who want it built which is inherently biased.

6

Thank you for your time and consideration of this public comment. Again I express my opposition to these projects..

Sincerely,
Sarah Wilson
Petaluma, CA

Sarah Wilson (WILSON)

Response to WILSON-1

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to WILSON-2

Please refer to Master Response 9, Historic Built Environment Impacts Assessment and Hotel Impacts on Visual Character, in Section 2.1, Master Responses, of this document. Master Response 9 provides additional clarifying information on the HBEA prepared by South Environmental on June 24, 2024, as well as the visual character analysis in the Draft EIR.

Response to WILSON-3

The commenter expresses concerns that the proposed project would exacerbate downtown traffic issues, making it harder for locals to access downtown, and citing safety fears when crossing downtown streets as a pedestrian. While not considered a CEQA impact, the hotel development's traffic impact study identifies that the proposed project may result in increased delays of up to two seconds at study intersections during peak periods. Some degree of traffic congestion already occurs in downtown Petaluma and this can reasonably be expected to increase with additional development; such conditions are not unusual in downtown business areas and must be weighed in consideration of environmental benefits associated with reductions in VMT resulting from increased density, increased mixes of uses, and prioritization of non-auto modes, as well as economic benefits.

There is no evidence supporting the premise that locals would be unable to access downtown in the future with or without the Overlay and Hotel, regardless of travel mode. Regarding safety fears when crossing downtown streets, the City routinely monitors circulation, including reported collisions, and has been actively implementing measures to enhance circulation and safety for non-motorized travel modes. While the Overlay and Hotel project may increase traffic volumes on downtown streets, they would not be expected to directly cause walking to become less safe. The associated densification of downtown resulting from the proposed project is intended to be supportive of non-auto modes including walking, and be less impactful from safety and environmental perspectives than suburban development on the periphery of the City, where fewer support facilities for non-auto modes exist and vehicular traffic speeds tend to be higher. Please see Master Response 15, Traffic Congestion and Master Response 14, Hotel and Overlay Impacts on Parking for further information about how these topics are addressed in CEQA and the Draft EIR.

Response to WILSON-4

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration.

Responses to Written Comments

Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to WILSON-5

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

Response to WILSON-6

The comment does not raise any specific environmental issues related to the proposed project or the adequacy of the EIR analysis, and no changes to the EIR or further response is required. The comment is noted for the record and provided to the Lead Agency for review and consideration. Please refer to Master Response 1, General Opposition Comments, in Section 2.1, Master Responses, of this document.

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