



City of Petaluma, California

Community Development Department
Planning Division
11 English Street, Petaluma, CA 94952

Project Name: Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel

File Number: **Overlay:** PLGP-2023-0001 and PLZA-2023-0002
Hotel: PLSR-2022-0017

Address/Location: **Overlay:** Various (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; 008-051-024; 008-051-025; 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)
Hotel: 2 Petaluma Blvd. South (APNs 008-063-008; -009; -011)

Subject: Response to Comments on the Draft Initial Study/Mitigated Negative Declaration

1. INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) of 1970 (as amended) (California Public Resources Code 21000 et. seq.), the Initial Study/Mitigated Negative Declaration (IS/MND) was circulated for a 30-day public review and comment period from October 13, 2023, through November 13, 2023. This provides a response to comments received on the Public Draft IS/MND for the Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel project (SCH # 2023100359) as well as responses to comments regarding environmental impacts, generally. Responses provided herein clarify and bolster the analysis and evidence provided in the Draft IS/MND, as necessary. Although CEQA does not require the lead agency to prepare a response to public comments received on a Negative Declaration or a Mitigated Negative Declaration, the City has elected to prepare this response to comments for consideration along with the environmental document. This document, along with the IS/MND, attachments thereto and references, serves as the Final IS/MND.

2. CEQA REQUIREMENTS

As the lead agency, the City of Petaluma has prepared and circulated a Draft IS/MND for a 30-day public review and comment period. Consistent with standard city practice based on

entitlements for the subject project, the City of Petaluma Planning Commission will consider comments received on the Draft IS/MND and make a recommendation to City Council on the adequacy of the Draft IS/MND. The City Council is the decision making body with authority to approve the Final IS/MND and Mitigation Monitoring and Reporting Program (MMRP). To date no comments have been received from state regulatory agencies on the proposed project. Individuals that submitted written comments to the City regarding environmental impacts and the environmental review document prepared for the project are listed below.

Pursuant to Section 15204 (Focus of Review) of the CEQA Guidelines, in reviewing the Draft IS/MND, individuals and public agencies should focus on the proposed findings that the project will not have a significant effect on the environment. If during the review of the Draft IS/MND individuals and/or public agencies believe that the project may have a significant effect on the environment, the following should be included in the comment:

1. Identification of the specific environmental effect;
2. Why it is believed the environmental effect would occur; and
3. Explanation of why it is believed the environmental effect would be significant.

Comments asserting that a significant effect would occur should explain the basis of the comment, supported by data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Comments related to the project merits (e.g. expressing support or opposition to the project) or that do not raise issues related to environmental concerns are not responded to herein, as this document is intended to respond to substantive environmental concerns. As noted above, CEQA does not require that responses to comments be prepared for Mitigated Negative Declarations. However, pursuant to Review of Public Comments (PRC §21091(d), Guidelines §15074(b)), CEQA does require that staff review the comments and make one of the following determinations:

- a) On the basis of the whole record, including comments received, there is no substantial evidence that the project would result in a significant effect on the environment, or
- b) Comments received raise a fair argument that the project could result in one or more significant effects on the environment. If this determination is made, an EIR shall be prepared.

CEQA Guidelines §15384 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. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. 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. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

CEQA Guidelines Section 15064(f)(3) Determining the Significance of the Environmental Effects Caused by a Project, states that “If the lead agency determines there is no substantial evidence that the project may have a significant effect on the environment, the lead agency shall prepare a negative declaration (*Friends of B Street v. City of Hayward* (1980) 106 Cal.App. 3d 988).” CEQA Guidelines Section 15064(f)(4) states that “The existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment.”

Although written responses to public comments on the MND are not required, this document has been prepared assist staff in making a determination in accordance with Guidelines §15074(b)).

3. PUBLIC COMMENTS RECEIVED

Individuals that have submitted written comments to the City related to the Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel are listed below. Comments received to date relate to general project merits, environmental impacts, and the environmental review document prepared for the project. Comments limited to project merits are not addressed in this response to comments document. Responses in this document address comments related to environmental concerns and the analysis presented in the Draft IS/MND. Comments received from several different commenters raise similar concerns and have been grouped into similar themes. Comments provided that fall within the themes discussed in Section 4, are summarized under the corresponding Master Response to Comments. All other environmental-related comments are responded to in Section 5 of this document.

COMMENTS ON PROJECT MERITS:

As noted above, the following individuals provided general comments in opposition and/or support of the project. Specific comments do not relate to environmental topics or the adequacy of the environmental document and therefore are not specifically responded to in this Response to Comments document.

1. Isabelle Beardsworth
2. Tom Bornheimer
3. Robert Stires
4. Karin Gjording
5. Teddy Herzog
6. Judith Allewelt
7. Emily Best
8. Kathy and Thomas Brandal
9. Meghan Stauf
10. Keith OBrien
11. Paul and Erica Johnson
12. Stephanie Shepherd
13. Jack Smith
14. Lory Teicheira
15. Debra Melton
16. James Thomas
17. Karen Turner
18. Susan Balloou
19. Carolyn Holmberg
20. Londa Fuhrman
21. Kay McKenzie
22. Helen Medina
23. Karen Pesutich
24. Marilyn Shulman
25. Tiffany Smith

26. Noellene Sommer
27. Peter Williams
28. Amariah Winsemius
29. Robert Gaustad
30. Charles Pyle
31. C Walker

32. Gary Broad
33. Kevin Buckler
34. Helena Sandie
35. David Keller
36. Carol Lane-Willis

ENVIRONMENTAL-RELATED COMMENTS:

Over ninety commenters provided general and specific comments related to environmental topics and/or the adequacy of the environmental document prepared for the project. Many comments received are similar in the nature of the comment, and therefore are responded to in Section 4. Master Response to Comments of this document. Section 5. Public Comments and Responses provides responses to individual comments that do not fall within the categories described in Section 4.

1. Kathy Myers
2. Cathe Vota Fok
3. Angela C. Dowd
4. Lydia Asselin (3 comment letters)
5. Sue Bates-Pintar
6. Beverly Schor (2 comment letters)
7. Jeff Pintar
8. Catherine (Cat) Alden
9. Melissa
10. Rich Walcoff
11. Sheri Miller
12. Susan Stewart
13. Sherry Sandberg
14. Diane Schlactus
15. Therese Van Wiele
16. Todd Gracyk
17. Kimberly Fields
18. Linda Howard
19. Suzanne Biaggi (3 comment letters)
20. Ron and Melissa Friedrichsen
21. Janet Bukszar
22. Hugh Borghei
23. Donna Berg
24. Anthony (Tony) and Laurel Gilbert
25. Lion Goodman
26. Barbara Veith
27. Janet Gracyk
28. Katherine Applegarth
29. Theresa Kerr
30. Christa DiBella
31. Elaine Woodriff
32. Phyllis Sharrow
33. Karina Spalding
34. Barbara Drake
35. Kathleen Enright Salvia
36. Betty Pagett
37. Michael and Deborah Shockro
38. Linda Lipps and Pete Musser
39. Nancy Andrews
40. Christine Bell
41. Lauren Bettinelli
42. Cheryl Cherney
43. Helen Childs
44. Grace Crawford
45. Jane Hamilton
46. Ralph Haney
47. Mollie LaPlante
48. Russell Mabardy
49. Judith Macer
50. Kathleen Miller
51. Julie Portelli
52. Brenna Pratt
53. Cherry Rowe-Palacios
54. Daphne Russell
55. Donna Savarese
56. Gwyneth Smith
57. Cara Storm
58. Stephanie Tavares-Buhler
59. Todd and Margie Turrel
60. Juli Walters

61. Chris Albertson
62. Mary Beth Cohen
63. Bert Botta
64. Joan Gallagher
65. Laura Gavre
66. Mark Gerhard
67. Jamila Gulick
68. Enid Hansen
69. Hilda Jobson
70. Ann Markovich
71. Tracy Perlich
72. Lorraine Pratt
73. Susan Price
74. Elaine Richardson
75. Nancy Sasser
76. Steven Wiessler

77. Anne Wurr
78. Laura Anderson
79. Jeanne DeLucca
80. Tina Hittenberger
81. Irina Irvine
82. Beverly Alexander
83. Calandria Atkinson
84. Jason Davies
85. Jo Donaldson
86. Vickie Lakatos
87. Moira Sullivan
88. Marion Wagner
89. Harv Heikel
90. Tryncw
91. Charles “Chuck” Dalldorf

4. MASTER RESPONSES TO COMMENTS

Comments received on the Draft IS/MND from various commenters raise similar themes that are addressed in the following master responses to comments. Comments that do not fit within the themes in this section are responded to in Section 4 of this document.

4.1. Master Response to Comments: California Environmental Quality Act Level of Review

COMMENTS SUMMARY: Comments on the Draft IS/MND assert that the City of Petaluma did not comply with the California Environmental Quality Act in its preparation of the Draft initial Study/Mitigated Negative Declaration (Draft IS/MND). Comments also assert that an Environmental Impact Report (EIR) is needed.

LIST OF COMMENTERS:

- *Beardsworth Comment Letter:* In their November 3, 2023 email the commenter states that the Draft IS/MND “is written to avoid an Environmental Impact Report (EIR)”, “If an EIR is not required on this project, no EIR would be needed on any project in the entire town now or in the future”, and asserts with regard to Aesthetics that they “contend the approval of this Overlay without an EIR will set the precedent for unlimited future projects without due consideration of all these issues.”
- *Myers Comment Letter:* The commenter states that “a zoning/hotel project of this scale must have a full EIR”.
- *Schor Comment Letter:* The commenter asks “How on earth can staff recommend 75 foot height limits in spot zones downtown and still preserve the surrounding historic look and feel of our town? How can staff recommend a hotel and ignore CEQA? Don’t they read their own reports?”

- *Sandberg Comment Letter:* The commenter states that they are opposed to approval of the proposed mitigated negative declaration, and assert that the proposal warrants preparation of an EIR.
- *Biaggi Comment Letter:* In the October 24, 2023 comment letter, the commenter asserts their opposition to the Draft IS/MND, stating that it “avoids all those types of analysis: traffic impacts, parking needs, impacts on our Historic District, impacts on view sheds, changes to the ambiance of the downtown, the height and mass of 60 ft buildings, site alternatives, the amount and type of housing the city is hoping to bring into the downtown and the associated traffic, the economic benefit the city expects to gain from this zoning change, the need for modeling that would show the cumulative impacts of the zoning change.”
- *Goodman Comment Letter:* The commenter states “You are treating both the Hotel and the Overlay as one project because the hotel as designed cannot be approved without the overlay zoning being approved. Why don’t you separate them so they can be looked at separately? Why are you trying to shove this dual change down the throats of us Petalumans? I do not want a Mitigated Negative Declaration approved. There must be a complete and official Environmental Impact Report that will cover in detail: traffic impacts, parking needs, impacts on our Historic District, impacts on views, changes to the ambiance of the downtown, the height and mass of 60 ft buildings, site alternatives, the amount and type of housing the city is hoping to bring into the downtown and the associated traffic, the economic benefit the city expects to gain from this zoning change, and the need for modeling the cumulative impacts of the zoning change. A complete EIR and CEQA Report must be required for any approval of any portion of this proposal.”
- *DiBella Comment Letter:* Related to the hotel, the commenter asserts that “we need an EIR to prove how detrimental it would be.”
- *Sharrow Comment Letter:* The commenter states that they are opposed to the Mitigated Negative Declaration and assert that an EIR is needed.
- *Asselin Comment Letter:* In their November 4, 2023 email, the commenter objects to review of the Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel under one Draft IS/MND.
- *Hamilton Comment Letter:* The commenter states “Both the Hotel and the Zoning Overlay require a full EIR at the very least” and “The potential cumulative effect of this zoning change on traffic and parking needs to be addressed in a full EIR.” The commenter states that alternatives were not analyzed and “A full EIR will give us an analysis of project alternatives.”
- *Sullivan Comment Letter:* The commenter states “At the very least, both the hotel and zoning overlay require full Environmental Impact Reports (EIRs). A Mitigated Negative Declaration (MND) is woefully insufficient for such substantive zoning changes.”
- *Gavre Comment Letter:* The commenter states that the proposed Overlay “needs to be studied and should not be included as part of the approval for the hotel.”

- *Pratt Comment Letter:* The commenter asserts that an EIR should be prepared for the project.
- *Atkinson Comment Letter:* The commenter asserts that an EIR should be prepared for the project.
- *Tryncw Comment Letter:* The commenter states that additional study is needed to understand environmental impacts of the overlay including “impacts on parking, sightlines, traffic, transportation, and the character of Petaluma may be significant; the long-term adequacy of water and sewer resources, possible creation of heat islands’ and support of net zero objectives all deserve additional consideration.”

RESPONSE: Pursuant to Section 15378 of the CEQA Guidelines, a project means the whole of an action that has the potential to result in direct or indirect physical changes to the environment and under CEQA is not defined by separate governmental approvals. As the Hotel is a foreseeable byproduct of the Overlay, concurrent review of the Overlay and Hotel complies with CEQA. Consistent with Section 15063 of the CEQA guidelines, the City of Petaluma, as the Lead Agency, prepared an Initial Study (IS) to determine whether the project would result in a significant impact on the environment. The IS relies upon expert opinion supported by facts, technical studies, applicable regulatory documents, ordinances, regulations, and other substantial evidence to document findings which included an analysis of all phases of project planning, implementation, and operation. In evaluating the impacts of the project, the program-level EIR for the City of Petaluma General Plan 2025 was referenced, which was certified by the City Council on April 7, 2008 and also included adoption of a Statement of Overriding Considerations for significant impacts related to traffic, noise, and greenhouse gas emissions that could not be avoided.

The Initial Study determined that some aspects of the project may cause a potentially significant environmental impact while other impacts were adequately examined in the previously certified General Plan EIR as buildout within the proposed Overlay, including the site of the proposed hotel are anticipated by the General Plan and evaluated in the General Plan EIR. The IS concluded that all potential impacts could be reduced to levels below significance through incorporation of applicable general plan policies, best management practices, compliance with federal, state, and local regulations, and through incorporation of project-specific mitigation measures, which provide precise measures to ensure specific physical and reasonably foreseeable environmental impacts are adequately mitigated. Based on the conclusion that all potential impacts could be reduced to levels below significance, the City prepared a Mitigated Negative Declaration (MND), as opposed to an EIR, which fully documents and analyzes the potential impacts of the project (e.g. the proposed Overlay and the Hotel).

As detailed in the Draft IS/MND all potentially significant impacts related to the environmental resources areas of Aesthetics, Air Quality, Biological Resources, Cultural and Tribal Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards, Hydrology, Noise, and Transportation, will be reduced to less than significant levels through compliance with applicable General Plan policies, Municipal Code regulations, Implementing Zoning Ordinance (IZO)

regulations, discretionary review of future development proposed within the Overlay, and project-specific mitigation measures.

Comments asserting that an EIR is required do not raise a fair argument nor do they present substantial evidence that the project would result in a significant effect on the environment. Furthermore, CEQA Guidelines Section 15064(f)(4) states that “the existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment. Therefore, based on review of public comments received to date, the IS/MND is determined to fulfill the intent of CEQA by disclosing potential impacts, providing an adequate evaluation of potential impacts, affording an opportunity for public input, and presenting information to make an informed decision on the project.

4.2. Master Response to Comments: Degree of Specificity/Speculative Analysis

COMMENTS SUMMARY: Comments on the Draft IS/MND assert that an analysis of impacts associated with development of all parcels within the Overlay at the maximum developable capacity that would be permitted under the Overlay (e.g. 100% lot coverage, 6.0 FAR, and 75 foot height) is required.

LIST OF COMMENTERS:

- *Beardsworth Comment Letter:* In their November 2, 2023 email the commenter states “This “overlay” will have a significant effect on the environment particularly on Aesthetics, Air Quality, Geology, Hydrology, Parking and Transportation. These items cannot be “mitigated” until a full study is completed on all the elements to determine the exact scope of the issues.” With regard to Air Quality, the commenter states “it is impossible to determine the environmental impact without formulating an estimate of the number, type, size and occupancy of future buildings” further asserting that “The purpose of the Report is prepared to provide specific, technical and scientifically exacting analysis, however the future of building in the “Overlay” consistently and redundantly utilizes the phrase subject to “independent discretionary review”. This is a term overutilized in the analysis which means “whatever, whenever, whoever” with no precise definition, meaning and subject to interpretation.”
- *Borghei Comment Letter:* Related to the Overlay, the commenter asserts that “the proposed density changes will add to congestion in the downtown area and along Washington Blvd (Subarea C is of particular concern here).”
- *Berg Comment Letter:* The commenter asserts that the project “would cause increased traffic congestion and compound the parking problem” and that the project “could also transform the downtown area into a high-rise monstrosity and eliminate the small town atmosphere.”
- *J. Grayck Comment Letter:* The commenter states that “The applicant should be required to provide renderings showing how our streets would really look if all of the overlay district was built out to allowed heights - and show the buildings filling the building envelope.”

- *Asselin Comment Letter:* In their November 2, 2023 email, the commenter states “cumulative impacts of additional height and bulk allowances on all overlay parcels must be addressed now, or deferred until the EIR for the General Plan Update has been completed.” In their November 4, 2023 email, the commenter asserts that the analysis of impacts of the proposed Overlay should address “maximum future built-out in all proposed overlay zones, combined with those future contributing projects immediately surrounding downtown.”
- *Shockro Comment Letter:* The commenter states that the Draft IS/MND “demonstrates no vision of what a new downtown will look like.”
- *Hamilton Comment Letter:* The commenter asserts that the Draft IS/MND does not adequately study “parking and traffic in the downtown areas usage is intensifies” and states that the Draft IS/MND “treats the overlay as though it were merely an on-paper change rather than something that will translate into a built environment.” The commenter also states “The cumulative impacts of additional height and bulk allowances on all overlay parcels must be addressed now” and that “The overlay zone needs to be evaluated for how it will impact the Historic District in terms of creating walled off areas, building canyons and disrupting the texture of the built environment surrounding the Historic District.”
- *Sullivan Comment Letter:* The commenter asserts that the Draft IS/MND does not address the “cumulative effect that the zoning overlay will have on vistas, mass and bulk throughout downtown” and states that “cumulative impact[s] that 6-story (or greater) buildings will have on the context, integrity, and setting of our Historic Downtown have not been addressed.” The commenter asserts that “The cumulative impacts of additional height and bulk allowances on all overlay parcels must be addressed now, or deferred until the EIR for the General Plan Update has been completed.”

RESPONSE: Consistent with CEQA Guidelines Section 15064(d), in evaluating the significance of the environmental effect of a project, the City of Petaluma is required to consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project. As detailed throughout the Draft IS/MND, the reasonably foreseeable indirect physical changes associated with adoption of the proposed Overlay include future development on sites within the Overlay, which under specific criteria depending on certain findings being made would be permitted to achieve a maximum height of 75 feet, maximum lot coverage of 100%, and maximum FAR of 6.0.

As detailed in the proposed Ordinance, future development applications proposing a maximum height and lot coverage beyond what is currently permitted (45 foot height and 80% lot coverage) will be subject to an individual and project specific discretionary review process, subject to specific findings, at the time future applications are received. All future development projects located within the Overlay will be discretionary, which requires compliance in accordance with CEQA. As such, the Draft IS/MND programmatically evaluates the proposed Overlay and does not speculate as to the scale, scope, design, or proposed uses of future potential development project applications that may be received.

CEQA Guidelines Section 15146 Degree of Specificity acknowledges that the level of detail presented in the CEQA analysis must correspond directly to the underlying activity. It further provides that a construction project will necessarily be more detailed in the specific effects of the project than for that of a program level analysis such as a general plan or zoning amendment (such as the proposed Overlay) because the effects of construction can be predicted with greater accuracy. Section 15146(b) states that a zoning action should focus on the secondary effects that can be expected to follow from the proposed change, but need not be as detailed as CEQA analysis performed on specific construction projects that may follow. These considerations were applied in preparation of the Draft IS/MND, which contains a construction level evaluation of the Hotel and a programmatic evaluation of the proposed Overlay.

As further detailed in CEQA Guidelines Section 15064(d)(3) an indirect physical change is only required to be considered if that change is a reasonably foreseeable impact which may be caused by the project. A change that is speculative or unlikely to occur is not considered reasonably foreseeable. Because the Overlay does not propose physical development, what is reasonably foreseeable is future site-specific development proposals which may propose heights up to 75-feet and lot coverage up to 100%, subject to further discretionary analysis (e.g. Site Plan and Architectural Review, Conditional Use Permit) and public review by the City's advisory and decision-making bodies (e.g. Historic and Cultural Preservation Committee, Planning Commission, and City Council).

Commenters assertions that all lots within the Overlay would be developed to the maximum intensity allowed under the proposed Overlay is speculative, as all future applications would be subject to discretionary review based on project merits and with consideration of community benefits, architectural design, and consistency with City regulation, including the City's Historic Preservation objectives. An analysis of maximum intensity within the Overlay is not required under CEQA as redevelopment of sites within the Overlay would be contingent on several factors that are too speculative to represent a meaningful analysis. Furthermore, intensification of development within the Overlay is already anticipated by the General Plan and the proposed provision to potentially allow an increase in height and a greater FAR is fully discretionary and all applications would be subject to the City's Site Plan and Architectural Review (SPAR) process, CEQA analysis, and one or more public hearing. Therefore, based on review of public comments received to date, the IS/MND adequately evaluates reasonably foreseeable effects at the project specific level for the Hotel and at a programmatic level for the Overlay.

4.3. Master Response to Comments: Compatibility with Historic Commercial District, Aesthetic and Visual Resources

COMMENTS SUMMARY: Commenters generally assert that the hotel and future development under the proposed Overlay will be incompatible with and alter views of the Commercial Historic District. Commenters express opposition to the design of the proposed EKN Appellation Hotel.

LIST OF COMMENTERS:

- *Beardsworth Comment Letter:* The commenter states that the project “would visually destroy the old town center, dwarf the Registered Historical Buildings and the “A” Street Historical District” and provides additional assertions that the project is not compatible with the Historic District.
- *Vota Fok Comment Letter:* The commenter states “This hotel does not maintain the look of Petaluma and will not enhance our downtown – which draws locals and outsiders.”
- *Dowd Comment Letter:* The commenter states “This hotel does not maintain the look of Petaluma and will not enhance our downtown – which draws locals and outsiders.”
- *Asselin Comment Letter:* In their November 2, 2023 email the commenter provides several assertions that the proposed hotel and overlay are incompatible with the historic district. Related to the Overlay, the commenter states “The proximity of the three overlay zones to the boundaries of the National Register Historic Commercial District has the potential for an adverse effect due to the risk of visually “walling off” sections of three and four story historic buildings with six and seven-story structures.” Related to the hotel, the commenter makes several statements such as the “height and bulk affect scenic vistas within historic downtown”, “is not harmonious with the historic neighborhood”, and “will become the real “blight” downtown” among other statements.
- *Bates-Pintar Comment Letter:* The commenter states “Changing the downtown zoning to permit 6 stories in the historical district would be a travesty.”
- *Pintar Comment Letter:* The commenter states “Changing the downtown zoning to permit 6 stories in the historical district would be a travesty.”
- *Melissa Comment Letter:* The commenter states “3-4 stories would be more conforming with our downtown. 100% lot use is too much height and footprint.”
- *Alden Comment Letter:* The commenter states “in short, a new hotel squashed into that particular location, especially one as aesthetically-challenged as the one EKN is proposing, is not the right fit.”
- *Walcoff Comment Letter:* The commenter states that “a six story building is not compatible with our historic downtown.”
- *S. Miller Comment Letter:* The commenter requests that the Planning Commission also consider “the sight of a huge hotel in the center of town.”
- *Stewart Comment Letter:* The commenter states that the proposed hotel is “changing the whole atmosphere of this unique, historical town”
- *Schlactus Comment Letter:* The commenter states that the proposed hotel “will be creating an out of place eyesore that towers over all of downtown (like the ugly Salesforce tower in SF)”
- *Van Wiele Comment Letter:* The commenter states that “the modern aesthetic of the proposed hotel ruins the character of downtown” further clarifying that it looks “cheap

and boring” and stating that they believe that the developers should be required to “design an exterior that looks like it belongs there.”

- *T. Gracyk Comment Letter:* The commenter states that they believe any building over four (4) stories in the downtown will compromise the historic character.
- *Fields Comment Letter:* The commenter states “We do not want any skyscrapers or any big tall buildings in our historic downtown Petaluma.” Comments provided also suggest that the hotel does not comply with ordinances and regulations, though not explicitly stated.
- *Howard Comment Letter:* The commenter states “What an absolutely horrible, ugly, oversized structure!! It does not fit in that location. (or really anyplace in our fair city...or what used to be our fair city...let's not ugly it up anymore than it already is.)”
- *Biaggi Comment Letter:* In the October 23, 2023 comment letter, the commenter states that the “proposed overlay in the historic center is way out of scale and will change the character of what is Petaluma’s most important feature – an authentic historic center close to and on the river at the gateway to the wine country.” Related to the hotel, the commenter states “besides being out of scale, the design is generic and uninteresting” and asserts that “obstructing views of our historic center as well as the surrounding landscape will be a problem.”
- *Friedrichsen Comment Letter:* The commenter states “3-4 stories would be more conforming with our downtown. 100% lot use is too much height and footprint.”
- *Bukszar Comment Letter:* The commenter asserts that “I’s very hard to believe that lovely Petaluma would allow a huge eyesore to be built in the center of town.”
- *Borghei Comment Letter:* The commenter asserts that the proposed Overlay will “change the existing skyline of the historic downtown area, blocking sunlight and solar energy for adjacent buildings.”
- *Goodman Comment Letter:* In response to information provided in the Draft IS/MND the commenter asserts that the project “does not preserve nor enhance Petaluma’s character”, “does not ensure that new development is in keeping with Petaluma’s character”, “Increasing building height, FAR, and eliminating setbacks will completely change the character of downtown”, “The Overlay will spread this negative impact out around town to build even more 6 story buildings”, “This is completely out of character for downtown Petaluma”, and “this proposal does not preserve Petaluma’s historic character, nor will a 6-story hotel “harmoniously coexist” with the historic character.”
- *Veith Comment Letter:* The commenter states “Petaluma does not need a monstrosity such as this in our historic downtown.”
- *Gilbert Comment Letter:* The commenter asserts that the design of the proposed hotel is out of character with the historic district.
- *Applegarth Comment Letter:* The commenter states that the hotel building detracts from the unique and appealing characteristics of the city.

- *Kerr Comment Letter:* The commenter asserts that the hotel building will ruin the “the quaintness of Petaluma, our history and the reason many outside our community visit here.”
- *Woodriff Comment Letter:* The commenter states “this proposal does not preserve Petaluma’s historic character, nor will a 6-story hotel “harmoniously coexist” with the historic character.
- *Spalding Comment Letter:* The commenter asserts that they believe “our money is more well spent fixing the roadways, then adding a hotel and destroying our beautiful historical town”
- *Enright Salvia Comment Letter:* The commenter states “EKN represents to me a rather ugly type of urban brutalist design which also steals aesthetically pleasing and useful sidewalk space.”
- *Pagett Comment Letter:* The commenter states that they are not in favor of the proposed Overlay and requests that the city’s decision-making bodies “do not endanger those assets” by adopting the proposed Overlay.
- *Shockro Comment Letter:* The commenter asserts that “The hotel will have significant adverse aesthetic impacts on our historic downtown.”
- *Lipps and Musser Comment Letter:* The commenter suggests that the hotel is incompatible with the surrounding historic buildings and historic district.
- *Andrews Comment Letter:* Related to the hotel, the commenter states that the “size and scale of this is completely unacceptable” further stating that the building “does not fit the historic nature of the downtown district.”
- *Bell Comment Letter:* Regarding the EKN Appellation Hotel, the commenter states “It’s simply too tall and will dwarf the other buildings.”
- *Cherney Comment Letter:* The commenter states “The new zoning plan/overlay and 6-story hotel are just horrendous. It will destroy the quiet, historic beauty of our town and turn it into another Big box monstrosity.”
- *Childs Comment Letter:* The commenter states “Do not ruin our beautiful downtown area with a huge hotel! With so much destruction happening all over the world of historic sites we need to protect what still exists and that includes downtown Petaluma!”
- *Crawford Comment Letter:* The commenter asserts that the Hotel component of the project will “alter the skyline and architectural landscape of Petluma,” stating generally that the project will be detrimental.
- *Hamilton Comment Letter:* The commenter states “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.” 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 an unacceptable impact that is not mitigated by what it contributes to the common good.”

- *Haney Comment Letter:* The commenter states “Our historic downtown is a unique environment that modern high-rise architecture will destroy.”
- *LaPlante Comment Letter:* The commenter states “A taller building will dwarf will quaint architecture of our downtown area.”
- *Mabardy Comment Letter:* The commenter states “The idea of a large 6-7 story hotel building will change the feel of the downtown area and I feel is inappropriate.”
- *Macer Comment Letter:* The commenter states that the design of the hotel should be “carefully executed to fit in with the general style of the main buildings downtown.”
- *K. Miller Comment Letter:* The commenter states that they “want to preserve the historic view-sheds of our iconic hills and our 1, 2 and 3-story historic structures” further asserting that “A modern 7 story hotel does not belong downtown it will destroy the ambiance and ruin most popular reason people visit the Historic Petaluma downtown district.”
- *Portelli Comment Letter:* The commenter asserts opposition to the project, specifically stating that the project will redesign the “historic downtown into one that has lost its identity, its roots.”
- *Pratt Comment Letter:* The commenter asserts opposition to the design, height, and location of the hotel, citing concerns related to the “modern brutalist design.”
- *Rowe-Palacios Comment Letter:* The commenter states that the proposed Overlay will “greatly reduce the historic feeling that visitors enjoy and experience when they come to our town.” Related to the hotel, the commenter states “The height of the hotel, as proposed, is totally out of cinque with the historic buildings surrounding that area.”
- *Russell Comment Letter:* The commenter states that the project “would fracture our iconic downtown.”
- *Savarese Comment Letter:* The commenter states their opposition to the proposed Overlay and hotel stating “ I strongly feel these changes would be a serious detriment to our downtown.”
- *G. Smith Comment Letter:* The commenter states “Anything more than a three-story building does not belong in Petaluma. Esthetically it would be ridiculous!”
- *Storm Comment Letter:* The commenter states that the hotel design does “not respect or enhance what makes Petaluma such a special place.”
- *Tavares-Buhler Comment Letter:* The commenter asserts that the hotel “will overshadow the lovely and walkable and friendly neighborhood” and that “Allowing a building of this height would also set an unfortunate precedent, as other builders would seek to build towers downtown. When I walk downtown, the buildings are low enough

that we get sunshine and blue skies and a feeling of openness and walkability that will be lost if have many more buildings over 3 stories.”

- *Turrel Comment Letter:* The commenter states “The General Plan and zoning amendments would harm Petaluma's unique historic downtown charm” noting that new development proposing 75-foot height and 100% lot coverage maximums would overshadow “some of the most quaint historically significant buildings.”
- *Walters Comment Letter:* The commenter states that they are opposed to the hotel as currently designed.
- *Sullivan Comment Letter:* The commenter states that “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.” The commenter further asserts that the proposed Overlay and Hotel are incompatible with the Historic District.
- *Albertson Comment Letter:* The commenter states general opposition to the height and size of the building within the Historic District.
- *Cohen Comment Letter:* The commenter states their opposition to the proposed hotel stating “it would be totally out of scale with the surrounding buildings and out of keeping with the character of the downtown area.”
- *Bornheimer Comment Letter:* The commenter states that “the existing building height limits in the General Plan are correct and adequate for historic downtown Petaluma.”
- *Botta Comment Letter:* The commenter states that “allowing the building of high rise buildings, any kind of high rise building, would destroy the special, and very rare environment that our special town has.”
- *Gallagher Comment Letter:* The commenter states that the hotel “does not fit the character of our beautiful downtown.”
- *Gavre Comment Letter:* The commenter asserts that the hotel size and design are incompatible with the Historic District and that the overlay “will affect so many more buildings in the downtown area totally ruining the small town quality of Petaluma.”
- *Gerhard Comment Letter:* The commenter asserts opposition to development of the hotel and future development under the overlay within the Historic District.
- *Gulick Comment Letter:* The commenter states that the hotel does not complement the historic architecture in downtown Petaluma.
- *Hansen Comment Letter:* The commenter states that the proposed project will “jeopardize the invaluable and irreplaceable historic character of this city.”
- *Jobson Comment Letter:* The commenter suggests that the project will destroy the historic downtown.
- *Markovich Comment Letter:* The commenter asserts their opposition to “having six stories or more buildings in our historic downtown district.”

- *Perlich Comment Letter:* The commenter states “Adding multi-story modern boxy architecture to our wonderful historic district adds nothing to what makes us special. It detracts from it.”
- *Price Comment Letter:* The commenter states “If we want to preserve the history and the charm of our town, please do not put that hotel in the heart of downtown and keep our downtown at its current 1, 2 and 3 story heights!”
- *Richardson Comment Letter:* The commenter states “Please don’t completely change the character of our town by allowing tall buildings in the downtown area.”
- *Sasser Comment Letter:* The commenter states “please preserve the unique historic character of our downtown and deny the zoning overlays and the non-confirming EKN development.”
- *Wiessler Comment Letter:* The commenter states “the erection of this proposed Hotel would be the worst possible change to Petaluma you could inflict” stating that character of downtown Petaluma would be “forever marred.”
- *Wurr Comment Letter:* The commenter states “please do not jeopardize historic Petaluma’s Main Street.”
- *Anderson Comment Letter:* The commenter states “I’m against the building of a 6 story hotel in our beloved downtown. It would destroy the historical character of the area and will be an eyesore to our community.”
- *DeLucca Comment Letter:* The commenter states “please don’t put that monster of a hotel in the middle of our beautiful downtown area.”
- *Hittenberger Comment Letter:* The commenter asserts that the proposed Overlay “puts our Historic District and Main Street status in jeopardy.”
- *Irvine Comment Letter:* The commenter states that the proposed Overlay “would destroy the downtown’s character.”
- *Alexander Comment Letter:* The commenter asserts that the project will alter the character of the downtown area.
- *Atkinson Comment Letter:* The commenter states that the hotel and other buildings in the historic district are not compatible.
- *Davies Comment Letter:* The commenter states that the project would undermine “the charm of our historic district.”
- *Donaldson Comment Letter:* The commenter states “This generic over-sized hotel will destroy Petaluma’s charm.”
- *Lakatos Comment Letter:* The commenter states that the proposed hotel “will change the character of downtown.”
- *Wagner Comment Letter:* The commenter states “a structure of 7 stories (proposed hotel by EKN specifically) on the corner of B Street and Petaluma Boulevard will alter the human-friendly, open view shed of downtown irreparably.”

- *Heikel Comment Letter:* The commenter states that “a 4 story let alone a 6 story hotel is an eyesore for our skyline.”
- *Tryncw Comment Letter:* The commenter states that the Overlay will result in “impacts on the character of our downtown will be irreversible.”
- *Dalldorf Comment Letter:* The commenter states “the existing building height limit is critical in preserving the consistency of Petaluma’s streetscape and the physical interface between modern buildings and our unique, historic structures which define Petaluma.”

RESPONSE: As required by CEQA, the Draft IS/MND analyzes impacts of reasonably foreseeable indirect physical changes associated with adoption of the proposed Overlay and direct physical changes associated with development of the proposed Hotel including an assessment of impacts relative to aesthetic and visual resources specifically within and adjacent to the historic district and eligible/potentially eligible individual historic resources. Due to the presence of existing age-eligible structures which could have historic significance as well as the Overlay’s proximity to existing historic resources, and partial overlap within portions of the Historic District (limited to 4 parcels, none of which are considered historic or are identified a contributors to the Historic District), the Draft IS/MND determines that the proposed Overlay could result in potentially significant impacts to historical resources. However, the Draft IS/MND concludes that through implementation of proposed mitigation measures and compliance with standard City procedures (e.g. Site Plan and Architectural Review), as well as compliance with the proposed Overlay provisions in and of themselves, potential impacts will be reduced to less than significant levels. As proposed, mitigation measures to reduce potential impacts to historic resources as a result of the Overlay are sufficient and effectively address potentially significant impacts of reasonably foreseeable changes in the environment. The City of Petaluma as the Lead Agency under CEQA may also rely on site-specific visual analyses and historic resource evaluations for future development applications as required by Mitigation Measures OVL AES-1 and OVL C/TCUL-1, to identify project specific measures to address on-the-ground environmental conditions such as project specific Historic Resource Evaluation(s), viewshed considerations, compliance with Secretary of the Interior Standards, and consistency with the City’s Historic Commercial District Guidelines. Furthermore, the Site Plan and Architectural Review (SPAR), Historic Site Plan and Architectural Review (HSPAR), and Conditional Use Permit (CUP) review process, provides a mechanism within which impacts to historic resources are assessed. Furthermore, all projects are required to demonstrate overall compliance with General Plan policies including policy 3-P-7, which specifically calls for the protection of historic resources for their aesthetic contributions, maintaining the character of the Historic District, and review by the HCPC. In addition, the Overlay requires findings including demonstrating harmony in proportion to new buildings and relative to adjacent development; that buildings with heights above 45-feet make a positive contribution to the overall character of the area and be compatible with surroundings; that the additional height would not cause a substantial adverse change in the significance of a historical resource that is onsite or adjacent to the site; and 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. The City’s discretionary review authority provides a consistent

process in addressing impacts associated with visual incompatibility and/or alteration of views of and within the Commercial Historic District.

Compliance with existing City regulation (discretionary review process and findings), as well as through the proposed Overlay, coupled with the programmatic mitigation measures proposed in the Draft IS/MND for the Overlay, adequately address concerns associated with potential incompatibility and/or alteration of views of and within the Commercial Historic District.

Development of the proposed EKN Appellation Hotel represents a site-specific development that could occur under the proposed Overlay, and within the City's established Historic District.

As described in the Draft IS/MND, the proposed design of the hotel generally complies with the Historic Commercial District Design Guidelines and Secretary of the Interior Standards. This conclusion is supported by the Historic Compliance Report, which finds consistency based on New Construction façade proportions, composition, detailing, materials, colors, and set back from existing historic buildings within and adjacent to the site, as well as the finding that the proposed modern design of the Hotel does not attempt to mimic historic development characteristics. Furthermore, through the HSPAR and CUP formal review process for the proposed Hotel, design modifications may be incorporated as directed by the City's Historic and Cultural Preservation Committee and Planning Commission, which will ensure the project is consistent with the Design Guidelines, Secretary of the Interior's Standards, and meets the findings required for HSPAR and CUP approval. As such, with mitigation proposed in the Draft IS/MND specific to the proposed Hotel, and the City's HSPAR and CUP process and required findings, potential impacts associated with incompatibility and/or alteration of views of the Commercial Historic District were determined to be less than significant.

Contrary to commenters assertions the Draft IS/MND adequately discloses potential impacts to aesthetic and visual resources, as well as potential incompatibilities related to the City's Historic District. Therefore, no changes to the Draft IS/MND are warranted.

4.4. Master Response to Comments: Traffic and Parking

COMMENTS SUMMARY: Commenters assert that the project will exacerbate traffic congestion and lacks sufficient parking.

LIST OF COMMENTERS:

- *Walcoff Comment Letter:* The commenter states that the EKN Appellation Hotel would "exacerbate parking congestion and add too much traffic to an already overcrowded area."
- *S. Miller Comment Letter:* The commenter requests that the Planning Commission "reconsider all the traffic, congestion, etc that will come from this [hotel] project."
- *Schlactus Comment Letter:* The commenter expresses concern related to parking for the proposed hotel, noting that operation of the hotel will result in parking on nearby streets. The commenter also expresses concern for downtown merchants and parking for their establishments. The commenter further asserts that operation of the hotel will result in "more traffic than those skinny streets can handle."

- *Biaggi Comment Letter:* In the October 23, 2023 comment letter, the commenter states that the hotel will result in issues related to parking and increased traffic in the town center.
- *Goodman Comment Letter:* The commenter states “the hotel will not address traffic congestion and parking issues, in fact it will exacerbate the current traffic congestion and parking issues we are now dealing with.” The commenter also states that “The hotel will cause more traffic on the freeways, more pollution, and jamming up downtown streets.”
- *Woodriff Comment Letter:* The commenter states “the hotel will not address traffic congestion and parking issues, in fact it will exacerbate the current traffic congestion and parking issues we are now dealing with.”
- *Spalding Comment Letter:* The commenter suggests, though does not explicitly state, that the project will result in increased traffic congestion.
- *Drake Comment Letter:* The commenter suggests that the project will result in traffic congestion and lack of parking.
- *Enright Salvia Comment Letter:* The commenter states the hotel component of the project will not provide “enough parking for the people who are going to be driving there to stay.”
- *Andrews Comment Letter:* The commenter asserts that the hotel component of the project will contribute to traffic congestion.
- *Bettinelli Comment Letter:* The commenter expresses concerns related to traffic as a result of the Hotel component of the project, stating “The area is just too small for a big hotel. Most people will travel by car to get here. There are already too many cars downtown.”
- *Hamilton Comment Letter:* The commenter states “The traffic impact study for the hotel is inadequate. Aside from the obvious problems that will occur during the construction phase, there will be ongoing congestion on B street and PBN during operations for deliveries, hotel guest parking, and restaurant customers. The parking assumptions made in the report are not believable. Guests will not be arriving via public transit or uber. They will be visiting the area and traveling to the coast, wine country and the redwoods during their stay. A Charlie Palmer restaurant will be drawing patrons area wide and not just from hotel guests. 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 Cove which have already been approved.”
- *Mabardy Comment Letter:* The commenter states “Parking is already an issue and increasing the number of cars will only exacerbate the problem.”
- *Rowe-Palacios Comment Letter:* The commenter states that the proposed hotel will result in “horrendous traffic and pedestrian deaths caused by the hotel traffic congestion on that corner.”

- *Albertson Comment Letter:* The commenter expresses concerns related to the number of parking spaces proposed by the hotel component of the project.
- *Wiessler Comment Letter:* The commenter states that “the already difficult traffic situation would be greatly exacerbated for walkers, bikers and drivers.”
- *Davies Comment Letter:* The commenter states “B Street at Petaluma Blvd. is already often a severe traffic choke point, so a careful study of the increased traffic impacts and the consequences of driving traffic onto existing side streets must also be considered.”

RESPONSE: With regard to traffic congestion, the Draft IS/MND describes the anticipated trip generation associated with the hotel, which is based on technical information provided in a Traffic Impact Study (TIS) prepared by W-Trans (Appendix L to the IS/MND). As detailed in the Draft IS/MND, the TIS provides information on existing intersection operations and analyzes intersection operations for the following three scenarios:

- 1) existing plus project scenario, which adds project-generated trips to existing volumes;
- 2) future scenario, which is based on the 2040 horizon year from data maintained by the Sonoma County Transportation Authority (SCTA); and
- 3) future plus project scenario, which adds project-generated trips to anticipated future volumes.

As provided in detail in the Draft IS/MND, intersection operations resulting from the addition of project-generated trips to existing and future conditions will be similar, with level of service (LOS) operations remaining the same both with and without the proposed project. Increase in delay as a result of the project at each study intersection is minimal, with the greatest increase being 2.8 seconds under the existing plus project scenario at the intersection of Petaluma Blvd./Western Avenue. As further detailed in the Draft IS/MND, under the future and future plus project scenario, the intersection of Petaluma Blvd./D Street will operate at LOS E. Although LOS E is considered unacceptable pursuant to General Plan policy 5-P-10, it was previously anticipated by the General Plan EIR that this intersection would operate at LOS E at General Plan buildout, and a statement of overriding considerations was adopted. 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. Furthermore, pursuant to SB 743, LOS is no longer permitted to be utilized as a measure for determining environmental impacts, rather, the VMT metric pursuant to CEQA Guidelines Section 15064.3(b) shall be relied upon. The Draft IS/MND determined that the project will have a less than significant impact on VMT given that it is located within one-half mile of a major transit stop, the floor area ratio (FAR) is not less than 0.75, it does not include more parking than required by the City, is consistent with Plan Bay Area, and does not replace affordable residential units.

Additionally, the Hotel proposes to install a bus stop and shelter along Petaluma Blvd. North, north of the site, which is consistent with General Plan policies that seek to improve the overall transportation environment to reduce reliance on the automobile and thereby reduce congestion. Although the project will add additional vehicles to the circulation system, an

increase in vehicles trips were previously anticipated in the General Plan and General Plan EIR. Furthermore, the Hotel's inclusion of sidewalks at the site frontage, and incorporation of a bus stop and shelter along Petaluma Blvd. North is consistent with the City's General Plan. Finally, the Draft IS/MND identified mitigation measures EKN TRA-1, requiring that a Valet Service Plan be prepared for review and approval by the City traffic engineer, which will reduce potential conflicts between pedestrians and vehicles utilizing the valet service.

With regard to parking, the hotel will provide for 58 onsite stalls and is located partially within the City's parking assessment district and therefore has a reduced parking requirement as compared to sites located outside the parking assessment district. Furthermore, parking is not considered an environmental impact under CEQA and since the project complies with the applicable regulations for onsite parking, no additional analysis or discussion for purposes of compliance with CEQA is warranted.

Therefore, based on comments received, no revisions to the Draft IS/MND are warranted due to concerns regarding traffic congestion and parking availability.

4.5. Master Response to Comments: Geology and Soils

COMMENTS SUMMARY: Commenters assert that the project will result in impacts associated with constriction of the proposed subterranean garage.

LIST OF COMMENTS:

- *Beardsworth Comment Letter:* In the November 2, 2023 email, the commenter states "Any subterranean project has a significant exposure to loss at the site itself and to the surrounding suburban area. The initial report for the "hotel" identifies 4.7 ground shaking, liquefaction, erosion and unstable geologic unit. This exposure requires significantly more analysis and is of catastrophic potential. Similarly, in a historically sensitive area with Registered Historic Buildings and the "A" Street Historic District in close proximity to the site, any settlement and lateral movement of the ground as a result of excavation would be devastating to these structures." Further on in the email, the commenter also states "The hotel proposal is extremely problematical with subterranean construction. There are inherent issues with seismic waves and ground vibrations not to mention the resultant structural and cosmetic damage to nearby structures and historic buildings during construction and settlement thereafter. There is no way to mitigate this effect except to relinquish the plan of construction underground."
- *Asselin Comment Letter:* In the November 2, 2023 email, the commenter expresses concerns related to construction of the subterranean garage specifically expressing concerns related to groundwater entering the garage as a result of the building's engineering failing.
- *Biaggi Comment Letter:* In the November 5, 2023 comment letter, the commenter states that "To make such radical changes we need time to fully consider the consequences." One such consequence the commenter suggests as needing to be

considered relates to geological considerations for the hotel's proposed subterranean garage.

- *Sullivan Comment Letter:* The commenter states “with an underground structure (garage) specifically, there is an increased risk of inundation due to climate change impacts and the associated increased flood risk.”
- *Albertson Comment Letter:* The commenter suggests that the “water table may be too high for any underground parking.”

RESPONSE:

The Geology and Soils section of the Draft IS/MND includes a discussion of the proposed subterranean garage. This section of the Draft IS/MND relies on the site-specific Geotechnical Report which concludes that construction of the garage is feasible and provides recommendations for construction including lateral shoring and dewatering. Additionally, the Draft IS/MND imposes mitigation measures EKN GEO-1 through EKN GEO-3, which ensures compliance with the technical recommendations identified in the Design Level Geotechnical Investigation prepared by qualified civil engineers, subject to review and acceptance of a final report by the City.

Based on the analysis in the Draft IS/MND which relies on expert opinion supported by facts and technical studies, there is no evidence that construction of the subterranean garage will result in geological impacts, including inundation from groundwater. Furthermore, climate change impacts represent an impact of the environment on the project, where CEQA requires impacts of the project on the environment.

Therefore, based on comments received, no revisions to the Draft IS/MND are warranted due to concerns regarding traffic congestion and parking availability.

4.6. Master Response to Comments: Air Quality

COMMENTS SUMMARY: Comments generally assert that the project will result in increased air quality and greenhouse gas emissions (e.g. increased pollution).

LIST OF COMMENTS:

- *Beardsworth Comment Letter:* In their November 2, 2023 email the commenter states related to air quality impacts that construction of the hotel will result in a “significant health risk to seniors and health impaired individuals during this phase and beyond” and asserts that incorporation of best management practices during construction “cannot be mitigated.”
- *Biaggi Comment Letter:* In the October 23, 2023 comment letter, the commenter states that proposed hotel will increase pollution.
- *Goodman Comment Letter:* The commenter states that the hotel will cause “more pollution.”

RESPONSE: The Draft IS/MND fully evaluates the potential air quality impacts associated with construction and operation of the proposed Hotel. The Draft IS/MND relies upon a Construction

Health Risk & Greenhouse Gas Assessment prepared by Illingworth & Rodkin, provided in Appendix B, which quantified air quality and greenhouse gas emissions in accordance with BAAQMD criteria, and assessed potential health risks associated with project construction. The Draft IS/MND found that potential impacts associated with operation of the Hotel would be less than significant and that with Mitigation Measures EKN AQ-1, EKN GHG-1, and EKN GHG-2, temporary construction emissions would be reduced to levels below significance. As such, contrary to commenters' assertions the Draft IS/MND adequately disclosed, analyzed, and addressed potential air quality impacts. Therefore, no changes to the Air Quality, Health Risk, or GHG analyses as presented in the Draft IS/MND are warranted.

4.7. Master Response to Comments: Cumulative Impacts

COMMENTS SUMMARY: Commenters assert that the Draft IS/MND does not include a discussion of cumulative impacts.

LIST OF COMMENTS:

- *Asselin Comment Letter:* In their November 2, 2023 email, the commenter states that “cumulative environmental impact analysis is missing from sections 4.1a, 4.1c, 4.5, 4.13a, 4.15, and 4.17.”
- *Hamilton Comment Letter:* The commenter states that cumulative environmental impacts must be evaluated, asserting that the cumulative environmental impact analysis in the Draft IS/MND is missing.
- *Sullivan Comment Letter:* The commenter states “in regards to the zoning overlays, the cumulative impacts of numerous, up to 8-story buildings on traffic, emissions, fire, flooding, surface water and groundwater, etc have to be assessed.”

RESPONSE: Cumulative impacts are discussed in the Mandatory Findings of Significance section of the Draft IS/MND, as well as within the analyses prepared for the Transportation, Air Quality, Greenhouse Gas, Energy, and Hydrology and Water Quality sections. Furthermore, as detailed throughout the Draft IS/MND, parcels within the Overlay were already planned for development and cumulative impacts were previously evaluated in the General Plan EIR. Although the proposed Overlay will allow for intensification of building form through increased height and lot coverage, the cumulative impacts of General Plan buildout (e.g. increased intensity, growth, and density), were analyzed in the General Plan EIR. The Draft IS/MND concludes that with adherence to City regulatory processes (e.g. HSPAR and SPAR), and implementation of mitigation measures the proposed project would not result in cumulative impacts. Furthermore, all future, site-specific developments will be subject to subsequent discretionary review, including an independent CEQA analysis, which will identify site-specific impacts and appropriate mitigation measures, as necessary. In general, incorporation of best management practices and compliance with state, regional, and local regulations, and overall consistency with General Plan policies, ensure that individual projects do not result in cumulative impacts. Therefore, cumulative impacts of the project have been adequately addressed and no changes to the Draft IS/MND are warranted.

5. PUBLIC COMMENTS AND RESPONSES

The following includes a summary of comments received by individual members of the public, identified by the commenter's last name. The comments below are responded to individually as they represent distinctive comments that do not fall fully within the themes of the Master Responses provided above. All comment letters were reviewed to address environmental concerns. Comment letters related to environmental impacts and comments on the environmental review document are included in Attachment 1. Responses to individual comments unique to each commenter and not otherwise addressed in the Master Response to Comments above in Section 4 are enumerated and addressed below.

5.1. Beardsworth Comment Letter (November 2, 2023)

Comment #1: The commenter asserts that “the most significant impact is Aesthetics” and that impacts cannot be assessed until story poles are installed, so that individuals can “see the impact from the Washington Overpass, McNear Peninsula and Rocky Memorial Dog Park.”

Response #1: The conclusion in the Draft IS/MND that the project will result in less than significant impacts is based on a view analysis provided in the Hotel plan set SPAR-A2.6 (6.9.2022), which demonstrate that the Hotel project will be visible from the Washington Overpass, McNear Peninsula, and Rocky Memorial Dog Park. Although the Hotel is among the building forms visible within the downtown core from these viewpoint, it is not distinct and does not substantially alter views of hillsides and ridgelines beyond. Also see Master Response 4.3.

Comment #2: The commenter asserts that the project will result in impacts to biological resources resulting from removal of street trees, and as a result of bird collisions.

Response #2: The Draft IS/MND includes mitigation measures that require pre-construction bird nesting surveys prior to removal of street trees (Mitigation Measure EKN BIO-1) and incorporation of design features such as window screens and coverings, window glazing, and overhangs to minimize risks of collisions with migrating avian species (Mitigation Measure EKN BIO-2) which will mitigate potential impacts to nesting and migrating birds. As such the Draft IS/MND adequately considered potential impacts due to street tree removal and the potential impacts associated with bird collisions of the new Hotel building.

Comment #3: The commenter states that “excavation of two stories below grades constitutes wasteful, inefficient, and unnecessary consumption of energy.”

Response #3: As detailed in the Draft IS/MND, the project is required to implement Mitigation Measure EKN GHG-1, which includes the most recently adopted BAAQMD best management practices that would minimize the inefficient, wasteful, and unnecessary consumption of energy during construction. The Energy Section of the Draft IS/MND discusses the energy demands associated with construction and operation of the proposed Hotel. No changes to the Draft IS/MND are warranted to respond to this comment.

Comment #3: that the commenter state that “it appears there has been no consideration given to the fact that the “Overlay” and the “hotel” are only 2 blocks from the Petaluma River. Despite the talk of “Sea Rise” the river is apparently not within the scope of any change in sea

levels. The study only relies on the FEMA maps and the flood prevention work completed by the Army Corps of Engineers - which has not proved effective in the last decade.”

Response #3: The Draft IS/MND provides a setting discussion which characterizes the site’s location locally and regionally including its proximity to the Petaluma River and within Downtown Petaluma. Sea level rise impacts represent an impact of the environment on the project whereas CEQA review is limited to the impact of the project on the environment. No additional review with regard to sea level rise is warranted. Further, the Hotel project, as with all development projects within the City must adhere to established stormwater runoff and discharge requirements subject to review and approval by the City engineer prior to issuance of a building permit.

Comment #4: The commenter states that the Draft IS/MND “does not seem to have taken into consideration the fact that additional development will necessarily consume a significant amount of additional water and sewage disposal requirements.”

Response #4: The Draft IS/MND includes a discussion of such issues in the Utilities and Service Systems section. Information contained in the Draft IS/MND relies on technical information contained in the City’s General Plan and Urban Water Management Plan. Additionally, the cumulative effects of buildout from the General Plan including intensification citywide and downtown were analyzed in the General Plan EIR. Furthermore, the Hotel project is subject to development impact fees, which fund ongoing maintenance and incremental expansion of infrastructure. Water demands and wastewater discharge requirements generated by the proposed Hotel are well within the City’s planned projections for utilities. Therefore, no further analysis is required.

Comment #5: The commenter disagrees with the conclusion in Draft IS/MND that impacts relate to traffic hazards will be less than significant. The commenter states specifically that elimination of the unsignalized crosswalk is significant as it “provides an essential link, given the speed and number of vehicular traffic, for pedestrians to cross the road with any safety. Further, the installation of a new driveway to enter the subterranean parking (adjacent to ACE Hardware) will be a huge hazard to pedestrians.”

Response #5: The conclusion in the Draft IS/MND is based on evidence and recommendations in the Traffic Impact Study. Contrary to the commenter’s assertion, removal of the midblock crosswalk on B Street between Petaluma Blvd. and 4th Street is proposed to increase pedestrian safety as the current location of the crosswalk does not meet design standards contained in the Manual on Uniform Traffic Control Devices (MUTCD). One signalized crosswalk (located at the intersection of B Street/Petaluma Blvd.) and one stop-controlled crosswalk (located at the intersection of B Street/4th Street) are located within 150 feet of the crosswalk to be removed and provide increased pedestrian safety due to their controlled status. With regard to the proposed driveway on B Street, as stated in the Draft IS/MND, , there is adequate sight distance in all directions, allowing for motorists to see and yield to approaching pedestrians. Also see Master Response to Comment 4.4.

Comment #6: The commenter asserts that “any development in this downtown area will result in increases in the ambient noise” and that “Any construction in this focused area will significantly affect the business and residential areas. Any construction should be completed in the area at the same time so residents, businesses and visitors do not have to live through a decade of construction.”

Also related to noise, the commenter states that “There is no provision in the “analysis” to account for any noise as a result of the hydraulic lifts proposed to be utilized in the subterranean parking. This is not credible.”, and that, “The Study assumes the same level of noise from traffic currently. This is a false assumption because the more development in the vicinity, on this block and other developments in the downtown area completed and proposed, will only serve to exponentially increase.”, and that there will be noise impacts associated with operation of the new bus stop.

Response #6: The Noise section of the Draft IS/MND states that operation of the proposed Hotel will contribute to the ambient noise environment. The analysis in the Draft IS/MND relies on technical information which concludes that noise levels associated with mechanical equipment and operation of the rooftop at the nearest sensitive receptor will be within the noise limits established by the City. With regard to noise associated with operation of the below ground parking stacker, the noise range associated with operation is 46 to 54 dBA¹, which is within the City’s established noise thresholds. Furthermore, the below ground and enclosed location of the parking stacker will attenuate noise, such that it is imperceptible and indistinct from ambient noise within the city’s downtown.

With regard to traffic-related noise, the Draft IS/MND relies on the technical Noise and Vibration Assessment (Appendix K), which states that a significant noise impact occurs if a project generates enough traffic to increase noise levels by 4 dBA. The analysis further clarifies that existing traffic volumes on nearby roadways would have to double to result in an increase in 3 dBA and that based on the projected traffic volumes for the Hotel, an increase of less than 1 dBA CNEL is anticipated.

As discussed throughout the Draft IS/MND, all future development projects within the proposed Overlay will be subject to discretionary review, and as detailed in the Noise section of the document, will be required to submit project-specific acoustical analysis (Mitigation Measure OVL NOI-1). In addition, noise associated with operation of the new bus stop will be consistent with the existing traffic noise environment and will not increase existing noise levels by 4 dBA. Furthermore, the General Plan EIR analyzed cumulative noise impacts from buildout of the General Plan, which anticipates incremental increases in the ambient noise environment. Therefore no further analysis of noise impacts are warranted and the Draft IS/MND provides an adequate assessment of ambient noise conditions and potential noise considerations within the Overlay.

¹ Based on noise reading taken for the Park Plus Double Stacker DP003 in Los Angeles, CA, August 2, 2019. Information provided by Fnan Araia, VP of Business Development – Western US, PARKPLUS, INC.

Comment #7: The commenter asserts that the project will result in inadequate emergency response.

Response #7: As detailed in the Public Services section of the Draft IS/MND, all public services within the City of Petaluma are adequate to accommodate development within the Overlay. Additionally, all future development will be subject to independent discretionary review, including review and conditions by emergency personnel, as well as compliance with CEQA. Furthermore, the General Plan EIR analyzed cumulative impacts from buildout of the General Plan, which anticipates incremental increases in the demand for emergency services. In addition, all projects, including those proposed within the Overlay are required to pay applicable development impact fees. Therefore, the Draft IS/MND adequately discloses potential impacts to emergency response and no changes are warranted.

Comment #8: The commenter asserts that “The City is envisioning Utopia if it assumes that all citizens will use public transportation: SMART, Sonoma County and Petaluma Bus Transit, bicycle or walk. This is not reality.”

Response #8: The Draft IS/MND does not assert that all people will use alternative modes of transportation, but rather notes that based on proximity to alternative modes of transportation that some people may choose to walk, bike, or take transit to/from sites within the Overlay or people accessing the hotel. As provided in detail throughout the Draft IS/MND the project is consistent with regional and statewide plans and policies that seek to increase development in areas with existing transit services and other alternative modes of transportation to reduce reliance on automobile travel, thereby reducing air quality and GHG emissions, and consequently increasing energy conservation through reduced consumption of carbon. Allowing for increased building intensity within the City’s downtown core proximate to **goods** and services and within ½ mile of the SMART station is in line with state, regional, and local goals. No changes to the Draft IS/MND are warranted.

Comment #9: The commenter requests additional information on the information used in the Traffic Impact Study. Related to transportation, the commenter also asserts that the proposed bus stop will “impede vehicular traffic” and that parking for the hotel is inadequate.

Response #9: See above Master Response to Comments in Section 4.4 Traffic and Parking. Appendix L of the Draft IS/MND includes the detailed information requested by the commenter. The Traffic Impact Study was reviewed and accepted by the City’s Public Works and Utilities Department, as well as the Planning Division, including the methodology used for evaluating impacts consistent with industry standard and as required to comply with CEQA and the City’s SB 743 Implementation Guidelines. No changes to the Draft IS/MND are warranted.

5.2. Myers Comment Letter

Comment #1: The commenter states that “the mitigation provided is inadequate.”

Response #1: The commenter does not further elaborate or clarify why they believe proposed mitigation measures are inadequate, suggest ways to enhance draft measure, nor specify the

impact they believe would remain at levels above significance despite incorporation of proposed mitigation measures. Therefore, no further response is provided.

Comment #2: The commenter states that “aesthetics can only be mitigated with a good design and proper scale, and the same goes for overlay target areas.”

Response #2: The proposed hotel and all future development under the proposed Overlay are subject to review and approval of Site Plan and Architectural Review or Historic Site Plan and Architectural Review, and/or Conditional Use Permit applications, which require final approval by the City’s Planning Commission with recommendation from the Historic and Cultural Preservation Committee. As part of the discretionary review process, building design and scale are required to meet specific findings set forth in Chapter 24 of the IZO as well as specific additional findings proposed as part of the Downtown Housing & Economic Opportunity Overlay which, if approved by the Petaluma City Council, will be codified in Chapter 5 of the IZO. As such, the Draft IS/MND adequately identifies potential aesthetic impacts of the Overlay and Hotel and describes how such impacts will be reduced to levels below significance. See also Master Response 4.3.

Comment #3: The commenter states that “suggestions for thoughtful decisions must include a test of the veracity² of information being submitted, and a large dose of common sense” and provides that the environmental document should “include MTBE’s (gasoline additives) among potential contaminants” a “realistic look at the underground parking: impact/cost/flooding/potential rejection by a builder” and “mitigations based on reality vs inflated assumptions: re parking, traffic, view lines, etc.”

Response #3:

Analysis of impacts related to hazardous materials, flooding, transportation, and aesthetics contained within the Draft IS/MND relies on technical studies, applicable regulatory documents, and other substantial evidence to document findings. As the Hotel is a typical use with standard activities there is nothing unusual or unique that would prompt an evaluation of MTBEs. It should be noted that gasoline additives are regulated by the EPA and BAAQMD and are outside of the City’s jurisdiction. However, it should be noted that all development is subject to compliance with emission controls and subject to stormwater pollution prevention, which are designed to capture and filter contaminants that may be contained within the stormwater runoff. See also Master Responses above.

Comment #4: The commenter states that practical mitigation can happen by “supporting existing design standards for the hotel, and address zoning issues case by case; support in permitting property owners in remodeling and creative reuse efforts; supporting local efforts for preservation and green reuse (vs serving transactional developers); support the win/win solution of preserving our historic downtown AND building housing that is truly appropriate: in location, scale, desirability and affordability.”

² Conformity to facts; accuracy

Response #4: The recommendations provided by the commenter are not considered feasible mitigation under CEQA as the recommendations do not clearly identify the impact, nexus or rough proportionality between the recommended measures and the significant impacts of the project. No changes to the mitigation measures are warranted from this comment.

5.3. Asselin Comment Letter November 2, 2023

Comment #1: The commenter asks, related to future development of buildings up to 75-feet under the proposed overlay as well as for the proposed hotel “Does the Petaluma Fire Department currently have ladder truck equipment capable of evacuating occupants from this height?”

Response #1: All development projects within the City of Petaluma, including future development under the Overlay as well as the proposed hotel are subject to review and approval by the City’s fire department, which includes a review of all project’s for compliance with applicable regulations. Additionally, all projects must demonstrate compliance with the provisions of the Fire Code.

Comment #2: The commenter asserts that “comprehensive flooding analysis due to sea level rise” should be addressed now.

Response #2: As detailed in the Hydrology and Water Quality section of the Draft IS/MND, no portion of the proposed Overlay is located within the 100-year flood zone. Furthermore, sea level rise represents impacts of the environment on a project and not a project’s impact on the environment. As such, no further review of impacts associated with sea level rise is required.

Comment #3: The commenter asserts that future development within the Overlay will result in noise impacts and that the “cumulative impact of noise from planned development in and around downtown must be addressed now.”

Response #3: As detailed in the Draft IS/MND, all future development within the Overlay will be required to comply with Mitigation Measure OVL NOI-1, which requires preparation of site- and project-specific acoustical analyses at the time of project submittal. Furthermore, development on parcels within the Overlay was previously considered in the General Plan EIR and all future developments will be subject to independent discretionary review, including independent analysis pursuant to CEQA. See also Response #6 above in section 5.1.

Comment #4: The commenter asserts that the proposed “rooftop patio (with seating for approx. 100 patrons shown) does not have a parapet wall to help attenuate noise—it has a 48” glass railing, which will not temper noise to the same effect.”

Response #4: The Noise section of the Draft IS/MND states that operation of the proposed hotel will contribute to the ambient noise environment of downtown Petaluma. The analysis in the Draft IS/MND relies on technical information which concludes that noise levels associated with mechanical equipment and operation of the rooftop at the nearest sensitive receptor will be within the noise limits established by the City. The conclusion that noise will fall below established thresholds is based on the distance between the center of the patio area and the nearest receptor, in addition to attenuation provided by the hotel building itself. A parapet is

defined as “a low protective wall along the edge of a roof, bridge, or balcony” and can include a glass parapet. Based on the analysis in the Draft IS/MND which relies on expert opinion supported by facts and technical studies, there is no evidence that nearby residences will be adversely affected by noise associated with operation of the hotel. See also Response #6 above in section 5.1.

Comment #5: The commenter asks “What is the expected cumulative effect on response time and facilities of adding hundreds of new dwelling units with the overlay zones and immediately adjacent to Downtown

Response #5: The permitted residential density will not increase as a result of the proposed Overlay. Furthermore, the potential impacts of residential development on parcels located within the Overlay have been previously analyzed in the General Plan EIR and evaluated through the most recent Housing Element Update. Additionally, proposed development within the Overlay will be subject to discretionary review, which requires a CEQA analysis to evaluate potential project specific impacts at the time such development is proposed. Therefore, no changes to the Draft IS/MND are warranted to respond to this comment.

5.4. Schor Comment Letter

Comment #1: The commenter provides reference to a Technology, Entertainment, Design (TED) Talk by Vishaan Chakrabarti, entitled A Vision of Sustainable Housing for all of Humanity. The commenter suggested a maximum height of 48-feet for the proposed Overlay, referencing the Chakrabarti TED talk which the commenter states “clearly and thoughtfully demonstrates the potentially enormous benefits of lower rise, density housing/buildings for a more sustainable, carbon neutral environment.” The commenter further asserts that “lower rise buildings (four stories and under) are more sustainable as well as integrate and blend better with existing surroundings. Climate sustainability should be our number one criteria in the consideration of any new or adaptive use construction in our city.”

Response #1: The TED Talk referenced by the commenter provides a high-level design solution for addressing climate change. The commenter specifically references that portion of Chakrabarti’s assertion that lower rise buildings can be more efficient in achieving carbon reductions. Chakrabarti notes that towers are energy intensive to build and operate and suggests the row house model as a design solution. Chakrabarti asserts that this solution is more sustainable as it presents a model that houses a greater number of people when compared to single-family residences, reduces loss of environmental resources such as wetlands and forested areas, and provides a larger roof area when compared to towers that can in turn provide renewable energy (e.g. solar power) to both occupants of the building as well as to the larger community. Chakrabarti emphasizes that the suggested design is not a one-size-fits all solution, and should not be construed as prescriptive density or height maximums.

In general, the proposed Overlay achieves the general design solution presented by Chakrabarti as it proposes to intensify development in an area proximate to transit, goods, and services, thereby encouraging use of alternative modes of transportation and reducing reliance on automobile use.

5.5. T. Gracyk Comment Letter

Comment #1: The commenter asks how the stacked parking will function during power outages, and if the use of a generator is part of the proposed project. The commenter asks, if a generator is proposed as part of the project, what the associated impacts related to noise and air quality will be.

Response #1: There is no generator proposed as part of the Hotel component of the project. If a generator is proposed, compliance with applicable City standards addressing noise and air quality will be required. During a power outage, stackers would not be operable and valet would utilize available space within the parking structure. Any overflow parking demand would utilize available public parking within the Parking district and greater downtown area. This comment does not require revisions to the Draft IS/MND.

5.6. Biaggi Comment Letter November 5, 2023

Comment #2: The commenter asserts that the rooftop bar will need to close at 10:00 p.m. on weekends “due to noise factors and possibly sooner when the adjacent high-end neighborhood is adversely affected.”

Response #2: The Noise section of the Draft IS/MND states that operation of the proposed hotel will contribute to the ambient noise environment. The analysis in the Draft IS/MND relies on technical information which concludes that noise levels associated with mechanical equipment and operation of the rooftop at the nearest sensitive receptor will be approximately within the noise limits established by the City. Based on the analysis in the Draft IS/MND which relies on an acoustical technical study, there is no evidence that nearby residences will be adversely affected by noise associated with operation of the hotel.

5.7. Gilbert Comment Letter

Comment #1: The commenter asserts that the proposed mitigation measures “won’t begin to address the outrageous deviations from the current rules and regulations that all the rest of us must comply with.”

Response #1: As proposed, the Overlay will amend existing regulations to allow for increase height, lot coverage, and floor area ratio. Impacts of the proposed amendments to the City’s zoning regulation are discussed throughout the Draft IS/MND. The Land Use and Planning section of the Draft IS/MND also includes a discussion of impacts associated a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and concludes that impacts will be less than significant. Furthermore, the Overlay regulations themselves provide that specific findings be made and criteria achieved in order to qualify for consideration beyond the currently allowed zoning regulations. No changes to the draft mitigation measures are necessary to respond to this comment.

5.8. Goodman Comment Letter

Comment #1: The commenter states “Your Staff has stated that identified impacts can be reduced to “less than significant” with mitigation, however I did not see anywhere in the

proposal the exact mitigation efforts that will be taken, or how a 6-story hotel will mitigate visual blockage of downtown, or how a hotel will mitigate the lack of affordable housing in Petaluma.

Response #1: As detailed in the Draft IS/MND, the proposed Hotel will be visible from public viewpoints and within the viewshed of existing historic resources that contribute to the visual character of the surrounding area. Although the Hotel will be visible within the viewshed of the Historic District, the Draft IS/MND concludes that the Historic Site Plan and Architectural Review (HSPAR) and Conditional Use Permit (CUP) process, which provides for design modifications through the formal review process, will ensure the project is consistent with the Design Guidelines, Secretary of the Interior's Standards, and meets the findings required for HSPAR and CUP approval. As such, the conclusion in the Draft IS/MND that impacts related to degradation of visual character will be reduced to less than significant through compliance with applicable processes and findings for HSPAR and CUP approval is adequate and no other mitigation measures are required.

The commenter also asserts that the Draft IS/MND does not address "how a hotel will mitigate the lack of affordable housing in Petaluma." The lack of affordable housing opportunities is not an impact caused by the project and therefore a discussion of such impacts is not warranted.

Comment #2: The commenter states that "The proposal is in direct contradiction to the General Plan."

Response #2: The commenter does not provide specific information, details, or supporting facts to support the belief that the project contradicts the General Plan. An analysis of the project's consistency with General Plan goals and policies, and specifically those adopted for purposes of avoiding or mitigating environmental impacts, is provided in the Land Use section of the Draft IS/MND. No changes to the Draft IS/MND were made in response to this comment.

5.9. Sullivan Comment Letter

Comment #1: The commenter states "our historic downtown is in direct proximity to the Petaluma River, a tidal slough. Development affects the soil and water flow (*i.e.*, replacing soil with impervious surfaces means water can't seep into the ground as it did before, and causes more water to accumulate in the river). Therefore you're *increasing* the average flow rate year round as a result with each build on a vacant lot."

Response #1: As shown on page 74 of the Draft IS/MND, no portion of the proposed Overlay is located within a 100-year flood hazard area nor located within any other special flood hazard area. Portions of Subarea A are designated by FEMA as Areas of Minimal Flood Hazard. As further stated throughout the Draft IS/MND, most parcels within the proposed Overlay (and the downtown) are already developed with buildings and/or paved areas.

As further detailed in the Hydrology and Water Quality Section of the Draft IS/MND, future development within the Overlay would be required to comply with applicable regulations regarding stormwater, erosion, and runoff including compliance with the Construction General Permit (2009-0009-DWQ), site-specific Storm Water Pollution Prevention Plans (SWPPP) if

disturbing one acre or more of land, standard erosion and sediment control requirements set forth in Chapter 17.31 (Grading and Erosion Control) of the Petaluma Municipal Code, and compliance with regional and local requirements such as implementation of a Stormwater Control Plan and inclusion of LID features into site-specific development proposals to ensure projects mimic pre-development conditions, and do not result in off-site flooding . Furthermore, the Overlay provides for an increase in height and the marginal addition lot coverage would have negligible change relative to the buildout anticipate by the General Plan and analyzed in the General Plan EIR.

With regard to groundwater recharge, as detailed on Page 76 of the Draft IS/MND, the Groundwater Sustainability Plan (GSP) states that groundwater recharge to aquifers in the Basin primarily occurs through streambed recharge along portions of the Petaluma River and its tributaries, as well as through direct infiltration of precipitation along the margins of the valley areas. The Overlay component of the project is located within an urbanized area of Petaluma, which is outside areas identified in the GSP as having primary recharge capabilities. No changes to the Draft IS/MND are warranted.

Comment #2: The commenter states “the EKN hotel site was the site of a prior gas station with leaking underground storage tanks that required substantive remediation. The site was not excavated, and contaminated soils removed, to a depth of a 2-story underground garage.”

Response #2: As detailed in the Hazards and Hazardous Materials section of the Draft IS/MND, in April 2019, the site was determined to meet the Low Threat Closure Policy for the Sonoma County Department of Health Services and the Regional Water Quality Control Board (RWQCB) and a Covenant and Environmental Restriction on Property was filed with the Sonoma County Clerk-Recorder. Subsequently, in February 2020 the case was closed and a letter confirming the completion of site investigation and remedial action for the underground storage tanks was issued to the property owner.

Though the site was previously operated as a gas station, as provided in the Covenant, the property is permitted for industrial, commercial, mixed-use, office, or related uses. Furthermore, the Covenant includes a Risk Management Plan which regulates activities related to, among others, ground disturbance, groundwater extraction, construction dewatering, soil or groundwater sampling, and soil reuse or disposal. Mitigation Measures EKN HAZ-1 and EKN HAZ-2 have been imposed on the Project which will ensure compliance with the Risk Management Plan throughout all construction and operation activities. Therefore the Draft IS/MND adequately addressed onsite conditions of the Hotel property and changes are warranted.

Comment #3: The commenter states “Adding a lot more high-rise development to the downtown will result in a significant increase in traffic and air pollution. And where modern construction has a massive carbon footprint (39% of all carbon emissions), all this development will have a sizeable impact on Petaluma’s carbon footprint, including creating more heat islands, etc. Hotels, especially, are massive users of energy and water, and create a lot of waste. There will be zero chance for net zero (Petaluma’s stated climate goal for 2030).”

Response #3: As detailed in the Draft IS/MND, all future projects within the proposed Overlay will be subject to discretionary review, including independent CEQA analyses, which may include a requirement for preparation of technical studies to assess impacts associated with traffic, air quality, and greenhouse gas emissions. Additionally, all future development will be required to comply with local regulations, including compliance with Ordinance 2775 N.C.S “All-Electric Construction in New Constructed Buildings” which prohibits the use of natural gas in new construction. As further detailed in the Draft IS/MND, the proposed Overlay is consistent with state and regional plans and policies, such as Plan Bay Area 2050, which intends to reduce GHG emissions through infill development in areas proximate to good, services, and transit. The proposed Overlay is also consistent with goals and policies of the General Plan that seek to intensify development in the downtown. Therefore, no changes to the Draft IS/MND are necessary to address this comment.

6. REVISIONS TO THE DRAFT IS/MND + MMRP

Public comments received on the Draft IS/MND generally assert that the project will result in significant effects, however, comments do not provide a basis for the comments nor are comments supported by data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts. In the absence of substantial evidence, effects are not considered significant and no revisions to the Draft IS/MND are warranted.

7. SUMMARY

This Response to Comments document along with the Attachments provide additional information and analysis that support the conclusions made in the Draft IS/MND.

The less than significant conclusion of the Draft IS/MND remains valid and is further substantiated by the additional documentation and responses provided herein and reflected in the Final IS/MND and Final MMRP. The City of Petaluma has considered comments provided on the Draft IS/MND, reviewed information developed through the responses-to-comments process, prepared a Final IS/MND and MMRP, and determined that the project does not meet any of the conditions under CEQA Guidelines Section 15073.5, which would otherwise require recirculation of the IS/MND prior to adoption. Therefore, the recirculation of a revised IS/MND or the preparation of an Environmental Impact Report (EIR) is not required for the project.

Additionally, pursuant to Review of Public Comments (PRC §21091(d), Guidelines §15074(b)), on the basis of the whole record, including the Draft IS/MND, comments received, and responses provided, there is no substantial evidence that the project would result in a significant effect on the environment. Further, none of the comments received raise a fair argument that the project could result in one or more significant effects on the environment. As such, an EIR is not warranted and the IS/MND together with this response to comments contains adequate information to make an informed decision regarding the Project’s potential environmental effects, which are determined to be less than significant with mitigation.

ATTACHMENTS

- A. Final IS/MND (To be provided prior to decision on project, if necessary)

- B. Final Mitigation Monitoring and Reporting Program (To be provided prior to decision on project)

DRAFT