

**From:** [Isabelle M. E.](#)  
**To:** [-- City Council](#)  
**Subject:** Downtown Housing & Economic Opportunity Overlay  
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**November 3 2023**

## **Public Comment to the City Council**

Please be advised I wish to enter into the record I **strongly oppose** the "Downtown Housing and Economic Opportunity Overlay" and the "EKN Appellation Hotel/EKN Development/Weaver Hotel Etal". The "plan" is solely designed **to bypass current building regulations** established in the current Petaluma General Plan based on building height, floor area ratio and increased lot coverage. Initial studies and community feedback clearly indicated this year that any significant "overlay" **should be incorporated** within the **2025 General Plan**. There is insufficient information for potential future commercial or residential development in these (3) subareas to adequately address **the Environmental Impact**. The "overlay" is not a "plan" but a method a "for profit" company "M Group", purportedly acting on behalf of the City of Petaluma for their own financial gain. The company is paid for "cost recovery services" i.e. fees paid directly to them by the developer to advance acceptance of planning permission for a project. However, it appears this "overlay", if approved, will then be incorporated into the 2025 General Plan for which the company will be reimbursed a **fee by the city** i.e tax payers. (see page 10)

The "M" Group has now released an Initial Study/Mitigated Negative Declaration (ISMND) which essentially is written to **avoid an Environmental Impact Report (EIR)**. The nature of both the proposed "Overlay" and the "Hotel" is the most overwhelming reconstruction project in the history of downtown Petaluma, the towns history. In its proposed form, the "plan" would visually **destroy the old town center**, dwarf the Registered Historical Buildings and the "A" Street Historical District. In short, it would create a modern corridor on Petaluma Boulevard/D Street and convert Petaluma to **"Any town, U.S.A."**

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**. Interestingly, in the City Planning website there are no projects that have required an EIR- including recently completed projects, under construction, recently approved and in planning. 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. **The public deserves** a thorough review of a plan that would impact the quality of life for local residents and degrade the historic character of Petaluma.

The Petaluma General Plan **2025** update is only in the **Policy stage**. This “overlay” isolates one town district based on its centrality and proximity to alternative transportation without considering a broader perspective and **a comprehensive plan for Petaluma**. It is imperative we identify all of these areas in the greater city prior to rezoning. The new housing development adjacent to the planned second **SMART** station could be the site of so many more high density projects in the area: a project highly acclaimed amongst some members of the city council.

“Planning” has approved a substantial number of projects in the last few years and a number of projects are pending. We have not yet had time to **assimilate** the **impact** of these **projects** such as the Burbank Housing and PEP Housing on Petaluma Blvd South, Mid Pen Affordable Housing and AG Spars on Petaluma Blvd North or **286 housing units** and Amys Kitchen **20,000 sq ft office** space on Kentucky Street. The proposed Oyster Cove development of **132 units** on 100 East D Street would also directly impact the “Overlay”.

The most significant impact is **Aesthetics**. We cannot begin to assess this until we have installed **story poles** and request the City Council approve the installation at the corner of each block, as identified Sub Areas 1, 2 & 3, impacted by the future potential development. Once these have been constructed, we can **“see”** the impact from the Washington Overpass, McNear Peninsula and Rocky Memorial Dog Park. (page 10 4.1a)

The height will certainly degrade the **visual character** and **scenic quality** of the area. There is a large open area providing clear views of Walnut Park, the 4<sup>th</sup> Street Post Office, the Petaluma Museum, McNears, the Iron Fronts, St. John’s Episcopal and St. Vincents Catholic Churches. Petaluma Boulevard South and D Street are **main arteries to the downtown area** and 75 foot structure height will be an eyesore. No amount of “mitigation” or “proper design” is going to change the height for this city block , it is still 6+ story buildings. The “Hotel” Setbacks and recesses on the higher floors can only reduce the visual impact for pedestrians across the street from a building. This will not change the view traveling along the street. Effectively this hotel is **triple** the **height** of adjacent neighbor **ACE Hardware**. It will not change **the impact on one and two story residences** in the surrounding area on  
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5 , 6 , 7 A, B, C & D Streets and commercial buildings. It will dominate the skyline, block out the light and create tremendous shadows. It will not change the fact that as you walk down the hill from **Helen Putnam Park** down B Street you will not see the river nor the hills. The proposed hotel has a particularly prominent position at the corner of the Subarea A and only the story poles will show the impact. The “**Hotel View Shed Study**” is most **misleading** in its depiction of the site and its surroundings. The vantage points are not appropriate, indistinct and the building is posed with large adjacent trees which is factually incorrect. **Light and glare** will certainly exist with windows towering above all other structures in the vicinity.

These types of **structures cannot “harmoniously exist”** at this location. The City and consultant planners have not collaborated with current landlords to determine their needs and interests. The majority of owners within the “Overlay” do not have an interest in rezoning. Unless the City plans to eliminate property rights and take over these parcels there is no reason to implement radical and unnecessary zoning changes. The planning department has a history of **rejecting plans from local owners**, requiring extensive modifications, parking restrictions and significant costs to comply with codes particularly in the Historical District. These include, for example El Roys and 4<sup>th</sup> and Sea.

I have contacted the Downtown Merchant Association, The Visitors Bureau, the City of Petaluma and the Planning Department in an attempt to obtain relevant data pertinent to establishing the **building needs in Petaluma**. None of these parties have been able to provide some **basic information** on current hotel occupancy rates, amount of TOT collected, unoccupancy rates for office, retail and residential rental units, parking needs evaluation for all occupancies, data analysis of ridership for SMART train, Sonoma and Petaluma Transit Systems.

Whilst **Section 4.1 (c)** acknowledges it “**could degrade the visual character**” and scenic quality “if not properly designed” I assert it cannot be designed at this height (floor ratio and set back). It will suffer degradation. The report simply states that any future specific plans in this overlay will be subject to review. I contend the approval of this Overlay without an EIR will set the **precedent for unlimited future projects** without due consideration of all these issues

With respect to **4.3 Air Quality**, it is impossible to determine the environmental impact without formulating an estimate of the number, type, size and occupancy of future buildings. The Initial Study for the hotel reflects the environmental effects can be mitigated. During the extensive almost 2 year Hotel construction phase the report indicates a “dust management for sensitive communities.” There is a **significant**

**health risk to seniors** and health impaired individuals during this phase and beyond. This is an extended residential area of elderly residents subject to physical limitations including respiratory illnesses. No account has been made for the social/geographic specific area.

**Greenhouse Gas Emissions** are reasonably foreseeable during construction, implementation of building within the overlay and including operation of vehicles. The **“Initial Study”** indicates **assuming “existing transit”** aka SMART, Sonoma Transit, Petaluma Transit, Bicycle and Pedestrian Pathways will **“mitigate”** emissions. This is **Utopia!** Individuals may (or may not) elect to take public transportation. Businesses will require delivery of products in this “zone” and it is not available by public transportation. Future Housing units will require individual deliveries in the 21<sup>st</sup> century for online purchases (aka Amazon) and food service delivery. A hotel will require a more significant amount of supplies to provide full services to cater to an elite wealthy clientele.

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. This is a very dangerous precedent and subject to manipulation. There is no Air Quality Emission (AQE-page 37) because there is no “physical development” and does not “generate emission” meaning: no analysis required!

**4.3 (a)** only addresses “economic generating” meaning revenue derived it does **not otherwise have to pass** the “smell test”. Similarly, **“employee generating”** means if you hire new employees no need to have any benchmarks **for Air Quality**. The expected “fees”, property taxes, sales tax and TOT are pie in the sky based on expected revenue with **no basis in reality**. A \$300-400 per night hotel stay (basis of hotel revenue with 65% occupancy) and restaurant/bar sales competing with a plethora of available choices by locally owned companies. These prices are unaffordable for local residents and only serve wealthy tourists. The “low income” hotel employee wages will merely **generate new “low income”** housing needs the city cannot afford and add more to proposed needed units in the 2025 General Plan Housing Element.

**4.3.(b)** Is the most significant **AQE** which **cannot be “mitigated”** by “management practices”. See comments on Greenhouse Emissions which equally apply to neighboring area. A 2 year project involving removal of **two stories of dirt below ground** is significant including

dust particles, emission of diesel fumes, and odors. This will severely impact vehicular, cyclist and pedestrian traffic and impacting local businesses and residences. “Mitigation” measures are standard operating procedures for contractors that common sense would dictate and will not reduce the substantial exposure. Further, it provides no third party independent evaluation of any measures taken during this phase.

**4.4 Biological Resources** provides a pass to the **Trees in the Public Right of Way**. It cannot address potential development in the “Overlay” since there are no current plans! However, the “hotel” proposes to eliminate existing street trees onsite and merely promises to replace with “container” trees which is not at all the same thing. There is an inherent conflict with Section “**Special Status Species/Wildlife**” since Shollenberger Park provides a unique **bird habitat** in the wetlands. Birds migrate from the sanctuary to the large trees in **downtown Petaluma** and I have witnessed the Peregrine Falcon raise its young in the 150 ft Oak trees on my property. Hawks and Eagles fly in the area. In the Golden Eagle Shopping Center trees, adjacent to the former brew pub, the **trees house nesting** families of Snowy Egrets. A significant high rise development will conflict with this wildlife activity. **Bird Collisions (d)** are a significant exposure with structures of 6 story height and essentially cannot be mitigated given the migration corridor next to the river and the wetlands.

The City of Petaluma has instituted **energy efficient standards** and the (only) specific project on the “overlay” site is the “hotel”. The excavation of two stories below grade constitutes a “wasteful, inefficient and unnecessary consumption of energy” **4.6 (a)**. It relies on gasoline and diesel powered heavy equipment to moves tons of dirt and debris off site.

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.

The City of Petaluma has expended a great deal of time and effort on “**Climate Resilience**” efforts. However, 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.

The planning department 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**. The City has recently adopted a 5% rate increase for the next 5 years (2% rate increase and 3% inflation per annum). This is in addition to a provision in the event the city has to purchase additional water in the event of a drought. These additional costs will be passed on to the consumer. The City has also expended a significant amount of tax payor revenue for improvement of the sewer system. The study shows apparently the city has “an adequate water supply” thus any new developments have been paid for by residents. A hotel occupancy is one of the most inefficient type of operations with respect to water usage i.e. transient occupancy, daily laundering of sheets/towels etc. “Planning” approved the construction of two new large hotels, now completed, and a third 18 room hotel addition is under construction in Petaluma.

The Study asserts there is **no significant impact** of this “in-fill” in **land use** for this “Overlay” or the “hotel”. There is significant pedestrian traffic in this Area A “Overlay” encompassing the Theatre District, Walnut Park (home to Farmers Market and Events), Post Office, Museum and retail establishments. Any development in this area will be significantly impacted. The changes proposed: to eliminate the pedestrian cross walk between Petaluma Blvd South and 4<sup>th</sup> Street is very significant. 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. An estimated 80% of ACE customers are pedestrians or cyclists who frequent this mainstay of the community.

The **Noise Impact Analysis 4.13** is one of the most deficient elements of the study and requires much more analysis. Any development in this downtown area will (not “could” page 83) “**result in increases** in the ambient noise”. 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.

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. The adjacent "Vacant and underutilized lots" could be used for parking. 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.

The operation of the "hotel" analysis (page 85) alleges the sound of the rooftop **mechanical equipment and amplified music** on the 6<sup>th</sup> floor open top bar are "within the noise limits established by the city" 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**. Traffic will increase of necessity with the hotel for vehicle drop off for valet parking and increased driving as the vehicles tour the block and into the below ground parking. Further, the addition of a bus stop will create the noise and pollution of idling vehicles on the street. Lastly, but by no means least, is the effect the wind will create amplifying noise at 75 feet in the open air bar. If renovations to one story single family dwellings are required to **install wind sheer walls** according to code the city evidently recognizes this exposure. A bar that plans to close at 12am is not a good neighbor.

There are some grave concerns that have not been adequately addressed in the Study (4.15 Public Services) relative to **Emergency Response**. The proposed "overlay" has a nearby Fire Station on D Street, however, should a catastrophic event take place in the area will this unit be able to respond? The proposed zoning includes a 75 foot height and a dense in-fill. Does the **Fire Department** have the necessary equipment and work force to respond to this emergency. In the event additional units are required, there is a great deal of concern with the operation of the train, the D Street drawbridge and significant vehicular traffic to dramatically impede response time. **Police logs** reflect ongoing crime issues in the downtown area which will only increase with additional development. The main issues are drugs, alcohol and mental health impaired individuals causing a disturbance. There has been some discussion the Fire and Police departments, including the City offices, will be relocated to the Fairgrounds in the future which would make any further development in this area highly ill advised by risk management.

The most compelling argument for this "Overlay" is the inclusion of "**Housing**" which is not at all addressed in the "**plan**": **there is none**. It would seem if a specific type of housing and density is desired it should

be specifically outlined in any proposal. The “overlay” is a **blanket provision** to eliminate current building limits and establish the new height, lot coverage and floor area. This is a dangerous precedent. It allows, with few limitations, a broad scope of future subjective interpretations. It is a planners dream to rubber stamp any proposal submitted.

**4.14 Population and Housing** does not address the fact that the population of Petaluma has not increased but actually **decreased** by half a percent in the last two years. This reflects the data for Sonoma County and the State of California. There are many reasons for this and I am sure the cost of housing is one but some of the top reasons are job opportunities, lifestyle, freedoms of choice and lower taxes. A corporate hotel will engage its own contractors and its own management teams. The additional employees will consist of **low income earners** and the City will then need to provide more “**Affordable Housing**”. Petaluma needs companies that will provide higher paying jobs for skilled workers. A hotel will only serve wealthy visitors and not Petalumans who cannot afford to patronize another restaurant and bar. The hotel, restaurant and bar will directly compete with the local companies who have struggled to survive during COVID. Many businesses have not survived in the downtown area as evidenced by the significant vacancies. The **2025 General Plan Housing Element** provides for the increase in housing units required by Sonoma County and the State of California not approved by voters in the historical no growth/slow growth. Approval of a hotel in a downtown location will primarily serve to **escalate the cost of real estate** and decrease the affordability of homes and rental properties.

The other significant issue is the wholly deficient **4.17 Transportation** category “**Less than significant**”. This is the most compelling reason against the “Overlay” and the “Hotel”. 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. It is impossible to find objective and reliable data for the current ridership in the transit system relative to the population. Personal vehicles are the 21<sup>st</sup> Century choice of independence, flexibility and convenience. We should not make these **broad assumptions** of decreasing vehicle use in data analysis to substantiate a position. It is a wishlist for planners to obtain approvals. All new construction incorporates a parking requirement. If the City truly thinks, or mandates, personal vehicles will not be utilized in the future there needs to be an adjustment in the legal and planning departments. Certainly, a hotel guest paying \$300-400 per night will not be taking public transportation anywhere with elite valet parking; perhaps a limousine service



The current **4.17 traffic analysis** is wholly deficient. I would like to obtain the data utilized in the “Study Intersections”. As a downtown resident, I travel everyday on these routes and these do not represent my experience “existing”. **What are the days, hours, time periods used in the calculations?** What are the basis and **assumptions** for “future” and “future + project”. Does this contemplate the Completed, In Progress and Planned projects in the Planning Department website? The left hand turn from Washington to Petaluma Blvd N is substantially “over utilized” currently leading to long delays and inability to proceed east on Washington.

The **proposed new bus stop** on Petaluma Blvd North will **impede vehicular traffic** which will affect the “Overlay” and the “hotel” The valet plan will also create backups regardless of the number of cars and employees: it is a function of the “service”. The new “**Bicycle and Pedestrian Plan**” attempts to address reduction in vehicle lanes and increased/protected new bicycle lanes. This will serve to limit vehicle movement thereby causing traffic back up, delays and idling vehicles. The plan to reduce lanes i.e. traffic calming has already shown to cause additional traffic backups. The plan to close streets to vehicular traffic in the future for pedestrian traffic only will merely serve to move traffic from one street to another street as occurred during COVID.

City Council has **punted the “parking”** issue relative to the proposed “hotel” and not addressed the “Overlay” potential development. The ill advised **underground** parking would only provide **58** spaces, an additional **20** spaces would be specifically allocated from the **C street public parking** facility. However, this is a 93 room hotel which has a full staff in addition so the parking is totally **inadequate**. Many planning submissions have been rejected primarily on the basis of lack of parking. There has been no comprehensive parking study completed for downtown to my knowledge. It is difficult to park downtown as a resident, particularly with a **2 hour** parking limit and it takes an act of congress to obtain a permit. **Special events** draw many visitors to the ambience of the town which only increases the need for parking.

Let’s **work together** to maintain this **small town** and its **friendly community**. It was a joy to participate in meeting young families and giving out candy this Halloween. It is a longstanding Petaluma tradition. I don’t think imposing **wholesale changes** downtown in the neighborhood will achieve this goal.

Isabelle Beardsworth