

Resolution No. 2024-XXX N.C.S. of the City of Petaluma, California

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETALUMA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FINAL EIR), ADOPTING FINDINGS OF FACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING REPORTING PROGRAM (MMRP) FOR THE CREEKWOOD HOUSING DEVELOPMENT LOCATED AT 270 AND 280 CASA GRANDE ROAD; APN(S) 017-040-051 AND 017-040-016

WHEREAS, on September 29, 2021, Falcon Point Associates, LLC (herein “applicant”) submitted a Preliminary Application under Senate Bill (SB) 330 (CA Government Code Sections 65589.5 and 65905.5) for development of 59 dwelling units on an approximately 5.2-acre site located at 270 and 280 Casa Grande Road; and

WHEREAS, on November 11, 2021, the City of Petaluma provided the applicant with advisory comments to identify potential issues to be addressed in any subsequent application for this site; and

WHEREAS, on November 22, 2021, the applicant applied to the City of Petaluma Community Development Department, Planning Division for Site Plan and Architectural Review (SPAR), for demolition of an existing residence located at 280 Casa Grande Road, preservation of an existing residence located at 270 Casa Grande Road, construction of 59 for-sale dwellings, construction of a multi-use pathway adjacent to Adobe Creek, construction of a multi-use bridge over Adobe Creek, and installation of stormwater management, flood control, emergency access, and transportation infrastructure, referred to as the Creekwood Housing Development (herein “Project”); and

WHEREAS, per California Government Code Section 65943(a), the City had until December 22, 2021 (30 days after the application date of November 22), to provide a written response to the applicant and pursuant to California Government Code Section 65943(d), the applicant and the City mutually agreed to an extension of the time limit, and such an extension was agreed to as outlined in email correspondence on December 20, 2021, extending the response time to January 7, 2022; and

WHEREAS, on January 7, 2022, the City issued a Notice of Incomplete application; and

WHEREAS, on August 1, 2022, the applicant submitted new application materials; and

WHEREAS, on August 31, 2022, the City deemed the application complete; and

WHEREAS, during initial review of the application materials, the City of Petaluma determined that the development is defined as a “project” pursuant to Section 15378 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the City of Petaluma obtained the services of Raney Planning & Management, Inc., at the expense of the applicant, to prepare documentation of environmental impacts consistent with CEQA; and

WHEREAS, on October 21, 2022 a Notice of Preparation (NOP) of an Environmental Impact Report (EIR), and an Initial Study (IS) was published with the State Clearinghouse, filed with the Sonoma County Clerk, published on the City of Petaluma’s website, circulated in the Argus Courier, and mailed to all owners and occupants of properties within a 1,000 foot radius of the Project Site, commencing a 30-day public comment period on the scope of the EIR, extending through November 21, 2022; and

WHEREAS, on November 14, 2022, in compliance with local regulations and CEQA Guidelines Section 21083.9, the City of Petaluma held a duly noticed public scoping meeting on the NOP for preparation of an EIR to assess the impacts of the Creekwood Housing Development Project; and

WHEREAS, commenters provided verbal comments at the November 14, 2022, scoping meeting and 10 written comments were received during the NOP comment period; and

WHEREAS, comments received in response to the NOP generally relate to: biological resources impacts, including the potential for impacts to protected species and their habitat, the Adobe Creek riparian corridor, and migratory birds; the potential for increased flooding and concerns about the floodplain; transportation-related concerns including the potential for increased traffic and vehicle miles travelled (VMT), the potential for impacts on emergency evacuation, and concerns related to the lack of pedestrian facilities, and transit access; and other general concerns related to aesthetics, noise, cultural resources, and land use consistency; and

WHEREAS, on June 17, 2024, the applicant held a publicly noticed Neighborhood Meeting in compliance with Section 24.100 of the Petaluma Implementing Zoning Ordinance (IZO); and

WHEREAS, approximately 40 members of the public attended the Neighborhood Meeting on June 17, 2024, and were provided with information on the site history, proposed project, and were given an opportunity to ask questions and express concerns; and

WHEREAS, on July 26, 2024 a Notice of Completion (NOC) and Notice of Availability (NOA) of the Draft EIR (DEIR) was filed with the State Clearinghouse and the Sonoma County Clerk, published on the City's website, circulated in the Argus Courier, mailed to interested persons, responsible, trustee and other public agencies, and mailed to all owners and occupants of properties within a 1,000 foot radius of the Project Site, commencing a 45-day public comment period on the scope of the EIR, extending through September 9, 2024; and

WHEREAS, the City prepared and distributed copies of the DEIR in conformance with CEQA Guidelines Section 15086, to those public agencies that have jurisdiction by law with respect to the project and to other interested persons and agencies, and sought the comments of such persons and agencies; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 10, 2024, to consider the DEIR and to receive oral comments from the public about the adequacy of the DEIR; and

WHEREAS, 3 oral comments on the DEIR were provided at the Planning Commission hearing; and

WHEREAS, the Planning Commission considered the public comments received, independently considered the DEIR, and adopted Resolution 2024-11, recommending that the City Council direct staff to prepare the Final EIR, inclusive of responses to public comments; and

WHEREAS, the City Council held a duly noticed public hearing on September 16, 2024, to consider the DEIR and to receive oral comments from the public about the adequacy and accuracy of the DEIR; and

WHEREAS, 11 oral comments on the DEIR were provided at the City Council hearing; and

WHEREAS, the City Council considered the public comments received, independently considered the DEIR, considered the Planning Commission's recommendation, and adopted Resolution 2024-121, directing staff to prepare the Final EIR, inclusive of responses to public comments; and

WHEREAS, 33 written and 14 oral comments on the DEIR have been received and responses to those comments have been prepared in the form of a Final EIR, which together with the DEIR constitutes the Project EIR; and

WHEREAS, the Project EIR identified potentially significant impacts that will be reduced to a less than significant level with specified mitigation measures; and

WHEREAS, in compliance with Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City of Petaluma makes one or more of the required findings for each identified significant impact, supported by substantial evidence, as set forth in the Findings of Fact, attached hereto as **Exhibit A** and incorporated herein by reference; and

WHEREAS, the Project EIR identified significant impacts related to greenhouse gas emissions (Impact 4.2-1) and vehicle miles traveled (Impact 4.4-3) that cannot be reduced to a less than significant level by feasible mitigation measures or be so reduced or avoided by a feasible alternative, as set forth in **Exhibit A**; and

WHEREAS, in compliance with Public Resources Code Section 21081(b), the City of Petaluma finds that specific economic, legal, social, technological or other considerations outweigh any significant environmental effects of the Project which cannot be mitigated to a less than significant level or avoided by an alternative as set forth in the Statement of Overriding Considerations, attached hereto as **Exhibit A** and incorporated herein by reference; and

WHEREAS, in compliance with CEQA Guidelines Section 15091(d), a Mitigation Monitoring and Reporting Program has been prepared as set forth in **Exhibit B**, attached hereto and incorporated herein by reference, to ensure that all feasible mitigation measures which serve to reduce environmental impacts of the Project as recommended by the Project EIR are fully implemented; and

WHEREAS, the Mitigation Monitoring and Reporting Program, **Exhibit B**, attached hereto and incorporated herein by reference, will be imposed as conditions of approval through the project's entitlement review process; and

WHEREAS, with mitigation, acquisition and compliance with state regulatory agency approval and permits, the Project does not have the potential to have a significant adverse impact on wildlife resources as defined in the State Fish and Game Code, either individually or cumulatively, though it is not exempt from payment of the Fish and Game filing fees; and

WHEREAS, the Project is not located on a site listed on any Hazardous Waste Site List compiled by the State pursuant to Section 65962.5 of the California Government Code; and

WHEREAS, on December 6, 2024, a Notice of Availability, Notice of Intent to Certify, Notice of Public Hearing, and the Final EIR was filed with the State Clearinghouse and the Sonoma County Clerk, published on the City's website, circulated in the Argus Courier, mailed to interested persons, responsible, trustee and other public agencies, and mailed to all owners and occupants of properties within a 1,000 foot radius of the Project Site, commencing the required 10-day public review period beginning on December 6, 2024, and extending through December 16, 2024; and

WHEREAS, in compliance with the CEQA Guidelines, the City of Petaluma provided a written response 10 days prior to certification of the Final EIR to public agencies that commented on the Draft EIR; and

WHEREAS, on December 6, 2024, pursuant to IZO Section 24.100(B), onsite signage was updated to provide information regarding the availability of the Final EIR and notice of the December 16, 2024, City Council hearing; and

WHEREAS, on December 16, 2024, the Final EIR was presented to the Petaluma City Council and the City Council reviewed and considered the information presented in the Final EIR and received public comment prior to considering certification of the EIR and adoption of the Findings of Fact, Statement of Overriding Consideration, and MMRP; and

WHEREAS, on December 16, 2024, the City Council identified the No Bridge Alternative as the environmentally preferred alternative and that the No Bridge Alternative was adequately analyzed in the EIR; and

WHEREAS, the Exhibit A hereto has been revised to include Findings regarding the feasibility of the No Bridge Alternative as amended and all impacts are adequately addressed in the EIR; and

WHEREAS, the custodian of the documents and other materials that constitute the record of proceedings for the Project is the City of Petaluma, Community Development Department, Petaluma City Hall, 11 English Street, Petaluma, CA 94952.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Petaluma that the above recitals are true and correct and incorporated by reference and the Petaluma City Council hereby:

1. Certifies that the Creekwood Housing Development Final EIR (SCH #2022100452), inclusive of the Draft EIR, Final EIR, references, appendices, and all attachments thereto have been prepared and completed in compliance with the requirements of CEQA Guidelines Section 15132.
2. Certifies that the Project EIR was presented to the City Council, which has reviewed and considered the information contained in the Project EIR, and that the Project EIR reflects the City of Petaluma's independent judgment and analysis regarding the Project.
3. Adopts, as required by CEQA and based on substantial evidence in the record, the Findings of Fact regarding potentially significant effects of the Project, attached hereto as **Exhibit A** and incorporated herein by reference.
4. Adopts, as required by CEQA and based on substantial evidence in the record, a Statement of Overriding Considerations which balances specific economic, legal, social, technological, and other benefits of the Project with its unavoidable environmental impacts related to greenhouse gases and vehicle miles traveled, attached hereto as **Exhibit A** and incorporated herein by reference.
5. Adopts the Mitigation Monitoring and Reporting Program, attached hereto as **Exhibit B** and incorporated herein by reference, to ensure that all mitigation measures relied on in the Findings are fully implemented. Compliance with the MMRP set forth therein will be made a condition of any subsequent Project approval.
6. Finds that for each identified mitigation measure that requires the cooperation or action of another agency, adoption, and implementation of each such mitigation measure is within the responsibility and jurisdiction of the public agency identified, and the measures can and should be adopted and/or implemented by said agency.

Under the power and authority conferred upon this Council by the Charter of said City.

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 16 day of December 2024, by the following vote:

form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor

EXHIBIT A (REVISED 12.16.24)

FINDINGS OF FACT

SECTION 6: FINDINGS REGARDING ALTERNATIVES

1.1 Project Alternatives

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives that would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant environmental effects of the project and evaluate the comparative merits of the alternatives (CEQA Guidelines Section 15126[a]). Case law has indicated that the lead agency has the discretion to determine how many alternatives constitute a reasonable range (*Citizens of Goleta Valley v. Board of Supervisors* [1990], 52 C.3d 553, 566). The CEQA Guidelines note that alternatives evaluated in the EIR should be able to attain most of the basic objectives of the project (CEQA Guidelines Section 15126.6[a]). An EIR need not present alternatives that are incompatible with fundamental project objectives (*Save San Francisco Bay Association vs. San Francisco Bay Conservation & Development Commission* [1992], 10 Cal.App.4th 908); and the CEQA Guidelines provide that an EIR need not consider alternatives that are infeasible (CEQA Guidelines Section 15126.6[a]). The CEQA Guidelines provide that among the factors that may be taken into account when addressing the feasibility of alternatives are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” (CEQA Guidelines Section 15126.6[f][1]). The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines Section 15126.6[f]).

As presented in the Draft EIR Section 6.3, Alternatives Considered But Dismissed From Further Analysis provides a summary of the various alternatives that were considered but found to be infeasible including an off-site alternative and a reduced housing density alternative.

The Final EIR included an analysis of three alternatives: the No Project/(No Build); the No Bridge Alternative; and the Affordable Housing Alternative. The City hereby concludes that the Final EIR and Draft EIR sets forth a reasonable range of alternatives to the 270 and 280 Casa Grande Road Creekwood Housing Development Project so as to foster informed public participation and informed decision making. The City finds that the three alternatives identified and described in the Final EIR were considered and finds the No Bridge Alternative to be environmentally preferred and the other two Alternatives ~~them~~ to be infeasible for the specific economic, social, or other considerations set forth below pursuant to CEQA, Public Resources Code section 21081.

1.1.3 No Bridge Alternative

The No Bridge Alternative would include demolition of the on-site residence at 280 Casa Grande Road, retention of the existing residence at 270 Casa Grande Road, development of 59 dwelling units, construction of various on-site road and utility improvements, landscaping, and a new off site public multi-use pathway along the west side of the Creek. However, the bridge connection over the Creek for the public multi-use pathway would not be developed under the No Bridge Alternative.

Development of the No Bridge Alternative would involve a smaller disturbance footprint, as the bridge would not be installed over Adobe Creek and abutments supporting the bridge on the Creek banks would not be included. However, given that the No Bridge Alternative would still result in the development of the same land uses as compared to the proposed Project, impacts associated with the other CEQA topics

in which the proposed Project could have significant impacts, as identified in the Initial Study (cultural resources, geology, hazards, noise, and tribal cultural resources) and Draft EIR (hydrology and water quality), would be anticipated to be similar in scale under the No Bridge Alternative.

The No Bridge Alternative is accepted as the *preferred Alternative* for the following reasons:

- The No Bridge Alternative would ~~not~~ meet ~~two-most~~ of the project objectives including: construct a public multi-use pathway through the Project site and along the westerly side of Adobe Creek that connects to the Casa Grande Subdivision public pathway to the south and allows for future extension to the north of the site; ~~and install a bridge connection over Adobe Creek that connects the proposed public multi-use pathway with the residential neighborhoods to the east of the Project site, allowing for pedestrian access from the easterly residential neighborhoods to Casa Grande High School and the Casa Grande Road transit locations to the west of the Project site. realizes new and diverse for-sale housing opportunities within the City limits and urban growth boundary through using an existing residentially zoned property; develop a high-quality residential project within the eastern City limits that is compatible with existing residential subdivisions to the east and south of the project site, Casa Grande High School to the west of the site, and the Petaluma Ecumenical Properties Senior Housing to the north of the site; develop for-sale inclusionary housing that provides site location and model types in an equitable manner; provide public access and maintenance access to a landlocked and isolated site; and preserve Adobe Creek in its natural state.~~
- The No Bridge Alternative would result in no substantially greater impacts related to GHG and VMT, and would avoid all impacts associated with construction of the bridge (e.g., biological resources and hydrology and water quality). Therefore, with respect to Section 4 of these Findings, Mitigation Measures 4.1-3(a), 4.1-3(b), 4.1-3(c), 4.1-4(a) through 4.1-4(g), 4.1-7(a), 4.1-7(b), 4.1-8(a), 4.1-8(b), and 4.1-8(c) would not be required for the No Bridge Alternative because the alternative would not significantly impact anadromous fish (Impact 4.1-3), foothill yellow-legged frog (Impact 4.1-4), riparian habitat (Impact 4.1-7), or state or federally protected wetlands (Impact 4.1-8). All other Findings in Sections 3 (Effects Determined to Have No Impact Or to be Less Than Significant), Section 4 (Effects Determined to be Mitigated to Less Than Significant Levels), and Section 5 (Significant Impacts that cannot be mitigated to a less-than-significant level) remain applicable to the No Bridge Alternative.
- ~~The No Bridge Alternative would not advance the City in realizing the following City Wide Goals and Priorities, including the following:~~
 - ~~○ Item 18: Establish and improve paths, as useful transportation options, and make walking and biking easy, fun and safe.~~
 - ~~○ Item 218: Look at ways/locations to increase river footbridges.~~

SECTION 7: STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable. CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record. In accordance with the requirements of CEQA and the *CEQA Guidelines*, the City finds that the mitigation measures identified in the Final EIR and the Mitigation Monitoring and Reporting Program (MMRP), when implemented, avoid or substantially lessen virtually all of the significant effects identified in the Draft and Final EIR. Nonetheless, two significant impacts of the Project are unavoidable even after incorporation of all feasible mitigation measures. The significant unavoidable impacts are identified and discussed in Section 5 of these Findings. The City further specifically finds that notwithstanding the disclosure of the significant unavoidable impacts, there are specific overriding economic, legal, social, and other reasons for approving the Project. Each of the following reasons provides an independent basis to support the override of the significant and unavoidable impacts. Those reasons are enumerated below.

Implementation of the No Bridge Project Alternative would:

- provide development consistent with the City's General Plan, zoning regulations, and long-term development goals, especially as related to the provision of additional housing;
- develop the Project site in a manner that implements the City's Housing Element and advances the City's pro-housing designation;
- promote and realize new housing opportunities within the urban growth boundary, thereby discouraging urban sprawl; and
- enhance neighborhood connections with construction of a multi-use pathway ~~and bridge~~.

The City Council finds that the 270 and 280 Casa Grande Road Creekwood Housing Development Project have been carefully reviewed and that Project design features and recommended mitigation measures have been incorporated into the 270 and 280 Casa Grande Road Creekwood Housing Development Project to reduce all environmental effects to the fullest extent possible. Nonetheless, the analysis has identified environmental effects which cannot be avoided or substantially lessened. The City Council has considered each environmental effect which has not been mitigated to a less-than-significant level, all as described above and in the Draft EIR.

The City Council has considered the fiscal, economic, social, environmental, and orderly land use planning benefits of the 270 and 280 Casa Grande Road Creekwood Housing Development Project. Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15093, the City Council has balanced the fiscal, economic, social, environmental, and land use benefits of the 270 and 280 Casa Grande Road Creekwood Housing Development Project against its unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the 270 and 280 Casa Grande Road Creekwood Housing Development Project/No Bridge Alternative outweigh the adverse environmental effects, and that the remaining significant and unavoidable impacts of the 270 and 280 Casa Grande Road Creekwood Housing Development Project/No Bridge Alternative are acceptable in light of the Project's multiple benefits, any one of which is sufficient to constitute grounds for this statement of overriding considerations. The substantial evidence supporting these overriding considerations can be found in these Findings, and in the documents comprising the Record of Proceedings.