

## SECTION 1: INTRODUCTION

### 1.1 Statutory Requirements for Findings

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091 (14 Cal. Code Regs., §§ 15000 et seq.), the City Council of the City of Petaluma hereby makes the following Findings with respect to the potential for significant environmental impacts related to the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project (SCH #2024040565) and means for mitigating those impacts. The Project is comprised of both the Overlay and the Hotel, as described in Section 2, below. For the purpose of these Findings, the term Environmental Impact Report (EIR) means the Draft and Final EIR documents collectively, along with all attachments and references, unless otherwise specified.

These Findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the Findings provide a summary description of each impact, identify the applicable mitigation measures set forth in the EIR and adopted by the City, and state Findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions is in the EIR, and these Findings hereby incorporate by reference the discussion and analysis in those documents supporting the EIR's determinations regarding mitigation measures and the Project's impacts and mitigation measures designed to address those impacts. The facts supporting these Findings are found in the record as a whole for the Project.

In making these Findings, the City ratifies, adopts and incorporates into these Findings the analysis and explanation in the EIR, and ratifies, adopts and incorporates into these Findings the determination and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent that any such determinations and conclusions are specifically and expressly modified by these Findings. In the event of any inconsistency between these Findings and the EIR, the language in these Findings shall control. In the event of any inconsistency between these Findings and the MMRP, the language in the MMRP shall control.

### 1.2 Organization/Format of Findings

**Section 2** of these Findings contains a summary description of the Project, sets forth the objectives of the Project and provides related background information. **Section 3** identifies the Project's potential environmental effects that were determined to have no impact or to be less than significant, and that do not require mitigation. **Section 4** identifies the potentially significant effects of the Project that were determined to be mitigated to a less-than-significant level. All numbered references identifying specific mitigation measures refer to numbered mitigation measures found in the Final EIR. **Section 5** explains that there are no significant and unavoidable impacts associated with the Project. **Section 6** finds a reasonable range of Project alternatives was presented to the City for consideration. **Section 7** lists the anticipated benefits of approving the Project. **Section 8** includes a list of General Findings made and adopted by the City. These Findings summarize and incorporate by reference, the impacts and mitigation measures from the Draft EIR, Final EIR, Mitigation Monitoring and Reporting Plan (MMRP) and the Responses to Comments. The text of the Draft and Final EIRs should be consulted for a complete description of the impacts and mitigations.

## **SECTION 2: DOWNTOWN HOUSING AND ECONOMIC OVERLAY AND EKN APPELLATION HOTEL PROJECT DESCRIPTION**

### **2.1 Project Location**

#### **DOWNTOWN HOUSING & ECONOMIC OPPORTUNITY OVERLAY LOCATION:**

The Downtown Housing and Economic Opportunity Overlay (Overlay) is approximately 6.77-acres and is located within Downtown and is within 0.5 mile of the Downtown Sonoma Marin Area Rail Transit station. The Overlay comprises Areas A, B, and C as illustrated in Draft EIR, Exhibit 6-1, and as described below:

Overlay Area A: B Street, between Petaluma Boulevard South and 4th Street, to D Street, including Assessors Parcel Numbers (APN) 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 (~2.70 acres).

Overlay Area B: South of Western Avenue, between Kentucky Street and Keller Street, including APNs 008-051-024; 008-051-025 (~0.90 acres).

Overlay Area C: South of Washington Street to include five parcels between Court Street and Liberty Street and five parcels on the east side of Liberty Street, including APNs 006-361-028; 006-361-030; 006-361-033; 006-361-039; 006-361-040; 006-362-001; 006-362-002; 006-362-003; 006-362-009; 006-362-022 (~3.17 acres).

Each of the above parcels was included in the evaluation of the Project analyzed in Chapter 3, Environmental Impact Analysis and Chapter 4, Additional Effects Evaluated in the Initial Study. The Downtown Housing and Economic Opportunity Overlay evaluated in these Findings is described in greater detail in Section 6.4 - Alternative 2—Reduced Area C, of the EIR.

**EKN APPELLATION HOTEL LOCATION:** The EKN Appellation Hotel (Hotel) component is located on an approximately 13,892-square-foot site at the southeast corner of Petaluma Boulevard South and B Street within Overlay Area A. The address is 2 Petaluma Boulevard South, including APNs 008-063-008; 008-063-009; 008-063-011.

### **2.2 Project Objectives**

The Applicant and City have developed the following primary objectives for the Project to satisfy *CEQA Guidelines* Section 15124(b).

The Applicant's objectives are to:

- Provide a high-quality hotel in Downtown Petaluma to address current and future unmet demand for lodging.
- Support the local community by providing community amenities and services, including indoor-outdoor gathering spaces to accommodate meetings and events, and a farm-to-table restaurant that promotes local and regional chefs, restaurateurs, farmers, winemakers, and artisans.
- Contribute to increasing the City's tax base by providing 93 hotel rooms, event space, and

food and beverage services in Downtown Petaluma.

The City's objectives are to:

- Create a desirable location for visitors and the community by providing ground floor activation, pedestrian scale façades, high quality streetscapes that include primary entrances that face the street, links toward the Petaluma River with access and visibility, and context sensitive building designs.
- Ensure that architectural design and materials introduced to the Overlay within the City of Petaluma's Downtown core are appropriate in their celebration of the past, present, and future with a focus on sustainability.
- Promote a diversity of housing products by allowing for residential uses in ground floor spaces and flexibility in building forms.
- Support Downtown businesses and commerce by providing a diversity of accommodations, a range of housing types, and a variety of commercial services.
- Provide opportunities for economic development by allowing for flexibility in building forms and FAR to accommodate a variety of commercial services to meet evolving demands.
- Preserve the Integrity of the Commercial Historic District and promote the preservation, maintenance, and ongoing use of listed and eligible historic buildings within Petaluma's Downtown.
- Continue to preserve exceptional examples of architectural history while providing opportunities to develop new exceptional examples of architecture in Downtown Petaluma.
- Incentivize investment to support local businesses, the community, and preserve the historic character of the City's Downtown core.
- Improve the function and design of the downtown core by establishing overlay sites to promote development that would strengthen the attractiveness and the connectivity of residential, mixed use and commercial areas to amenities and services in downtown area.

### **2.3 Project Description**

**DOWNTOWN HOUSING & ECONOMIC OPPORTUNITY OVERLAY:** The Overlay is comprised of three Areas, as described above. Implementation of the Overlay includes a General Plan Amendment (GPA) to increase the maximum allowable floor area ratio (FAR) from 2.5 to 6.0, representing a maximum additional 1,028,919 square feet of development above what is already allowed by the General Plan within this defined area (734,942 square feet). The increase in maximum FAR from 2.5 to 6 would allow for a potential increase in employment-generating uses, such as retail, office, and commercial uses. The existing residential density requirements (30 dwelling units/acre) would be maintained such that the Overlay would not result in an increase in residential population beyond what is already projected as part of General Plan buildout. The Implementing Zoning Ordinance (IZO) would be amended to apply new rules/development standards to properties within the Overlay and a Zoning Text Amendment (ZTA) would increase

the allowable building height from 45 feet to 75 feet with a Conditional Use Permit (CUP). The Overlay would increase lot coverage from 80% to 100% with a Conditional Use Permit (CUP), allow ground floor residential uses, and establish development and design controls for properties within the Overlay. Additionally, the Overlay would include a Zoning Map Amendment (ZMA) to establish the Downtown Housing & Economic Opportunity Overlay on applicable parcels.

Portions of Overlay Areas A and B are located within the boundaries of the Historic Commercial District, and, as such, future projects within the Historic Commercial District would be subject to the rules and regulations within the City's discretionary planning entitlement of an Historic Site Plan and Architectural Review (HSPAR), all applicable regulations from the Historic Commercial District Design Guidelines, and the Secretary of the Interior's Standards for the Treatment of Historic Properties. Future projects within the Historic Commercial District would undergo a review and approval process with the City's Historic and Cultural Preservation Committee (HCPC). While the proposed Overlay does not include any project-specific development, future projects consistent with the Overlay would be required to adhere to the standards set related to sign design and content, streetscape design, street tree placement, façade designs and materials composition.

**EKN APPELLATION HOTEL:** This component of the project would construct a 6-story hotel over a below grade parking garage, comprising 93 hotel rooms, an event space, and food service uses at 2 Petaluma Blvd. South. No self-parking is included in the design. The below-grade parking garage would provide valet parking for up to 58 vehicles using mechanical parking lifts. The ground floor would include a restaurant with indoor and outdoor seating for up to 150 guests. Floors 2 through 5 would comprise 93 hotel rooms and a fitness room for hotel guests. Floor 6 would include a 1,444 square foot event space, and an approximately 5,514 square foot exterior bar/event space with seating for up to 60 guests that is open to the public at least 8 hours per day and at least 120 days per year. The project would result in modifications to the public right-of-way including removal and replacement of three street trees, removal of two existing driveways along the Petaluma Boulevard South frontage, removal of the midblock crosswalk along B Street, removal of one curb-parking space along B Street and reconfiguration of two curb-parking spaces along Petaluma Boulevard South. The project would also include installation of a bus stop and shelter along Petaluma Blvd. North adjacent to Center Park, which would result in the loss of three on-street parking spaces.

### **SECTION 3: EFFECTS DETERMINED TO HAVE NO IMPACT OR TO BE LESS THAN SIGNIFICANT**

Specific findings are not required for impacts that the EIR concludes have no impact or are less than significant. Environmental Protection Info. (*Ctr. v Department of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 522; *Mira Mar Mobile Community v City of Oceanside* (2004) 119 Cal.App.4th 477, 493.) See *Browning-Ferris Indus. v City Council* (1986) 181 Cal.App.3d 852, 862 (findings on air quality and seismic effects not required when EIR does not identify any significant impacts). Nonetheless, the City finds that, based upon substantial evidence in the EIR and the record, as discussed below, the following environmental factors associated with the Project would have no impact or a less-than-significant impact and no mitigation would be required.

#### **3.1 Aesthetics**

- The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway. (**Impact AES-2**)



- The Project is within an urbanized area. The Project would not conflict with applicable zoning and other regulations governing scenic quality. **(Impact AES-3)**
- The Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Impact AES-4)**
- The effects of shadow and shade are not identified by CEQA or the City as potential environmental impacts. The Project would not have an adverse impact on the physical environment related to shade or shadow. **(Impact AES-5)**

### 3.2 Land Use and Planning

- The Project would not physically divide an established community. **(Impact LAND-1)**

### 3.3 Effects Evaluated in the Initial Study (Draft EIR, Chapter 4: Additional Effects, Evaluated in the Initial Study)

- The Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. **(Draft EIR, Section 4.1.1, see also Section 6.4.1)**
- The Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(Draft EIR, Section 4.1.1, see also Section 6.4.1)**
- The Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). **(Draft EIR, Section 4.1.1, see also Section 6.4.1)**
- The Project would not result in the loss of forest land or conversion of forest land to non-forest use. **(Draft EIR, Section 4.1.1, see also Section 6.4.1)**
- The Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to nonforest use. **(Draft EIR, Section 4.1.1, see also Section 6.4.1)**
- Cumulative Impact: The Project would not have a cumulative impact related to agriculture and forestry resources. **(Draft EIR, Section 4.1.1 see also Section 6.4.1)**
- The Project would not result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people. **(Draft EIR, Section 4.1.2, see also Section 6.4.1)**
- Cumulative Impact: The Project would have a less than significant cumulative impact related to air quality. **(Draft EIR, Section 4.1.2, see also Section 6.4.1)**
- The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service. **(Draft EIR, Section 4.1.3, see also Section 6.4.1)**

- The Project would not have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. **(Draft EIR, Section 4.1.3, see also Section 6.4.1)**
- The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. **(Draft EIR, Section 4.1.3, see also Section 6.4.1)**
- Cumulative Impact: The Project would have a less than significant cumulative impact related to biological resources. **(Draft EIR, Section 4.1.3, see also Section 6.4.1)**
- The Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. **(Draft EIR, Section 4.1.4, see also Section 6.4.1)**
- Cumulative Impact: The Project would have a less than significant cumulative impact related to energy. **(Draft EIR, Section 4.1.4, see also Section 6.4.1)**
- The Project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. **(Draft EIR, Section 4.1.5, see also Section 6.4.1)**
- Cumulative Impact: The Project would have a less than significant cumulative impact related to geology, soils and seismicity. **(Draft EIR, Section 4.1.5, see also Section 6.4.1)**
- Cumulative Impact: The Project would have a less than significant cumulative impact related to greenhouse gas emissions. **(Draft EIR, Section 4.1.6, see also Section 6.4.1)**
- The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Draft EIR, Section 4.1.7, see also Section 6.4.1)**
- The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Draft EIR, Section 4.1.7, see also Section 6.4.1)**
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the Project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(Draft EIR, Section 4.1.7, see also Section 6.4.1)**
- The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Draft EIR, Section 4.1.7, see also Section 6.4.1)**
- The Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. **(Draft EIR, Section 4.1.7, see also Section 6.4.1)**

- Cumulative Impact: The Project would have a less than significant cumulative impact related to hazards and hazardous materials. **(Draft EIR, Section 4.1.7, see also Section 6.4.1)**
- The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Draft EIR, Section 4.1.8, see also Section 6.4.1)**
- The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
  - i. result in substantial erosion or siltation on- or off-site;
  - ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
  - iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(Draft EIR, Section 4.1.8, see also Section 6.4.1)**
- The Project would not be located in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation. **(Draft EIR, Section 4.1.8, see also Section 6.4.1)**
- The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Draft EIR, Section 4.1.8, see also Section 6.4.1, see also Section 6.4.1)**
- Cumulative Impact: The Project would have a less than significant cumulative impact related to hydrology and water quality with mitigation incorporated. **(Draft EIR, Section 4.1.8, see also Section 6.4.1)**
- The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State. **(Draft EIR, Section 4.1.9, see also Section 6.4.1)**
- The Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other local land use plan. **(Draft EIR, Section 4.1.9, see also Section 6.4.1)**
- Cumulative Impact: The Project would not have a cumulative impact related to mineral resources. **(Draft EIR, Section 4.1.9, see also Section 6.4.1)**
- The Project would not expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. **(Draft EIR, Section 4.1.10, see also Section 6.4.1)**
- Cumulative Impact: The Project would have a less than significant cumulative impact related to noise. **(Draft EIR, Section 4.1.10, see also Section 6.4.1)**

- The Project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). **(Draft EIR, Section 4.1.11, see also Section 6.4.1)**
- The Project would not displace substantial numbers of existing people or housing, necessitating the construction or replacement housing elsewhere. **(Draft EIR, Section 4.1.11, see also Section 6.4.1)**
- Cumulative Impact: The Project would not have a cumulative impact related to population and housing. **(Draft EIR, Section 4.1.11, see also Section 6.4.1)**
- The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection. **(Draft EIR, Section 4.1.12, see also Section 6.4.1)**
- The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection. **(Draft EIR, Section 4.1.12, see also Section 6.4.1)**
- The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. **(Draft EIR, Section 4.1.12, see also Section 6.4.1)**
- The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks. **(Draft EIR, Section 4.1.12, see also Section 6.4.1)**
- The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities. **(Draft EIR, Section 4.1.12, see also Section 6.4.1)**
- Cumulative Impact: The Project would have a less than significant cumulative impact related to public services. **(Draft EIR, Section 4.1.12, see also Section 6.4.1)**

- The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. **(Draft EIR, Section 4.1.13, see also Section 6.4.1)**
- The Project would not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. **(Draft EIR, Section 4.1.13, see also Section 6.4.1)**
- Cumulative Impact: The Project would have a less than significant cumulative impact related to recreation. **(Draft EIR, Section 4.1.13, see also Section 6.4.1)**
- The Project would not conflict with a program plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities. **(Draft EIR, Section 4.1.14, see also Section 6.4.1)**
- The Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Draft EIR, Section 4.1.14, see also Section 6.4.1)**
- The Project would not result in inadequate emergency access. **(Draft EIR, Section 4.1.14, see also Section 6.4.1)**
- Cumulative Impact: The Project would have a less than significant cumulative impact related to transportation. **(Draft EIR, Section 4.1.14, see also Section 6.4.1)**
- The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(Draft EIR, Section 4.1.15, see also Section 6.4.1)**
- The Project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Draft EIR, Section 4.1.15, see also Section 6.4.1)**
- The Project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Draft EIR, Section 4.1.15, see also Section 6.4.1)**
- The Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Draft EIR, Section 4.1.15, see also Section 6.4.1)**
- The Project would comply with federal, State, and local statutes and regulations related to solid waste. **(Draft EIR, Section 4.1.15, see also Section 6.4.1)**
- Cumulative Impact: The Project would have a less than significant cumulative impact related to utilities and service systems. **(Draft EIR, Section 4.1.15, see also Section 6.4.1)**

- The Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. (**Draft EIR, Section 4.1.16, see also Section 6.4.1**)
- The Project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. (**Draft EIR, Section 4.1.16, see also Section 6.4.1**)
- The Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. (**Draft EIR, Section 4.1.16, see also Section 6.4.1**)
- The Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. (**Draft EIR, Section 4.1.16, see also Section 6.4.1**)
- Cumulative Impact: The Project would have a less than significant cumulative impact related to wildfire. (**Draft EIR, Section 4.1.16, see also Section 6.4.1**)

#### **SECTION 4: EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS**

The Draft EIR identified certain potentially significant effects that could result from implementation of the Project. However, based upon substantial evidence in the EIR and the record the City finds that for each of the significant or potentially significant impacts identified in this section, that mitigations have been required or incorporated into the Project which avoid or substantially lessen the significant effects as identified in the Final EIR. Thus, adoption of these mitigation measures set forth below will reduce these potentially significant effects to less-than- significant levels. Adoption of the recommended mitigation measures will effectively make the mitigation measures part of the Project, as the recommended mitigation measures will be enforced as conditions of approval for the Project. The following summarizes the rationale to support these findings, as presented in detail, including the data and analysis, in the Final EIR:

##### **4.1 Aesthetics**

**Impact AES-1:** The Project could have a substantial adverse effect on a scenic vista/resource. (Draft EIR, p. 3.1-17)

However, implementation of **Mitigation Measure (MM) Overlay CUL-1e** would reduce Project effects on scenic vistas or resources to less than significant.

##### **Mitigation Measure**

**Overlay CUL-1e:** Future developments within the Overlay that propose height above 45-feet or a lot coverage about 80 percent would be required to obtain a Conditional Use Permit (CUP) issued by the Planning Commission (PC) based on specific findings after a public hearing. A CUP can only be granted if the building height is 75 feet or below. Affirmative findings for each of the following criteria, supported by substantial evidence in the record, is required for approval of a CUP

application for increased height up to 60 feet:

1. That the additional height is consistent with the applicable purposes of the Overlay;
2. That the additional height makes a positive contribution to the overall character of the area and that the building will be compatible with its surroundings. The “positive contribution” and “compatibility” will be assessed using a combination of visual studies, line-of-sight drawings, photo simulations, 3-D modeling, and view shed analysis;
3. That the additional height would not adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship in terms of harmony and appropriateness with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural, or aesthetic interest or value of the district;
4. That the additional height will not result in unreasonable restrictions of light and air to adjacent properties or the public right-of-way, or otherwise be detrimental to the public health, safety, or welfare;
5. That the building design expresses a relationship to an existing datum line or lines of the street wall or adjacent historic resource, if any; and
6. That the overall building design and the use of the site demonstrates exceptional architecture/design. “Exceptional” architecture/design may be demonstrated by any of the following:
  - a. The use of innovative, creative or original architectural concepts, materials, or building techniques;
  - b. The use of visual elements that contribute positively to the built environment, such as well-proportioned facades, pleasing materials, and unique features;
  - c. The use of innovative building systems or forms, and/or the use of creative design, to increase building efficiency and to reduce energy consumption;
  - d. The use of low impact development and green infrastructure features in sustainable design and landscaping; or
  - e. The use of high-quality building materials that contribute to long-term durability and visual quality.

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

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

1. Improves the existing streetscape by providing widened sidewalks, additional street trees, new mid-block walkways/paseos, public plazas, parks, etc. For a project that would widen the sidewalk by increasing the ground floor building setback, a public outdoor amenity space shall be included in the design, and this space shall be designed and configured to provide adequate space for pedestrian movement and activity; or
2. Provides publicly accessible private open space, such as a street-level park or rooftop open space that is open to the public at least 8 hours per day and at least 120 days per year; and

3. Respects and/or preserve cultural, historical, or archaeological resources that exist or occur onsite or within the Overlay; or
4. Exceeds the minimum number of Inclusionary Dwelling units required by Section 3.040; or
5. Provides all required parking below grade.

The Planning Commission may approve a Conditional Use Permit to allow for additional lot coverage above 80 percent if any one or more of the following are true for a project:

1. The development improves the existing streetscape by providing widened sidewalks, additional street trees, new mid-block walkways/ paseos, public plazas, parks, etc.;
2. The additional lot coverage would reflect the prevailing development pattern established by the existing development within the block or abutting block;
3. The development includes adequate provision for recycling and solid waste;
4. The development includes adequate space for street trees; or
5. The development includes other measures to enhance the pedestrian environment.

**Finding for Impact AES-1:** **MM Overlay CUL-1e** would reduce Project effects related to scenic vistas and resources to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM Overlay CUL-1e** will be incorporated into the Project via conditions of approval for the Overlay and will reduce Impact AES-1 to a less-than-significant level.

**Rationale for Finding:** There are no designated scenic vistas within the City; however, the General Plan designates scenic and visual resources. For the purposes of these Findings, the Historic Commercial District and historic buildings are considered scenic resources. Besides the Hotel, it is unknown the exact location and size of the development within the Overlay and therefore future development could have a potential impact on historic resources. However, identified scenic resources would be protected through implementation of **MM Overlay CUL-1e**, which requires that all future individual development projects obtain a Conditional Use Permit (CUP) that propose a height above 45 feet or lot coverage above 80 percent. Because both the City's SPAR/HSPAR process and **MM Overlay CUL-1e**, provide a mechanism by which potential impacts to scenic resources are assessed at the project level, future project level development consistent with the Overlay would not result in a potentially significant impact to scenic resources or vistas. Therefore, after applying the measure, the impact would be less than significant.

Construction of the Hotel would not significantly impede any public views of the Historic District or historic buildings, Sonoma Mountains, or Petaluma River. Nonetheless, as discussed above, there is a potential for impacts to occur within the Overlay, and, as the Hotel would be located within Overlay Area A with a proposed height of 66 feet, 7-inches, and a lot coverage of 100 percent, it would be required to comply with the SPAR/HSPAR process and obtain a CUP. Impacts would be less than significant.

**Cumulative Aesthetic Impact:** The Project could have a cumulative impact related to scenic resources. All other cumulative impacts related to aesthetics are less than significant without mitigation. (Draft EIR, p. 3.1-28, see also Draft EIR, p. 4-10)

However, implementation of **MM Overlay CUL-1e**, would reduce cumulative impacts on scenic



resources to less than significant.

### **Mitigation Measures**

**Overlay CUL-1e:** See above.

**Finding for Cumulative Aesthetic Impacts:** **MM Overlay CUL-1e** would reduce cumulative impacts to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM Overlay CUL-1e** will be incorporated into the Project via conditions of approval for the Overlay and will reduce cumulative impacts to a less-than-significant level.

**Rationale for Finding:** Besides the Hotel, it is unknown the exact location, amount, and size of future development that may be proposed within the Overlay and therefore future development could have a potential cumulative impact on historic resources. However, **MM Overlay CUL-1e** requires future projects consistent with the Overlay that seek to build above 45 feet comply with the CUP entitlement process. Additionally, future development and the Hotel, as explained above would be required to comply with the City's SPAR/HSPAR processes. Therefore, after applying **MM Overlay CUL-1e** and these processes, the impact would be less than significant.

## **4.2 Cultural Resources and Tribal Cultural Resources**

**Impact CUL-1:** The Project could cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. (Draft EIR, p. 3.2-52)

However, implementation of **MM Overlay CUL-1a through MM Overlay CUL-1e** would reduce Project effects on cultural resources and tribal cultural resources during construction to less than significant.

### **Mitigation Measures**

**Overlay CUL-1a:** Individual development projects which propose to alter a building or structure greater than 45 years of age shall be subject to a Historical Resources Evaluation (HRE), performed by an architectural historian or historian who meets the Secretary of the Interior's Professionally Qualified Standards in architectural history or history. The HRE shall include a records search to determine whether any resources that may be potentially affected by the project have been previously recorded, evaluated, and/ or designated in the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or a local register. Following the records search, the qualified architectural historian shall conduct a survey in accordance with the California Office of Historic Preservation (OHP) guidelines to identify any previously unrecorded potential historical resources that may be potentially affected by the Project.

The criteria for determining a historically significant building or structure shall meet one or more of the criteria outlined in Public Resources Code Section 5024.1 and California Environmental Quality Act (CEQA) Guidelines Section 15064.5(a).

**Overlay CUL-1b:** Properties identified as historically significant resources shall contain proper documentation meeting the Historic American Building Survey (HABS) Guidelines that shall be prepared and implemented, as approved by the qualified historian meeting the Secretary of the Interior's Professional Qualifications Standards. Such documentation shall include drawings, photographs, and written data for each building/structure/element, and provide a detailed mitigation plan, including a monitoring program, recovery, rehabilitation, redesign, relocation, and/or in situ

preservation plan.

**Overlay CUL-1c:** To ensure that projects requiring the relocation, rehabilitation, or alteration of a historical resource do not impact the resource's significance, the Secretary of Interior's Standards for the Treatments of Historic Properties shall be used to the maximum extent possible. The application of the standards shall be overseen by a qualified architectural historian or historic architect meeting the Professional Qualified Standards. Prior to any construction activities that may affect the historical resource, a Historic Resource Evaluation (HRE) identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City for review and approval.

**Overlay CUL-1d:** If a Project would result in the significant alteration of historical resources, recordation of the resource prior to construction activities will assist in reducing adverse impacts to the resource to the greatest extent possible. Recordation shall take the form of Historic American Buildings Survey, Historic American Engineering Record, or Historic American Landscape Survey documentation and shall be performed by an architectural historian or historian who meets the Professional Qualified Standards. Documentation shall include an architectural and historical narrative; medium- or large-format black-and-white photographs, negatives, and prints; and supplementary information such as building plans and elevations, and/or historical photographs. Documentation shall be reproduced on archival paper and placed in appropriate local, State, or federal institutions. The specific scope and details of documentation are to be developed in coordination with the City of Petaluma.

**Overlay CUL-1e:** See above.

**Finding for Impact CUL-1:** **MM Overlay CUL-1a through Overlay CUL-1e** would reduce Project effects related to the Overlay on cultural resources and tribal cultural resources during construction to less than significant. The Hotel would result in less than significant impacts; however, because it is located in the Overlay, it would be required to obtain a CUP. Pursuant to *CEQA Guidelines*, the City finds that **MM Overlay CUL-1a through Overlay CUL-1e** will be incorporated into the Project for the Overlay via conditions of approval and will reduce impacts under Impact CUL-1 to a less-than-significant level.

**Rationale for Finding:** The exact location and scale of any specific development due to the Overlay is unknown and therefore could result in a potential impact to a historical resource. To minimize potential impacts to historic resources from future development within the Overlay, **MM Overlay CUL-1a, MM CUL-1b, MM CUL-1c, and MM CUL-1d** require that individual development projects that propose to alter a building or structure greater than 45 years of age at the time an application is submitted be subject to a Historic Resources Evaluation, prepared by a qualified historic preservation specialist, in order for the City to determine whether the building or structure may be a historic resource and take appropriate action, such as requiring additional site-specific or project-specific measures to reduce any potential impacts. Furthermore, **MM Overlay CUL-1e** would require that future individual development projects under the proposed Overlay that propose a height above 45 feet or a lot coverage above 80 percent obtain a CUP by meeting certain requirements. With implementation of **MM Overlay CUL-1e**, the Overlay would result in less than significant impacts to historic resources. The Hotel would result in less than significant impacts; however, because it is located in the Overlay, it would be required to obtain a CUP, and as such would have a less than significant impact.

Given the lack of historic resources on the Hotel site, and the fact that the immediately adjacent

properties are not eligible for federal, State, and local designation as historic resources, none of the properties within the neighborhood block containing the Hotel site are considered historical resources under CEQA. Nonetheless, given the site's location within the Petaluma Historic Commercial District, the Hotel would be mandatorily developed according to the Petaluma Historic Commercial District Design Guidelines for new construction projects. The Historic Built Environment Impacts Assessment concluded that the Hotel would not introduce incompatible massing and scale, and the proposed Hotel would be in general conformance with the Petaluma Historic Commercial District Design Guidelines and the Hotel design was found to be consistent with the Secretary of Interior Standards for Rehabilitation and guidelines for Rehabilitating Historic Buildings. As such, the proposed Hotel would not impact the Petaluma Historic Commercial District's ability to continue to convey its significance and would not cause a substantial adverse change in the significance of a historical resource. Therefore, the Hotel would result in less significant impacts to historic resources and no project specific mitigation would be required for development of the proposed Hotel. However, as the Hotel is being developed within the Overlay above 45 feet, the Hotel will be subject to CUL-1e.

**Impact CUL-2:** The Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. (Draft EIR, p. 3.2-58)

However, implementation of **MM Overlay CUL-2, MM EKN CUL-2a, MM EKN CUL-2b and MM EKN CUL-2c** would reduce Project effects on substantial adverse impacts to archaeological resources to less than significant.

### **Mitigation Measures**

**Overlay CUL-2:** To determine the archaeological sensitivity for individual development projects within the Overlay Area, and pursuant to General Plan Policy Impact 3-P-1(D-K), an archaeological resources assessment shall be performed under the supervision of an Archaeologist that meets the Secretary of the Interior's Professional Qualified Standards in either prehistoric or historic archaeology. The assessments shall include a California Historical Resources Information System (CHRIS) records search at the Northwest Information Center (NWIC) and a search of the Sacred Lands File (SLF) maintained by the Native American Heritage Commission (NAHC). The records searches shall determine if the proposed project has been previously surveyed for archaeological resources, identify and characterize the results of previous cultural resource surveys, and disclose any cultural resources that have been recorded and/or evaluated. A Phase I pedestrian survey shall be undertaken in areas that are developed and undeveloped to locate any surface cultural materials. The Federated Indians of Graton Rancheria (FIGR) shall be notified of the assessment and invited to participate in pedestrian survey(s). Tribal consultation with FIGR will occur during each phase: cultural identification, assessment, monitoring, discovery and post-discovery, reburial, etc. . . and will also include a FIGR Tribal Monitor for cultural awareness training, testing, and for all ground disturbing activities.

1. The City shall consult with FIGR to prioritize avoidance of impacts to tribal cultural resources by determining the most culturally sensitive approach to redesign the project, as feasible.
2. If potentially significant archaeological resources are identified through an archaeological resources assessment, and impacts to these resources cannot be avoided, a Phase II Testing and Evaluation investigation shall be performed by an Archaeologist who meets the Professional Qualified Standards and a qualified FIGR Tribal Monitor prior to any construction-related ground-disturbing activities to determine significance. Potentially

significant cultural resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources, which may include but is not limited to, cultural sensitivity and awareness training, testing, and archaeological and FIGR Tribal monitoring. If resources are determined significant or unique through Phase II testing, the City shall consult with the qualified Archaeologist and in collaboration with the qualified FIGR Tribal Monitor to determine the most culturally sensitive approach to redesign the project and avoid archaeological and tribal cultural resources as feasible. If resources are determined significant or unique through Phase II testing, and site avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. These might include a Phase III data recovery program that would be implemented by a qualified Archaeologist, in collaboration with the Federated Indians of Graton Rancheria (FIGR) involvement and shall be performed in accordance with the California Office of Historic Preservation's (OHP) Archaeological Resource Management Reports (ARMR). Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of California Environmental Quality Act (CEQA) Guidelines. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the City of Petaluma, where they would be afforded long-term preservation to allow future scientific study. Any Tribal Cultural Resources encountered shall be managed in accordance with a City of Petaluma and FIGR approved treatment and recovery plan.

3. If the archaeological assessment did not identify potentially significant archaeological resources within the proposed project area but indicated the area to be highly sensitive for archaeological resources and tribal cultural resources, or upon request by the FIGR, then a pre-construction cultural resources training (which may include but is not limited to cultural sensitivity and awareness training and testing) shall be conducted by a qualified Archaeologist and a qualified FIGR Tribal Monitor. The Archaeologist, in collaboration with the Tribal monitor, shall inform all construction personnel prior to construction activities of the proper procedures in the event of an archaeological discovery. The training shall be held in conjunction with the project's initial on-site safety meeting and shall explain the importance and legal basis for the protection of significant archaeological resources and tribal cultural resources. This shall be followed by monitoring of all ground-disturbing construction and pre-construction activities in areas with previously undisturbed soil by a qualified Archaeologist and qualified FIGR Tribal Monitor. In the event that archaeological resources (artifacts or features) are exposed during ground-disturbing activities, construction activities within 100 feet of the discovery shall be halted while the resources are evaluated for significance by an Archaeologist who meets the Professional Qualified Standards, in collaboration with a FIGR Tribal Monitor. If the discovery proves to be significant, the qualified Archaeologist, in collaboration with the Tribal monitor, shall make recommendations to the City of Petaluma on the measures that shall be implemented to protect the discovered resources, including but not limited to avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines.
4. If the archaeological assessment did not identify potentially significant archaeological resources but indicates the area to be of medium sensitivity for archaeological resources and

tribal cultural resources, an Archaeologist who meets the Professional Qualified Standards and a qualified FIGR Tribal Monitor shall be retained on an on-call basis. The Archaeologist, in collaboration with the Tribal monitor, shall inform all construction personnel prior to construction activities about the proper procedures in the event of an archaeological discovery. The training shall be held in conjunction with the project's initial on-site safety meeting and shall explain the importance and legal basis for the protection of significant archaeological resources and tribal cultural resources. In the event that archaeological resources (artifacts or features) are exposed during ground-disturbing activities, construction activities within 100 feet of the discovery shall be halted while the on-call Archaeologist is contacted. If the discovery proves to be significant, the qualified Archaeologist, in collaboration with the Tribal monitor, shall make recommendations to the City of Petaluma on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines.

**MM EKN CUL-2a: Archaeological Monitoring Plan and Archaeological Monitoring (for the Hotel).** Prior to submittal of plans for building permit, the applicant shall obtain the services of a Secretary of Interior qualified Archaeologist to prepare an Archaeological Monitoring Plan (AMP) and provide archaeological and FIGR Tribal monitoring of project-related ground-disturbing activities. The AMP shall contain a provision for a pre-construction meeting and worker environmental Cultural Resource Awareness Training by a qualified Archaeologist and a qualified FIGR Tribal Monitor. The AMP shall take into account the findings of the Historical Human Remains Detection Canine (HHRDC) and Ground-Penetrating Radar (GPR) surveys and incorporate protocols for the identification, documentation and evaluation of buried archaeological features and human remains. The AMP shall provide details of the exploratory Phase II Auger testing that will occur prior to ground disturbing activities. The AMP shall also provide procedures and guidelines for proper notification to FIGR, other Tribes, agencies, and stakeholders, as well as a curation and/or reburial plan for recovered materials. The archaeological and FIGR Tribal monitor shall be empowered to halt construction activities at the location of a discovery to review possible archaeological material and to protect the resource while it is being assessed. Archaeological and FIGR tribal monitoring shall occur on a full-time basis until, in the Archaeologist's judgment, archaeological resources are no longer likely to be encountered. A report shall also be prepared to document the findings after construction is completed and provided to the City of Petaluma and FIGR.

**MM EKN CUL-2b: Archaeological Auger Testing (for the Hotel).** Prior to ground-disturbing activities, exploratory hand-auger excavation shall be conducted in the area marked in green on the aerial photograph in Figure 18 of the Results of the Ground-Penetrating Radar (GPR) and Historical Human Remains Detection Canine (HHRDC) Survey, prepared by Evans & DeShazo Archaeology and Historic Preservation (EDS) on September 25, 2023, to determine the presence/absence of a Native American archaeological resources. The exploratory hand-auger excavation shall extend to at least 1 meter, which is the maximum depth in which the layered, sloping strata was detected by the GPR. The spoils produced from the excavations shall be screened through 0.25-inch mesh to inspect the soil for artifacts or other indications of an archaeological resource. Each excavation shall be backfilled upon completion. A qualified Archaeologist, a Federated Indians of Graton Rancheria (FIGR) Tribal Monitor shall be present for the excavation, and any artifacts identified within the excavations shall be subject to in-field analysis (i.e., photographs, descriptions, measurements, etc.), and any discovered tribal cultural resources be given to the FIGR Tribal Monitor for appropriate treatment.

**MM EKN CUL-2c: Post-review Discoveries (for the Hotel).** If an archaeological deposit is encountered during project-related ground-disturbing activities, all work within 50 feet of the discovery shall be redirected until a Secretary of Interior qualified Archaeologist, in collaboration with a qualified FIGR Tribal monitor, inspects the material, assess its historical significance, and provides recommendations for the treatment of the discovery. Potentially significant historic era resources may include all byproducts of human land use greater than 50 years of age, including subsurface deposits of domestic type material (e.g., glass, ceramic, metal, wood, faunal remains, brick), buried alignments of stone, brick, or foundation elements, or infrastructure related to previous buildings, and possible features associated with open workspaces or yard spaces (e.g., stone/brick foundations; chimney remains; ceramics; buttons; insignia; bullets; tools; and fragments of ceramics, glass, metal, wood, faunal, brick, concrete, coal, botanical remains). Potentially significant prehistoric resources include midden soils, artifacts such as faunal bone, groundstone, fire-affected rock, baked clay, modified bone and/or shell, flake stone debitage, flake stone tools, etc., and features such as house floors, cooking pits, and interred burials.

**Finding for Impact CUL-2:** Pursuant to *CEQA Guidelines*, the City finds that **MM Overlay CUL-2** would reduce Project effects related to development consistent with the Overlay to less than significant. Hotel specific **MM EKN CUL-2a through MM EKN 2c** would reduce impacts associated with the Hotel to below a level of significance. Pursuant to *CEQA Guidelines*, the City finds that **MM Overlay CUL-2** will be incorporated into the Project via conditions of approval with respect to the Overlay and **MM EKN CUL-2a through MM EKN CUL-2c** will be incorporated into the Project via conditions of approval for the Hotel. With implementation of these measures, Impact CUL-2 would be reduced to a less-than-significant level.

**Rationale for Finding:** Future individual development projects consistent with the Overlay would be required to implement **MM Overlay CUL-2**, which requires an archaeological resources assessment as well as a pedestrian survey. With implementation of **MM OVERLAY CUL-2** potential impacts resulting from a substantial adverse change in the significance of an archaeological resource or TCR would be reduced to a less than significant level.

The Hotel shall implement **MM EKN CUL-2a**, which requires exploratory hand-auger excavation as recommended in the GPR study; **MM EKN CUL-2b**, which requires preparation of an Archaeological Monitoring Plan and ongoing archaeological monitoring during project construction; and **MM EKN CUL-2c**, which requires, in the event that archaeological resources are uncovered, that all work within 50 feet of the discovery stop until such time as its historical significance can be assessed. With implementation of **MM EKN CUL-2a, 2b, and 2c**, the Hotel's potential impacts resulting from a substantial adverse change in the significance of an archaeological resource or TCR would be reduced to a less than significant level.

**Impact CUL-3:** The Project could disturb human remains, including those interred outside of formal cemeteries. (Draft EIR, p. 3.2-63)

However, implementation of **MM EKN CUL-3** would reduce Project effects associated with the Hotel on human remains to less than significant.

### **Mitigation Measures**

**EKN CUL-3:** If human remains are encountered within the project area during project-related ground-disturbing activities, all work must stop within 100-feet of the discovery area, the

area and associated spoils shall be secured to prevent further disturbance. The Sonoma County Coroner must be notified immediately. It is important that the suspected human remains, and the area around them, are undisturbed and the proper authorities are called to the scene as soon as possible. The Coroner shall determine if the remains are prehistoric Native American remains or of modern origin and if any further investigation by the Coroner is warranted. If the remains are suspected to be prehistoric Native American remains, the Coroner shall contact the Native American Heritage Commission (NAHC) by telephone within 24-hours. The NAHC will immediately notify the person it believes to be the Most Likely Descendant (MLD) of the remains. The MLD has 48 hours to make recommendations to the landowner for treatment or disposition of the human remains. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in the project area, in a location that will be secure from future disturbances. If the landowner does not accept the descendant's recommendations, the owner or the descendant may request mediation by NAHC. According to the California Health and Safety Code, six (6) or more human burials at one (1) location constitute a cemetery (Section 8100), and willful disturbance of human remains is a felony (Section 7052). A Secretary of Interior qualified Archaeologist shall also evaluate the historical significance of the discovery and the potential for additional remains and provide further recommendations for the treatment of the resource in coordination with the MLD.

**Finding for Impact CUL-3:** Pursuant to *CEQA Guidelines*, the City finds that impacts related to the Overlay are less than significant. **MM EKN CUL-3** would reduce Project effects related to discovery of human remains on the Hotel site to less than significant. Further, pursuant to *CEQA Guidelines*, the City finds that **MM EKN CUL-3** will be incorporated into the Project via conditions of approval for the Hotel and will reduce Impact CUL-3 to a less-than-significant level.

**Rationale for Finding:** There are no known human remains in the Project area and the Hotel site has already been previously developed. Nonetheless, projects proposed under the Overlay would be required to comply with inadvertent discovery procedures in CEQA Guidelines Section 15064.5(d)—Effects on Human Remains. As further detailed in the EIR, inadvertent discovery procedures for human remains include stopping all work within 100-feet of the discovery until notification and treatment procedures are fulfilled. Therefore, potential impacts to human remains from the proposed Overlay would be less than significant.

As detailed in the EIR, it is possible that human remains may be present on the Hotel site. To ensure that the project does not result in impacts due to the disturbance of human remains, compliance with **MM EKN CUL-3** shall be required. With the implementation of **MM EKN CUL-3**, potential impacts to human remains resulting from the construction of the proposed Hotel would be reduced to a less than significant level.

**Impact CUL-4:** The Project could cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). (Draft EIR, p. 3.2-64)

However, implementation of **MM Overlay CUL-2**, **MM EKN CUL-2a**, **MM EKN CUL-2b**, **MM EKN CUL-2c**, and **MM EKN CUL-3** would reduce Project effects related to tribal cultural resources to less than significant.

### **Mitigation Measures**

Implement **MM Overlay CUL-2**, **MM EKN CUL-2a**, **MM EKN CUL-2b**, **MM EKN CUL-2c**, and **MM EKN CUL-3**, above.

**Finding for Impact CUL-4:** Pursuant to *CEQA Guidelines*, the City finds that implementation of **MM Overlay CUL-2**, would ensure that future development consistent with the Overlay is less than significant and will be incorporated into the Project via conditions of approval for the Overlay. With respect to the Hotel, pursuant to *CEQA Guidelines*, the City finds that implementation of **MM EKN CUL-2a**, **MM EKN CUL-2b**, **MM EKN CUL-2c**, and **MM EKN CUL-3** would reduce Project effects related to tribal cultural resources on the Hotel site and will be incorporated into the Project via conditions of approval for the Hotel and will reduce Impact CUL-4 to a less-than-significant level.

**Rationale for Finding:** Future development under the proposed Overlay has the potential to uncover buried TCRs through ground-disturbing activities (e.g., grading and excavation). Through implementation of **MM Overlay CUL-2** and compliance with applicable General Plan policies and State regulations, impacts resulting from a substantial adverse change in the significance of a pre-contact archaeological resource and TCRs would be less than significant for projects consistent with the Overlay.

While no definitive archaeological site features were identified, one area of the Hotel site was identified as having the potential to contain buried resources due to the layered, sloping strata. Given the presence of these resources, and the archaeological sensitivity of the Hotel site, the proposed Hotel development could result in a potentially significant impact. However, **MM EKN CUL-2a**, **MM EKN CUL-2b**, **MM EKN CUL-2c**, and **MM EKN CUL-3** would ensure that these resources, as well as any potential undiscovered resources, are protected during construction of the Hotel.

Impact CUL-4 would be less than significant with mitigation incorporated.

**Impact CUL-5:** The Project could cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. (Draft EIR, p. 3.2-65)

However, implementation of **MM Overlay CUL-2**, **MM EKN CUL-2a**, **MM EKN CUL-2b**, **MM EKN CUL-2c**, and **MM EKN CUL-3** would reduce Project effects related to tribal cultural resources to less than significant.

### **Mitigation Measures**

Implement **MM Overlay CUL-2**, **MM EKN CUL-2a**, **MM EKN CUL-2b**, **MM EKN CUL-2c**, and **MM EKN CUL-3**, above.

**Finding for Impact CUL-5:** Pursuant to *CEQA Guidelines*, the City finds that implementation of **MM Overlay CUL-2**, would ensure that future development consistent with the Overlay is less than significant and will be incorporated into the Project via conditions of approval for the Overlay. With respect to the Hotel, pursuant to *CEQA Guidelines*, the City finds that implementation of **MM EKN CUL-2a**, **MM EKN CUL-2b**, **MM EKN CUL-2c**, and **MM EKN CUL-3** would reduce Project



effects related to tribal cultural resources on the Hotel site to less than significant and will be incorporated into the Project via conditions of approval for the Hotel. Impact CUL-5 would be less than significant with mitigation incorporated.

**Rationale for Finding:** Future development under the proposed Overlay has the potential to uncover buried TCRs through ground-disturbing activities (e.g., grading and excavation). Through implementation of **MM Overlay CUL-2** and compliance with applicable General Plan policies and State regulations, impacts resulting from a substantial adverse change in the significance of a pre-contact archaeological resource and TCRs would be less than significant for projects consistent with the Overlay.

While no definitive archaeological site features were identified, one area of the Hotel site was identified as having the potential to contain buried resources due to the layered, sloping strata. Given the presence of these resources, and the high archaeological sensitivity of the project site, the proposed Hotel development could result in a potentially significant impact. However, **MM EKN CUL-2a**, **MM EKN CUL-2b**, **MM EKN CUL-2c**, and **MM EKN CUL-3** would ensure that these resources, as well as any potential undiscovered resources, are protected during construction of the Hotel.

Impact CUL-5 would be less than significant with mitigation incorporated.

**Cumulative Cultural Resources and Tribal Cultural Resources Impact:** The Project would have a less than significant cumulative impact related to cultural resources and tribal cultural resources with the implementation of mitigation. (Draft EIR, p. 3.2-66)

Implementation of **MM Overlay CUL-2**, **MM EKN CUL-2a**, **MM EKN CUL-2b**, **MM EKN CUL-2c**, and **MM EKN CUL-3** would reduce cumulative Project effects related to cultural resources and tribal cultural resources to less than significant.

### **Mitigation Measures**

Implement **MM Overlay CUL-2**, **MM EKN CUL-2a**, **MM EKN CUL-2b**, **MM EKN CUL-2c**, and **MM EKN CUL-3**, above.

**Finding for Cumulative Cultural Resources and Tribal Cultural Resources Impact:** Cumulative development would be required to comply with long-term planning documents and regulatory agency policies (including, but not limited to, evaluation requirements and inadvertent discovery procedures) that would reduce impacts to potential cultural resources and TCRs. Cumulative impacts would be less than significant. Pursuant to *CEQA Guidelines*, the City finds that implementation of **MM Overlay CUL-1** and **MM Overlay CUL-2**, would ensure that cumulative development consistent with the Overlay is less than significant and will be incorporated into the Project via conditions of approval for the Overlay.

Pursuant to *CEQA Guidelines*, the City finds that implementation of **MM EKN CUL-2a**, **MM EKN CUL-2b**, **MM EKN CUL-2c**, and **MM EKN CUL-3** would reduce Project effects related to cultural resources and tribal cultural resources on the Hotel site to below a level of significant and will be incorporated into the Project via conditions of approval for the Hotel.

Cumulative impacts would be less than significant with mitigation incorporated.

**Rationale for Finding:** Future development would be required to comply with federal, State, and

local laws and policies that protect cultural resources and TCRs, including the provisions of SB 18 and AB 52, Section 15064.5 of the CEQA Guidelines, Section 7050.5 of the California Health and Safety Code, and Sections 5024.1 and 5097 of the Public Resources Code. Compliance with these policies may also require development projects to prepare site-specific project-level analysis to fulfill CEQA requirements, which would include additional consultation that could lead to the identification of potential site-specific cultural resources and TCRs. Accordingly, because cumulative development would be required to comply with long-term planning documents and regulatory agency policies (including, but not limited to, evaluation requirements and inadvertent discovery procedures) that would reduce impacts to potential cultural resources and TCRs, cumulative impacts would be less than significant. Moreover, the Overlay and the Hotel's incremental contribution to these less than significant cumulative impacts would not be cumulatively considerable with implementation of the policies and programs included in the General Plan, the Municipal Code that are intended to conserve and reduce impacts to cultural resources and TCRs as outlined in the Rationale for Findings for Impacts CUL-1 through CUL-5, discussed above.

### **4.3 Land Use and Planning**

**Impact LAND-2:** The Project could cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (Draft EIR, p. 3.3-18)

However, implementation of **MM Overlay CUL-1e** would reduce Project effects due to a conflict with applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact to less than significant.

### **Mitigation Measures**

**Overlay CUL-1e:** See above.

**Finding for LAND-2:** Pursuant to *CEQA Guidelines*, the City finds that **MM Overlay CUL-1e** would reduce Project effects related to conflicts with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental impact to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM Overlay CUL-1e** will be incorporated into the Project via conditions of approval for the Overlay and will reduce **Impact LAND-2** to a less-than-significant level.

**Rationale for Finding:** The proposed Overlay does not include any project-specific development and as such would not result in any direct impacts to consistency with the General Plan.<sup>1</sup> Future development facilitated by the proposed Overlay would be subject to independent discretionary review, including an independent CEQA analysis which would evaluate the specific project's consistency with relevant General Plan policies. Development envisioned by the proposed Overlay could be potentially significant as it is unknown whether the proposed future development will comply with the City's existing policies. However future development would adhere to **MM Overlay CUL-1e** which requires compliance with City policies and programs, and adherence to development and design standards, enforced through the entitlement and CUP process, would ensure that impacts remain less than significant. Complying with **MM Overlay CUL-1e** ensures that developments align with the land use plan by maintaining contextual compatibility, protecting adjacent properties, enhancing the public realm, and promoting sustainable, high-quality design.

---

<sup>1</sup> As outlined in the Project Description section, the proposal includes an amendment to the General Plan to increase the FAR from 2.5 to 6.0. This amendment will resolve the existing inconsistency within the General Plan.

The Hotel is consistent with the majority of applicable goals and policies of the General Plan and would be subject to HSPAR, and is therefore a less than significant impact. It is being developed above the currently allowable lot coverage, FAR, and height, but, with approval of the proposed Overlay, a maximum building height of up to 75 feet, a FAR of 6.0, and up to 100 percent lot coverage would be allowed. As such the Hotel project would be consistent with the requirements of the proposed Overlay. Additionally, because the Hotel is located in Area A of the Overlay, it would be required to obtain a CUP. Impacts associated with the Hotel would be less than significant.

Accordingly, compliance with **MM Overlay CUL-1e**, would ensure that land use impacts would be minimized. Therefore, after applying these measures, the impact would be less than significant.

**Cumulative Land Use and Planning Impact:** The Project would have a less than significant cumulative impact related to land use and planning with implementation of mitigation. (Draft EIR, p. 3.3-39)

Implementation of **MM Overlay CUL-1e** would reduce Project cumulative effects related to land use and planning to less than significant.

### **Mitigation Measures**

**Overlay CUL-1e:** See above.

**Finding for Cumulative Land use and Planning Impact:** Pursuant to *CEQA Guidelines*, the City finds that **MM Overlay CUL-1e** would reduce Project cumulative impacts to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM Overlay CUL-1e** will be incorporated into the Project via conditions of approval for the Overlay and will reduce cumulative impacts to a less-than-significant level.

**Rationale for Finding:** The specific development resulting from the Overlay is unknown and therefore, may have a cumulative impact on the City's compliance with its policies and plans. Cumulative projects within the City would be required to comply with the General Plan and conformance with land use planning regulations would be confirmed during project approval for cumulative projects. Nonetheless, development facilitated by the proposed Overlay would adhere to **MM Overlay CUL-1e** which requires compliance with City policies and programs, and adherence to development and design standards, enforced through the entitlement and CUP process, and would ensure that the Overlay's incremental contribution to less than significant cumulative impacts is not cumulatively considerable. The Hotel would not result in significant land use or planning conflicts and would not contribute to an overall cumulative land use or planning conflict in the area; however, as it is located in Area A of the Overlay, it would be required to obtain a CUP consistent with the requirements in **MM Overlay CUL-1e**. For these reasons, the incremental contribution of the Hotel to the less than significant cumulative impacts would not be cumulatively considerable.

Accordingly, compliance with **MM Overlay CUL-1e**, would ensure cumulative impacts related to development consistent with the Overlay would be less than significant.

### **4.4 Initial Study Impacts Requiring Mitigation**

The Initial Study is incorporated into the EIR and summarized in Chapter 4, Additional Effects Evaluated in the Initial Study. Additionally, the Initial Study was circulated for public review

between April 12, 2024, and May 13, 2024.

**Air Quality – Conflict with Air Quality Plan:** The Project could conflict with or obstruct implementation of the applicable air quality plan. (Draft EIR, p. 4-6)

However, implementation of **MM EKN AQ-1** would reduce Project effects to less than significant.

**Mitigation Measures**

**EKN AQ-1:** The latest Bay Area Air Quality Management District (BAAQMD) recommended Best Management Practices (BMPs) to control for fugitive dust and exhaust during shall be incorporated into construction plans to require implementation of the following throughout all construction activities:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
7. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
8. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
9. Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

**Finding for Air Quality – Conflict with Air Quality Plan:** Pursuant to *CEQA Guidelines*, the City finds that the Overlay would have less than significant impacts related to air quality. **MM EKN AQ-1** would reduce Project effects related to the Hotel to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN AQ-1** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's Air Quality impacts to a less-than-significant level.

**Rationale for Finding:** The Overlay in and of itself would not result in any physical development

and would not generate any emissions until such time as future development is proposed. Future development in the Overlay would be required to comply with City of Petaluma General Plan 2025 (General Plan) policies in effect at the time of submittal, would be subject to independent review in accordance with CEQA (if not otherwise exempt), and would be evaluated on a project-by-project basis to determine potential air quality impacts at the time a development application is received. Accordingly, the Overlay would have less than significant impacts.

The Hotel would support the primary goals of the 2017 Clean Air Plan as it is located in the City's Downtown and is proximate to transit, thereby minimizing reliance on auto travel and, in turn, reducing air pollutants, which protects public health and the climate. Additionally, the Hotel would be constructed as all-electric, consistent with adopted City regulations; and would implement control measure TR3 of the Clean Air Plan through construction of a bus stop along the Petaluma Boulevard North frontage, adjacent to Center Park, approximately 200 feet north of the site; and would not interfere with implementation of other control measures identified in the Clean Air Plan. The Hotel would also be consistent with Plan Bay Area 2050 as it proposes a new employee-generating use in an urbanized area proximate to transit. As such, with implementation of **MM EKN AQ-1**, the Hotel would not conflict with the regional air quality plans and impacts would be less than significant.

**Air Quality -Air Quality Standards:** The Project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard. (Draft EIR, p. 4-8)

However, implementation of **MM EKN AQ-1** would reduce Project effects related to criteria pollutants to less than significant.

### **Mitigation Measures**

**EKN AQ-1:** See above.

**Finding for Air Quality – Air Quality Standards:** Pursuant to *CEQA Guidelines*, the City finds that the Overlay would have less than significant impacts related to air quality. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN AQ-1** would reduce Project effects related to the Hotel to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN AQ-1** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's Air Quality impacts to a less-than-significant level.

**Rationale for Finding:** The Overlay does not result in direct physical changes. However, the Hotel construction may result in some temporary impacts. To ensure Best Management Practices (BMPs) are implemented throughout project construction, the proposed Hotel shall comply with **MM EKN AQ-1** during all stages of construction. With implementation of these measures, the impact would be less than significant.

**Air Quality – Sensitive Receptors:** The Project could expose sensitive receptors to substantial pollutant concentrations. (Draft EIR, p. 4-10)

However, implementation of **MM EKN AQ-1** would reduce Project effects related to sensitive receptors to less than significant.

### **Mitigation Measures**

**EKN AQ-1:** See above.

**Finding for Air Quality – Sensitive Receptors:** Pursuant to *CEQA Guidelines*, the City finds that the Overlay would have less than significant impacts related to air quality. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN AQ-1** would reduce Project effects related to the Hotel to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN AQ-1** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's Air Quality impacts to a less-than-significant level.

**Rationale for Finding:** The Overlay does not result in direct physical changes. However, construction of the Hotel may have temporary impacts on air quality sensitive receptors. . Implementation of **MM EKN AQ-1** which requires implementation of standard BMPs throughout the proposed Hotel's construction, would reduce impacts to nearby sensitive receptors during project construction to less than significant.

**Biological Resources – Special-status Species:** The Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service. (Draft EIR, p. 4-15)

However, implementation of **MM Overlay BIO-1** and **EKN BIO-2** would reduce Project effects related to candidate, sensitive, or special status species to less than significant.

### **Mitigation Measures**

**Overlay BIO-1:** Should construction activities commence during the bird nesting season (February 15 to September 15), a pre-construction nesting bird survey shall be conducted by a qualified biologist no more than 14 days prior to the start of ground-disturbing activities. Areas within 300 feet of construction shall be surveyed for active nests. Should active nests be identified, a disturbance-free buffer shall be established based on the needs of the species identified and shall be maintained until a qualified biologist verifies that the nestlings have fledged, or the nest has failed. Should construction activities cease for 14 consecutive days or more within the nesting season, an additional nesting bird survey shall be required prior to resuming ground-disturbing activities. Results of the nesting bird survey shall be submitted in writing to the City of Petaluma, Community Development Department.

**EKN BIO-2:** The project shall incorporate design features such as window screens and coverings, window glazing, and overhangs to minimize risks of collisions with migrating avian species.

**Finding for Biology – Special-status Species:** Pursuant to *CEQA Guidelines*, the City finds that implementation all applicable federal, State, and local laws and **MM Overlay BIO-1**, would ensure that future development consistent with the Overlay is less than significant and will be incorporated into the Project via conditions of approval for the Overlay. Through compliance with all applicable federal, State, and local laws, as well as the requirements for pre-construction surveys required for projects in the Overlay and implementation of **MM EKN BIO-2**, impacts associated with the Hotel would be less than significant. Pursuant to *CEQA Guidelines*, the City finds that **EKN BIO-2** will

be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's biological impacts to a less-than-significant level.

**Rationale for Finding:** The Overlay does not result in direct physical changes and the parcels in the Overlay were already zoned as developable properties and impacts to biological resources were previously analyzed at these sites during the City's certification of the General Plan EIR and adoption of the City's Implementing Zoning Ordinance (IZO). No wetlands, riparian habitat, sensitive natural communities, or jurisdictional wetlands were identified within the Downtown Housing and Economic Opportunity Overlay. Additionally, subsequent development proposals would be required to demonstrate compliance with State, federal, and local laws and regulations, and the applicable policies contained in the General Plan regarding special-status species and would be subject to independent discretionary review. Additionally, the Project would implement **MM Overlay BIO-1**, which requires pre-construction nesting bird surveys and appropriate actions upon the discovery of active nests. Given that the Overlay is within an urbanized area of the City and that future site-specific proposals will be subject to discretionary review, compliance with CEQA, and compliance with applicable local regulations and implementation of **MM Overlay BIO-1**, impacts related to biological resources as a result of the Overlay would be less than significant.

In addition to compliance with Overlay requirements identified in **MM Overlay BIO-1**, the Hotel would implement **MM EKN BIO-2**, which requires incorporation of design features such as window screens and coverings, window glazing, and overhangs to minimize risks of collisions with migrating avian species. Lastly, the Hotel is subject to historic site plan and architectural review, which requires a finding that the environmental impacts, including those to biological resources, are avoided or mitigated to less than significant. Through compliance with the Overlay, all applicable federal, State, and local laws, and implementation of **EKN BIO-2**, impacts to candidate, sensitive, or special status species related to the Hotel would be less than significant.

**Biological Resources – Wildlife Movement:** The Project could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. (Draft EIR, p. 4-16)

However, implementation of **MM EKN BIO-2** would reduce Project effects related to candidate, sensitive, or special status species to less than significant.

### **Mitigation Measures**

**EKN BIO-2:** See above.

**Finding for Biology -Wildlife Movement:** Pursuant to *CEQA Guidelines*, the City finds that the Overlay would have less than significant impacts related to wildlife movement. With respect to the Hotel, pursuant to *CEQA Guidelines*, the City finds that compliance with all applicable federal, State, and local laws, as well as implementation of **MM EKN BIO-2**, impacts would be less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN BIO-2** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's biological impacts related to wildlife movement to a less-than-significant level.

**Rationale for Finding:** Properties in the Overlay were already zoned as developable properties and impacts to biological resources were previously analyzed at these sites during the City's

certification of the General Plan EIR and adoption of the City's Implementing Zoning Ordinance. Accordingly, the Overlay does not result in direct physical changes and would have less than significant impacts. The Hotel would implement **MM EKN BIO-2**, which requires incorporation of design features such as window screens and coverings, window glazing, and overhangs to minimize risks of collisions with migrating avian species. Implementation of **MM EKN BIO-2**, would reduce the Hotel's impacts related to wildlife movement to less than significant.

**Biological Resources Local Policies or Ordinances:** The Project could conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Draft EIR, p. 4-16)

However, implementation of **MM Overlay BIO-1** would reduce Project effects related to conflict with local policies or ordinances to less than significant.

**Mitigation Measures: Overlay BIO-1:** See above.

**Finding for Biological Resources – Local Policies or Ordinances:** Pursuant to *CEQA Guidelines*, the City finds that the Project would implement **MM Overlay BIO-1**. Through compliance with all applicable federal, State, and local laws, as well as implementation of **MM Overlay BIO-1**, impacts related to the Project would be less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM Overlay BIO-1** will be incorporated into the Project via conditions of approval for the Overlay and will reduce impacts to a less-than-significant level.

**Rationale for Finding:** The Overlay would not result in direct physical development, and the parcels in the Overlay were already zoned as developable properties. Thus, impacts to biological resources were previously analyzed at these sites during the City's certification of the General Plan EIR and adoption of the City's Implementing Zoning Ordinance (IZO). No wetlands, riparian habitat, sensitive natural communities, or jurisdictional wetlands were identified within the Overlay. Projects within the Overlay would be required to comply with all applicable local, state and federal laws. As such, future development that is subject to site plan and architectural review requires a finding that the environmental impacts, including biological resources are avoided or mitigated to less than significant. Additionally, **MM Overlay BIO-1**, requires pre-construction nesting bird surveys and appropriate actions upon the discovery of active nests. Given that the Project is within an urbanized area of the City and that future site-specific proposals will be subject to discretionary review, compliance with CEQA, and compliance with applicable local regulations and implementation of **MM Overlay BIO-1**, impacts to local policies or ordinances as a result of the Project would be less than significant.

**Energy – Conflict with State or Local Plan:** The Hotel could conflict with or obstruct a State or local plan for renewable energy or energy efficiency. (Draft EIR, p. 4-18)

However, implementation of **MM EKN GHG-2** would reduce Project effects related to potential conflicts related to state or local plans to less than significant.

**Mitigation Measures**

**EKN GHG-2:** Prior to the issuance of a building permit, the proposed off-street parking located within the subterranean garage on the site of the proposed Hotel shall be designed and verified for compliance with CALGreen Tier 2 standards.



**Finding for Energy – Conflict with State or Local Plan:** Pursuant to *CEQA Guidelines*, the City finds that the Overlay would have less than significant impacts related to potential conflicts with state or local plans. The Hotel would implement, **MM EKN GHG-2** which requires the Hotel to comply with off-street EV requirements in the most recently adopted version of CALGreen Tier 2. As such, pursuant to *CEQA Guidelines*, the City finds impacts related to Hotel resulting from a conflict with a State or local plan for renewable energy or energy efficiency would be less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN GHG-2** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's energy impacts to a less-than-significant level.

**Rationale for Finding:** The Overlay does not result in direct physical changes and would have less than significant impacts. The Hotel is proximate to goods, services, and transit, and would minimize reliance on auto travel and in turn reduce energy consumption associated with driving, which is consistent with the BAAQMD 2017 Clean Air Plan, State Alternative Fuels Plan, City of Petaluma General Plan, and City of Petaluma Climate Emergency Framework. In addition, **MM EKN GHG-2** will be required to comply with off-street EV requirements in the most recently adopted version of CALGreen Tier 2. Implementation of **MM EKN GHG-2**, would reduce impacts related to potential conflicts with state or local plans to less than significant.

**Geology, Soils, and Seismicity – Faults, Groundshaking, Ground Failure:** The Project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Division of Mines and Geology Special Publication 42.
- ii. Strong seismic ground shaking.
- iii. Seismic-related ground failure, including liquefaction.
- iv. Landslides. (Draft EIR, p. 4-24)

However, implementation of **MM EKN GEO-1** would reduce Project effects related to faults, ground shaking, liquefaction and landslides to less than significant.

### **Mitigation Measures**

**EKN GEO-1:** All applicable recommendations set forth in the Design Level Geotechnical Investigation prepared by Miller Pacific Engineering Group on January 28, 2022, for the subject property, including, but not limited to recommendations related to seismic design, site preparation and grading, foundation designs, retaining wall designs, settlement monitoring (see also MM GEO-3), site and foundation drainage, interior concrete slabs-on-grade, exterior concrete slabs, underground utilities, and recommendations for wintertime construction shall be implemented. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical reports have been incorporated into the final design of the project and to the satisfaction of the City of Petaluma Public Works and Utilities Department.

**Finding for Geology, Soils, and Seismicity- Faults, Groundshaking, Ground Failure:** Pursuant

to *CEQA Guidelines*, the City finds that the Overlay would have less than significant impacts related to faults, ground shaking, liquefaction and landslides. The Hotel would implement, **MM EKN GEO-1** which requires incorporation of all recommendations outlined in the Geotechnical Investigation for the Hotel. As such, pursuant to *CEQA Guidelines*, the City finds that impacts resulting from faults, ground shaking, liquefaction and landslides would be less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN GEO-1** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's potential impacts related to faults, ground shaking, liquefaction and landslide to a less-than-significant level.

**Rationale for Finding:** The Overlay does not result in direct physical changes and would have less than significant impacts. All recommendations outlined in the Geotechnical Investigation for the proposed Hotel shall be incorporated into construction-level drawings and subject to review and approval by the City Engineer. Through compliance with building code standards and incorporation of site-specific geotechnical recommendations, required through implementation of **MM EKN GEO-1**, impacts related to faults, ground shaking, liquefaction and landslides would be less than significant.

**Geology, Soils, and Seismicity - Erosion:** The Project could result in substantial soil erosion or the loss of topsoil. (Draft EIR, p. 4-25)

However, implementation of **MM EKN GEO-2** would reduce Project effects related to erosion to less than significant.

### **Mitigation Measures**

**EKN GEO-2:** Prior to issuance of a grading permit, an erosion control plan along with grading and drainage plans shall be submitted to the City Engineer for review. All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Petaluma's Grading and Erosion Control Ordinance #1576, Title 17, Chapter 17.31 of the Petaluma Municipal Code. These plans shall detail erosion control measures such as site watering, sediment capture, equipment staging and laydown pad, and other erosion control measures to be implemented during construction activity on the project site.

**Finding for Geology, Soils, and Seismicity - Erosion:** Pursuant to *CEQA Guidelines*, the City finds that the Overlay would have less than significant impacts related to erosion. The Hotel would implement, **MM EKN GEO-2** which requires an erosion control plan. Pursuant to *CEQA Guidelines*, the City finds that with implementation of **MM EKN GEO-2**, impacts associated with soil erosion would be reduced to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN GEO-2** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's erosion impacts to a less-than-significant level.

**Rationale for Finding:** The Overlay does not result in direct physical changes and would have less than significant impacts. The Hotel site is relatively flat and as such, substantial erosion during operation of the proposed Hotel is not likely. However, localized erosion due to concentrated surface water flows and loss of topsoil could occur during project construction. **MM EKN GEO-2** requires submittal of an erosion control plan identifying measures to be implemented during construction and establishing provisions for grading activity during the rainy season, consistent with the City's Grading and Erosion Control Ordinance. Through compliance with the City's Ordinance and implementation of **MM EKN GEO-2**, impacts related to erosion would be less than significant.

**Geology, Soils, and Seismicity – Unstable Geologic Unit:** The Project could be located on a geologic or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off site landslide, lateral spreading, subsidence, liquefaction or collapse. (Draft EIR, p. 4-25)

However, implementation of **MM EKN GEO-3** would reduce Project effects related to an unstable geologic unit to less than significant.

### **Mitigation Measures**

**EKN GEO-3:** Upon submittal of plans for project construction, a damage assessment of all existing adjacent structures and improvements shall be submitted to the City of Petaluma Community Development Department. The damage assessment shall document existing conditions of adjacent improvements, including foundation cracking, un-level floors, out of plumb walls, out of square door/window openings, etc. Upon excavation of the proposed basement, vertical and lateral control points shall be established. Throughout project construction, the control points shall be periodically measured and monitored by a licensed surveyor to determine whether any vertical or lateral movement is occurring adjacent to the excavation. If any movement is observed/measured, steps shall be taken to strengthen the excavation shoring to control settlements and lateral movements. All measurements shall be provided to the City of Petaluma Community Development Department.

**Finding for Geology, Soils, and Seismicity – Unstable Geologic Unit:** Pursuant to *CEQA Guidelines*, the City finds that the Overlay would have less than significant impacts related to erosion. The Hotel would implement **MM EKN GEO-3** which requires the applicant/contractor to perform a damage assessment for all existing adjacent structures and improvements prior to commencing construction activities. Pursuant to *CEQA Guidelines*, the City finds that with implementation of **MM EKN GEO-3**, impacts associated with unstable geologic units would be reduced to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN GEO-3** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's impacts related to unstable geologic units to a less-than-significant level.

**Rationale for Finding:** The Overlay does not result in direct physical changes and would have less than significant impacts. The Hotel includes a subterranean parking garage. **MM EKN GEO-3** requires the applicant/contractor to perform a damage assessment for all existing adjacent structures and improvements prior to commencing construction activities. In addition to the pre-construction assessment, **MM EKN GEO-3** requires installation and periodic measurement of vertical and lateral control points to determine whether any vertical or lateral movement is occurring. With implementation of **MM EKN GEO-3**, impacts resulting from an unstable geologic unit, would be reduced to less than significant.

**Geology, Soils, and Seismicity – Expansive Soils:** The Project could be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. (Draft EIR, p. 4-25)

However, implementation of **MM EKN GEO-1** would reduce Project effects related to expansive soils to less than significant.

### **Mitigation Measures**

**EKN GEO-1:** See above.

**Finding for Geology, Soils, and Seismicity – Expansive Soils:** Pursuant to *CEQA Guidelines*, the City finds that the Overlay would have less than significant impacts related to erosion. The Hotel would implement, **MM EKN GEO-1** which requires adherence to the recommendations set forth in the Geotechnical Investigation and as directed by the City Engineer. Pursuant to *CEQA Guidelines*, the City finds that with implementation of **MM EKN GEO-1**, impacts associated with expansive soils would be reduced to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN GEO-1** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's impacts related to expansive soils to a less-than-significant level.

**Rationale for Finding:** The Overlay does not result in direct physical changes and would have less than significant impacts. All future development proposed within the Overlay will be required to be built in conformance with the standards set forth in the most recent California Building Standards Code (CBC), Title 24, Part 2 (CBC 3.7-20 Chapter 3: Setting, Impacts, and Mitigation Measures) and the California Public Resources Code, Division 2, Chapter 7.8 (the Seismic Hazards Mapping Act). Additionally, consistent with General Plan Policy 10-P-1, site-specific geotechnical studies will be required to identify site-specific geologic conditions, identify if a future development project is geotechnically feasible, and provide design criteria and other site- and project-specific recommendations to address geotechnical hazards.

The Hotel includes a subterranean parking garage. To ensure expansive soils do not result in significant impacts, recommendations set forth in the Geotechnical Investigation and as directed by the City Engineer shall be implemented in accordance with **MM EKN GEO-1**. Measures to correct expansive soils include but are not limited to moisture conditioning soils on-site until imported aggregate base or surface flatwork is completed. With implementation of **MM EKN GEO-1**, potential impacts due to the presence of expansive soils would be reduced to less than significant levels.

**Geology, Soils, and Seismicity – Paleontological Resources:** The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Draft EIR, p. 4-26)

However, implementation of **MM EKN GEO-4** would reduce Project effects related to paleontological resources to less than significant.

### **Mitigation Measures**

**EKN GEO-4:** Prior to the start of construction activities, a Qualified Paleontologist that meets the standards of the Society of Vertebrate Paleontology (SVP) shall be retained to prepare and conduct pre construction worker paleontological resources sensitivity training. The training shall include information on what types of paleontological resources could be encountered during excavations, what to do in case an unanticipated discovery is made by a worker (i.e., discoveries made within the first 10 feet below ground surface [BGS]), and laws protecting paleontological resources. All construction personnel shall be informed of the possibility of encountering fossils and instructed to immediately inform the construction foreman or supervisor if any bones or other potential fossils are unexpectedly unearthed during construction.

The Qualified Paleontologist or Paleontological Monitor (under the supervision of the Qualified Paleontologist shall monitor mass grading and excavation activities below 10 feet BGS in areas within the project site identified as likely to contain paleontological resources. Unanticipated discovery procedures shall be included in the paleontological resources sensitivity training to address any potential discoveries in the first 10 feet BGS. Monitoring activities may be increased or decreased based on fossil finds (or the lack thereof), at the discretion of the Qualified Paleontologist.

If a paleontological resource is discovered during construction, the Paleontological Monitor shall be empowered to temporarily divert or redirect grading and excavation activities in the area of the exposed resource to facilitate evaluation of the discovery. An appropriate buffer area shall be established by the Qualified Paleontologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. All significant fossils shall be collected by the Paleontological Monitor and/or the Qualified Paleontologist. Collected fossils shall be prepared to the point of identification and cataloged before they are submitted to their final repository. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the University of California Museum of Paleontology (UCMP). A final report of findings and significance will be prepared by the Qualified Paleontologist, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s).

**Finding for Geology, Soils, and Seismicity -Paleontological Resource:** Pursuant to *CEQA Guidelines*, the City finds that the Overlay would have less than significant impacts related to paleontological resources. The Hotel would implement, **MM EKN GEO-4** which requires that a qualified paleontologist conduct preconstruction training and monitor grading. Pursuant to *CEQA Guidelines*, the City finds that with implementation of **MM EKN GEO-4**, impacts associated with paleontological resources would be less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN GEO-4** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's impacts related to paleontological resources to a less-than-significant level.

**Rationale for Finding:** The General Plan does not identify the presence of any paleontological or unique geological resources within the Urban Growth Boundaries. The Overlay does not result in direct physical changes and would have less than significant impact.

There is limited expectation that paleontological resources are present on the Hotel site within the first 10 feet BGS at the project site. However, potential remains for the discovery of buried paleontological resources. **MM EKN GEO-4** would require a Qualified Paleontologist that meets the standards of the Society of Vertebrate Paleontology (SVP) to prepare and conduct preconstruction worker paleontological resources sensitivity training. In part, the training would include processes for responding to unanticipated discoveries. Additionally, in the event a paleontological resource is discovered during construction, **MM EKN GEO-4** empowers the Paleontological Monitor to temporarily divert or redirect grading and excavation activities in the area of the exposed resource to facilitate evaluation of the discovery. An appropriate buffer area shall be established by the Qualified Paleontologist around the find where construction activities shall not be allowed to continue. To avoid impacts to significant paleontological resources, implementation of **MM EKN GEO-4** would be required.

**Greenhouse Gas Emissions – Significant GHG Emissions:** The Project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (Draft EIR, p. 4-29)

However, implementation of **MM EKN GHG-1** would reduce Project effects related to significant GHG emissions to less than significant.

**Mitigation Measures**

**EKN GHG-1:** The most current, at time of project approval, Bay Area Air Quality Management District- (BAAQMD-) recommended Best Management Practices (BMPs) to control for construction-related greenhouse gas (GHG) emissions shall be incorporated into construction plans to require implementation throughout all construction activities.

1. Use zero-emission and hybrid-powered equipment to the greatest extent possible, particularly if emissions are occurring near sensitive receptors or located within a BAAQMD-designated Community Air Risk Evaluation (CARE) area or Assembly Bill 617 community.
2. Require all diesel-fueled off-road construction equipment be equipped with United States Environmental Protection Agency (EPA) Tier 4 Final compliant engines or better as a condition of contract.
3. Require all on road heavy-duty trucks to be zero emissions or meet the most stringent emissions standard, such as model year (MY) 2024 to 2026, as a condition of contract.
4. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes (A 5-minute limit is required by the State Airborne Toxics Control Measure (ATCM) (Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations). Provide clear signage that posts this requirement for workers at the entrances to the site and develop an enforceable mechanism to monitor idling time to ensure compliance with this measure.
5. Prohibit off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
6. Use California Air Resources Board–approved renewable diesel fuel in off road construction equipment and on road trucks.
7. Use EPA SmartWay certified trucks for deliveries and equipment transport.
8. Require all construction equipment is maintained and properly tuned in accordance with manufacturer’s specifications. Equipment should be checked by a certified mechanic and determined to be running in proper condition prior to operation.
9. Where grid power is available, prohibit portable diesel engines and provide electrical hook ups for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.
10. Where grid power is not available, use alternative fuels, such as propane or solar electrical power, for generators at construction sites.

11. Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction workers and offer meal options on-site or shuttles to nearby meal destinations for construction employees.
12. Reduce electricity use in the construction office by using light-emitting diode (LED) bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones.
13. Minimize energy used during site preparation by deconstructing existing structures to the greatest extent feasible.
14. Recycle or salvage nonhazardous construction and demolition debris, with a goal of recycling at least 15 percent more by weight than the diversion requirement in Title 24.
15. Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials and based on volume for roadway, parking lot, sidewalk and curb materials). Wood products used should be certified through a sustainable forestry program.
16. Use low carbon concrete, minimize the amount of concrete used and produce concrete on-site if it is more efficient and lower emitting than transporting ready-mix.
17. Develop a plan to efficiently use water for adequate dust control since substantial amounts of energy can be consumed during the pumping of water.
18. Include all requirements in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant on- or off-road construction equipment for use prior to any ground-disturbing and construction activities.

**MM EKN GHG-2:** Prior to the issuance of a building permit, the proposed off-street parking located within the subterranean garage on the site of the proposed Hotel shall be designed and verified for compliance with CALGreen Tier 2 standards.

**Finding for Greenhouse Gas Emissions – Significant GHG Emissions:** Pursuant to *CEQA Guidelines*, the City finds that the Overlay would have less than significant impacts related to GHG emissions. The Hotel would implement, **MM EKN GHG-1** which requires incorporation of BMPs to control construction-related emissions. **MM EKN GHG-2** is required for the Project to meet the BAAQMD's performance-based thresholds during operation of the Hotel. Pursuant to *CEQA Guidelines*, the City finds that with implementation of **MM EKN GHG-1** and **MM GHG-2**, construction and operation impacts associated with greenhouse gas emissions would be less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN GHG-1** and **MM EKN GHG-2** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's greenhouse gas emissions impacts to a less-than-significant level.

**Rationale for Finding:** The Overlay would not result in direct physical changes to the environment. Future development applications within the Overlay would be subject to independent discretionary review on a case-by-case basis. Depending on the type of future proposed development, project-

specific GHG analysis would be required to analyze impacts associated with GHG emissions during construction and operation, and to identify any necessary mitigation measures to reduce impacts of GHGs. As there is no physical development proposed by the Overlay component of the project and future projects facilitated by the Overlay would be subject to independent review, GHG impacts of the Overlay would be less than significant.

Consistent with the BAAQMD 2022 CEQA Guidelines, the Hotel would implement **MM EKN GHG-1**, which requires incorporation of BMPs throughout construction to control for construction-related GHG emissions. The Hotel would be consistent with Title 24 Building Efficiency Standards, would comply with the California Energy Commission's standards for lighting efficiency, and would comply with lighting standards. The Hotel would not result in significant Vehicle Miles Traveled (VMT) impacts and would be required to implement **MM EKN GHG-2**, which requires compliance with off-street EV requirements in the most recently adopted version of CALGreen Tier 2. Based on the project's consistency with BAAQMD's most recently adopted thresholds for land use projects, as well as the project's requirement to comply with **MM EKN GHG 2**, impacts resulting from GHG emissions at project operation would be less than significant. With incorporation of **MM EKN GHG-1 and MM EKN GHG-2**, emissions generated during both construction and operation of the Hotel would be less than less than significant.

**Greenhouse Gas Emissions – Applicable Plans:** The Project could conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. (Draft EIR, p. 4-31)

However, implementation of **MM EKN GHG-2** would reduce Project effects related to conflict with applicable plans to less than significant.

### **Mitigation Measures**

**EKN GHG-2:** See above .

**Finding for Greenhouse Gas Emissions – Applicable Plans:** Pursuant to *CEQA Guidelines*, the City finds that the Overlay would have less than significant impacts related to conflict with applicable plans. The Hotel would implement, **MM EKN GHG-2** which requires compliance with off-street EV requirements consistent with CALGreen Tier 2. Pursuant to *CEQA Guidelines*, the City finds that with implementation of **MM EKN GHG-2**, impacts associated with applicable plans would be less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN GHG-2** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's impacts related to applicable plans to a less-than-significant level.

**Rationale for Finding:** The Overlay would not result in direct physical changes to the environment. As there is no physical development proposed by the Overlay component of the project and future projects facilitated by the Overlay would be subject to independent review, GHG impacts of the Overlay would be less than significant.

The Hotel would be consistent with State and regional plans intended to reduce GHG emissions. The Hotel would comply with CALGreen Tier 1 building standards and CALGreen Tier 2 requirements for off-street EV requirements as required by **MM EKN GHG-2**. Furthermore, the Project would be consistent with relevant General Plan policies and other City regulations including



those intended to reduce GHG emissions. Therefore, with implementation of **MM EKN GHG-2**, potential impacts due to a conflict with a plan, policy, or regulation adopted for the purpose of reducing GHG emissions would be less than significant.

**Hazards and Hazardous Materials -Upset and Accident Conditions:** The Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Draft EIR, Section 4.1.7)

However, implementation of **MM EKN HAZ-1 and MM EKN HAZ-2** would reduce Project effects related to upset and accident conditions to less than significant.

### **Mitigation Measures**

**EKN HAZ-1.** Prior to approval of ground-disturbing activities, the applicant shall submit a site- and project-specific Health and Safety Plan (HASP) and a Soil Management Plan (SMP) to the Sonoma County Department of Health Services and the City of Petaluma, Community Development Department. The HASP shall be developed in accordance with 29 Code of Federal Regulations. In addition to compliance with federal regulations, the HASP shall address potential exposure due to dermal contact and inhalation of residual total petroleum hydrocarbons (TPH) and benzene, shall specify an air monitoring program for volatile organic compounds (VOCs) when performing subsurface earthwork, and shall specify appropriate personal protective equipment (PPE) to be used. The SMP shall include, at a minimum, dust control and monitoring measures, management of stockpiles, and procedures to follow for disposal of soil off-site, including required testing for TPH and benzene.

**EKN HAZ-2:** Upon submittal of building permit plans, the project applicant shall demonstrate compliance (e.g., include directly in project plans, provide written documentation, etc.) with all requirements of the Risk Management Plan included as 'Exhibit B' to the Covenant and Environmental Restriction recorded against the property, as summarized below. In addition, the applicant shall comply with project-specific recommendations provided by the Regional Water Quality Control Board (RWQCB) in July 2022. This measure shall not be construed to preclude requirements of the Risk Management Plan (RMP) that are not explicitly listed here.

1. The first floor of the proposed Hotel shall be restricted to industrial, commercial, and/or office space only; no Hotel rooms or day care shall be permitted.
2. Concurrent with submittal of building permit plans, provide a copy of written approval to the City of Petaluma, Community Development Department from the Sonoma County Department of Health Services for the project as it involves disturbance of more than 5 cubic yards of soil (RMP, Section 2.0).
3. Prior to groundwater extraction or discharge, including construction dewatering, soil or groundwater sampling, or soil reuse or disposal, written approval from the Sonoma County Department of Health Services shall be obtained and a copy shall be provided to the City of Petaluma, Community Development Department (RMP, Section 2.0(d, e, f)).

4. At least three working days prior to commencement of ground-disturbing activities, groundwater extraction or construction dewatering, soil or groundwater sampling, or soil reuse or disposal, provide written notification to the Sonoma County Department of Health Services and the Regional Water Quality Control Board (RWQCB). Proof of notification shall be provided to the City of Petaluma, Community Development Department (RMP, Section 3.0(B)).
5. Following excavation of the proposed 7,140 cubic yards of soil, collect soil confirmation samples and grab-groundwater samples from the resulting excavation pit.
6. Upon submittal of plans for building permit, demonstrate incorporation of a Liquid Boot® membrane/liner or equivalent and a LiquidBoot® Geo Vent system or equivalent beneath the slabs of all proposed building (RMP mitigation measures 3, 4).
7. Throughout project construction, any equipment used in subsurface activities shall be decontaminated using visual inspection to verify that all residual soils or groundwater have been removed prior to leaving the property (RMP, Section 6.0(D)).
8. Following completion of project development and prior to issuance of a certificate of occupancy, collect paired subslab and indoor air samples to ensure effectiveness of the required vapor barriers and venting systems.
9. Throughout project operation, if disturbance to hardscape, building slabs, or the vapor barrier system occurs, a written plan must be prepared for any such work, and must include the method and timing for reinstatement. (RMP, Section 5.0(A)).
10. Throughout project operation, the owner and/or operator shall be responsible for submitting an annual summary report to the Sonoma County Department of Health Services and the RWQCB that describes, in detail, the type, cause, location, and date of all of the previous year's disturbance, if any, to any hardscape or mitigation measure, any remedial measures taken or remedial equipment installed, and any groundwater monitoring system installed on the property pursuant to the requirements of the Sonoma County, which could affect the ability of such mitigation measures, remedial measures and/or equipment, or monitoring system to perform their respective functions and the type and date of repair of such disturbance (RMP, Section 7.0).

**Finding for Hazards and Hazardous Materials – Upset and Accident Conditions:** Pursuant to *CEQA Guidelines*, the City finds that the Overlay would have less than significant impacts related to potentially hazardous materials. The Hotel would implement, **MM EKN HAZ-1** which requires preparation of a site- and project-specific Health and Safety Plan (HASP) and Soil Management Plan (SMP). Additionally, the Hotel would comply with **MM EKN HAZ-2**, which ensures compliance with all requirements of the Draft Residual Risk Management Plan. Pursuant to *CEQA Guidelines*, the City finds that with implementation of **MM EKN HAZ-1 and EKN HAZ-2**, impacts associated with potentially hazardous materials would be less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN HAZ-1 and EKN HAZ-2** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's impacts related to hazardous materials to a less-than-significant level.

**Rationale for Finding:** Future uses within the Overlay may include the routine transport, use, or disposal of hazardous materials. Such uses, which are subject to review and approval of a CUP,

include artisan/craft product manufacturing, building and landscape materials sales, and utility facilities. All such uses proposed in the future would be subject to discretionary review, would be required to disclose any activities involving the routine transport, use, or disposal of hazardous materials, and would be subject to compliance with all applicable federal, State, and local safety regulations. Accordingly, the Overlay would have less than significant impacts.

The Hotel site is listed as a LUST cleanup site by the State Water Board, which issued a case closure letter in 2020 confirming the completion of site investigation and remedial action. To protect people and the environment from exposure to contamination during construction, **MM EKN HAZ-1**, which requires preparation of a site- and project-specific Health and Safety Plan (HASP) and Soil Management Plan (SMP), subject to review and approval by the Sonoma County Department of Health Services and the RWQCB would be implemented for the Hotel. In addition, the Hotel would comply with **MM EKN HAZ-2**, which ensures compliance with all requirements of the Draft Residual Risk Management Plan, unless determined to be inapplicable by the appropriate regulatory authority (e.g., Sonoma County Department of Public Health; RWQCB, etc.). The use of hazardous materials during Hotel operations would be limited to commercially available cleaners, solvents, and landscaping products. The handling and use of such products is typical of commercial, and hotel uses, and the owner/operator would be required to comply with all federal, State, and local requirements for handling such products. With implementation of **MM EKN HAZ-1 and MM HAZ-2**, potential impacts associated with the release of hazardous materials into the environment would be less than significant.

**Hazardous Materials Site:** The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; however, as a result, would it would not create a significant hazard to the public or the environment. (Draft EIR, Section 4.1.7)

Implementation of **MM EKN HAZ-2** would reduce Project effects related the Hotel's inclusion on a list of hazardous materials sites to less than significant.

### **Mitigation Measures**

**EKN HAZ-2:** See above.

**Finding for Hazards and Hazardous Materials – Hazardous Materials Site:** Pursuant to *CEQA Guidelines*, the City finds that the Overlay would have less than significant impacts related to hazardous materials sites. The Hotel would implement, **MM EKN HAZ-2**, which ensures compliance with all requirements of the Draft Residual Risk Management Plan. Pursuant to *CEQA Guidelines*, the City finds that with implementation of **MM EKN HAZ-2**, impacts associated with the Hotel being located on potentially hazardous materials site to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN HAZ-2** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's impacts related to hazardous materials sites to a less-than-significant level.

**Rationale for Finding:** The Overlay includes sites on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; however, redevelopment of these sites which could occur as a result of the proposed Overlay would not create a significant hazard to the public or the environment because they are already remediated or have plans for remediation. Furthermore, all future projects occurring within the boundaries of the Overlay would be required to demonstrate

that there are no hazardous materials present on-site, or that any hazardous materials that may be present are within acceptable levels identified by the applicable regulatory authority (including, but not limited to, Regional Water Quality Control Board and Department of Toxic Substances Control). As such, sites within the proposed Overlay being included on a list of hazardous materials sites would not create a significant hazard to the public or the environment and impacts would be less than significant. Accordingly, the Overlay would have less than significant impacts in this respect.

The Hotel site is listed as a LUST cleanup site by the State Water Board, which issued a case closure letter in 2020 confirming the completion of site investigation and remedial action. The Hotel would comply with **MM EKN HAZ-2**, which ensures compliance with all requirements of the Draft Residual Risk Management Plan, unless determined to be inapplicable by the appropriate regulatory authority (e.g., Sonoma County Department of Public Health; RWQCB, etc.). With implementation of **MM HAZ-2**, potential impacts resulting from the Hotel site's listing on a hazardous materials site compiled pursuant to Government Code Section 65962.5 would not create a significant hazard to the public or the environment and impacts would be less than significant.

**Hydrology and Water Quality – Water Quality Standards:** The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. (Draft EIR, Section 4.1.8)

However, implementation of **MM EKN HAZ-2** would reduce Project effects related to water quality standards to less than significant

### **Mitigation Measures**

**EKN HAZ-2:** See above.

**Finding for Hydrology and Water Quality – Water Quality Standards:** Pursuant to *CEQA Guidelines*, the City finds that in the Overlay, impacts of future development resulting from a violation of water quality or waste discharge standards or through alteration of existing drainage patterns, including through the addition of impervious surfaces would be less than significant. **MM EKN HAZ-2** would apply to the Hotel and require demonstration of compliance with all requirements of the Risk Management Plan. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN HAZ-2** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's impacts to Hydrology and Water Quality to a less-than-significant level.

**Rationale for Finding:** The Hotel would implement standard erosion and sediment control requirements set forth in Municipal Code Chapter 17.31 (Grading and Erosion Control) during all stages of construction. Typical BMPs applied during construction activities include use of fiber filter rolls, sandbags or interceptors at storm drain inlets, track pads at access points, and spill prevention, among others. Through compliance with the City's Grading and Erosion Control Ordinance water quality standards and waste discharge requirements would be met. Additionally, prior to groundwater extraction or discharge, including construction dewatering, the Hotel would demonstrate compliance with **MM EKN HAZ-2**, which requires written approval from the Sonoma County Department of Health Services and notification to the RWQCB and City of Petaluma. Therefore, after applying these measures, the impact would be less than significant.

**Noise –Ambient Noise Standards:** The Project could generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards

established in the local general plan or noise ordinance, or applicable standards of other agencies. (Draft EIR, Section 4.1.10)

However, implementation of **MM EKN NOI-1** would reduce Project effects related to noise standards to less than significant.

### **Mitigation Measures**

**EKN NOI-1:** The following Best Construction Management Practices shall be implemented to reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance:

1. Pursuant to the Implementing Zoning Ordinance, restrict noise generating activities at the construction site or in areas adjacent to the construction site to the hours between 7:00 a.m. and 10:00 p.m., Monday through Friday and 9:00 a.m. to 10:00 p.m. on Saturday, Sunday, and State, federal, or local Holidays.
2. Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists.
3. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
4. Locate all stationary noise generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent receptors.
5. Acoustically shield stationary equipment located near adjacent receptors with temporary noise barriers.
6. Locate staging areas and construction material areas as far away as possible from adjacent receptors.
7. Prohibit all unnecessary idling of internal combustion engines.
8. Route all construction traffic to and from the project site via designated truck routes and prohibit construction-related heavy truck traffic in residential areas where feasible.
9. Notify all adjacent receptors of the construction schedule in writing.
10. Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented.
11. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction.

**Finding Noise Impacts – Ambient Noise Standards:** Pursuant to *CEQA Guidelines*, the City finds that noise impacts as a result of the construction or operation of future site-specific developments

under the proposed Overlay would be less than significant. Pursuant to *CEQA Guidelines*, the City finds that with respect to the Hotel, **MM EKN NOI-1**, which requires implementation of BMPs, would reduce Project effects related to construction noise to less than significant. Operational noise impacts would be less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN NOI-1** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's construction noise impacts to a less-than-significant level.

**Rationale for Finding:** The Overlay would not result in direct physical changes to the environment. As there is no physical development proposed by the Overlay component of the project and future projects facilitated by the Overlay would be subject to independent review, noise impacts of the Overlay would be less than significant. All future construction activities facilitated by the Overlay would be subject to performance standards set forth in the City's IZO, in particular Sections 21.303 and 21.040 which establish hours of operation and maximum exterior noise exposure standards for construction and other noise generating activities. Accordingly, noise impacts of the Overlay are less than significant.

With respect to the Hotel, anticipated construction noise levels fall below the FTA criteria for residential and commercial uses and the Hotel is subject to the performance standards set forth in Section 21.040 of the IZO. To ensure temporary construction noise does not result in a significant impact, the Hotel shall comply with the BMPs set forth in **MM EKN NOI-1**. However, based on the Project's anticipated operational noise, impacts resulting from a permanent noise increase in excess of established standards would be less than significant with no mitigation required. With implementation of **MM EKN NOI-1**, construction noise levels will be minimized and impacts resulting from construction of the proposed Hotel would be reduced to less than significant.

**Noise - Vibration:** The Project could result in generation of excessive groundborne vibration or groundborne noise levels. (Draft EIR, Section 4.1.10)

However, implementation of **MM EKN NOI-2** would reduce Project effects related to groundborne vibration and noise to less than significant.

### **Mitigation Measures**

**EKN NOI-2:** The following measures shall be implemented when construction activities occur within 20 feet of adjacent buildings:

1. Prohibit the use of heavy vibration-generating construction equipment within 20 feet of adjacent buildings.
2. Use a smaller vibratory roller, such as the Caterpillar Model CP433E vibratory compactor, when compacting materials within 20 feet of adjacent buildings. Only use the static compaction mode when within 10 feet of the adjacent buildings.
3. Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 20 feet of adjacent buildings.
4. Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of the designated person shall be clearly posted on the construction site.

**Finding Noise Impacts - Vibration:** Pursuant to *CEQA Guidelines*, the City finds that groundborne vibration and noise as a result of the construction or operation of future site-specific developments under the proposed Overlay would be less than significant. Pursuant to *CEQA Guidelines*, the City finds that with respect to the Hotel, **MM EKN NOI-2**, which requires implementation of BMPs, would reduce Project effects related to construction groundborne vibration and noise to less than significant. Operational vibration impacts would be less than significant. Pursuant to *CEQA Guidelines*, the City finds that **MM EKN NOI-2** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's construction vibration and noise impacts to a less-than-significant level.

**Rationale for Finding:** The Overlay would not result in direct physical changes to the environment. As there is no physical development proposed by the Overlay component of the project and future projects facilitated by the Overlay would be subject to independent review, vibration impacts of the Overlay would be less than significant. Additionally, all future construction activities facilitated by the Overlay would be subject to performance standards set forth in the City's IZO, in particular Sections 21.303 and 21.040 which establish hours of operation and for construction. At operation there are no activities associated with commercial and residential uses permitted by the Overlay that are expected to generate perceptible groundborne vibration.

With respect to the Hotel, potential impacts are limited to construction. To ensure project-generated vibration does not damage adjacent buildings, compliance with **MM EKN NOI-2** shall be required which establishes protective measures when vibration-generating activities occur within 20 feet of adjacent buildings. With implementation of **MM EKN NOI-2**, impacts associated with groundborne vibration and noise as a result of construction of the proposed Hotel will be reduced to less than significant.

**Transportation – Geometric Design Feature:** The Project could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (Draft EIR, Section 4.1.14)

However, implementation of **MM TRA-1** would reduce Project effects related to geometric design features to less than significant.

### **Mitigation Measures**

#### **EKN TRA-1:**

Upon submittal of plans for building permit, the applicant shall submit a Valet Service Plan prepared by a licensed traffic engineer. The Plan shall be subject to review and approval by the City of Petaluma prior to issuance of building permits, and on an annual basis after the start of operation. The Plan shall, at a minimum, ensure the three-vehicle capacity is not exceeded.

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

- All employees of the Hotel who drive their own vehicle to work or who carpool to work with other employees must register their primary vehicle with the hotel operator. Employee vehicles will include a decal. A reporting form shall be maintained by hotel and be updated monthly to reflect any new hires or employee departures. At hiring/orientation, all employees will be informed of all hotel and local parking policies.

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

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

- Starting with reservations, prospective and confirmed hotel guests will be made aware of the multiple transportation offers available to them including complimentary transfers upon request.



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

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

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

**Finding Traffic Impacts – Geometric Design Feature:** Pursuant to CEQA Guidelines, the City finds that traffic impacts under the proposed Overlay would be less than significant. With respect to the Hotel, **MM EKN TRA-1**, which requires preparation and ongoing implementation of a valet service plan, would reduce Project effects related to design features to less than significant. Pursuant to CEQA Guidelines, the City finds that **Mitigation Measure TRA-1** will be incorporated into the Project via conditions of approval for the Hotel and will reduce the Hotel's impacts related to design features to a less-than-significant level.

**Rationale for Finding:** As all future development within the proposed Overlay would be subject to independent discretionary review, impacts resulting from a conflict with CEQA Guidelines Section 15064.3(b), through introduction of a design feature hazard, or through inadequate emergency access would be less than significant.

Although the City finds that it is unlikely that the Hotel would result in a design hazard, to ensure the Hotel's valet service operations do not exceed the available on street space, **MM EKN TRA-1** shall be implemented, which requires preparation and ongoing implementation of a valet service plan. With implementation of **MM EKN TRA-1**, Hotel impacts resulting from vehicles queueing on Petaluma Boulevard South, which could create a design hazard, would be less than significant

## **SECTION 5: NO SIGNIFICANT IMPACTS THAT CANNOT BE MITIGATED TO A LESS- THAN-SIGNIFICANT LEVEL**

The Project was analyzed for potentially significant impacts related to each of the City's thresholds of significance for evaluating environmental impacts. See Draft EIR, Chapter 3, Environmental Impact Analysis, Chapter 4, Additional Effects Evaluated in the Initial Study. The results of the analysis demonstrate that the Project would not result in any significant and unavoidable impacts. As discussed above in Section 3 of these Findings, the City found that the Project would have no impact or a less than significant impact with respect to the majority of the City's thresholds of significance. Further, as discussed in Section 4, the City found that all remaining impacts that are potentially significant can be reduced to less than significance with the implementation of feasible mitigation.

Each of the Overlay parcels identified in Section 2.1, above, was included in the evaluation of the Project analyzed in Chapter 3, Environmental Impact Analysis and Chapter 4, Additional Effects Evaluated in the Initial Study. The Downtown Housing and Economic Opportunity Overlay evaluated in these Findings is described in greater detail in Section 6.4 - Alternative 2—Reduced Area C, of the EIR. To the extent the Overlay evaluated in these Findings encompasses fewer parcels than the full list of parcels identified in the EIR, the City finds that the less than significant impacts disclosed in the EIR would be further reduced.

Therefore, based on the entire record before it, the City finds no substantial evidence that there are any potentially significant impacts associated with the Project that cannot be reduced to below a level of significance.

## **SECTION 6: ALTERNATIVES**

### **6.1 Project Alternatives**

#### ***The EIR Set Forth a Reasonable Range of 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]).

Throughout Chapter 3 of the Draft EIR, the analysis envisioned an Overlay area of approximately 12.18 acres, which was fully evaluated. Under the Project described in these Findings, which is identified as Alternative 2 in the Draft EIR, Area C would be approximately 3.17 acres and encompass 10 parcels. As discussed in detail in Chapter 6, impacts associated with the Project would be incrementally less compared to the 12.18 acre Overlay alternative evaluated in Chapter 3. Furthermore, in Chapter 6, the Draft EIR thoroughly considered two additional alternatives to the Project, including: the No Project Alternative, and the Reduced Height Alternative. As presented in the Draft EIR, Section 6.7, Alternatives Rejected from Further Consideration, provides a summary of the various alternatives that were initially considered including off-site alternatives, a hotel without underground parking, reduced Overlay in Area A only, and an Overlay without expanded lot coverage. Additionally, numerous iterations of these alternatives were suggested during the public comment period. With respect to an alternative that would include Area A only, although it would achieve some of the project objectives, it would not do so to the same degree as the Project and would not substantially reduce any potentially significant impacts. None of the alternatives suggested during the public comment period provide substantially different opportunities compared to the alternatives considered in the Draft EIR. As such, they do not meet the standards outlined in CEQA Guidelines Section 15126.6(a) with regard to the selection of alternatives, and are rejected from further consideration. (See Final EIR Volume 2, Master Response 3,—Alternatives, for additional information regarding the Alternatives Analysis.)

The City hereby concludes that the Final EIR and Draft EIR sets forth a reasonable range of alternatives to the Project so as to foster informed public participation and informed decision making.

***Findings Rejecting Alternatives Are Not Required***

Findings rejecting alternatives are required only if one or more significant environmental effects will not be avoided or substantially lessened by mitigation measures. An agency need not make findings rejecting alternatives described in the EIR if all of the project's significant impacts will be avoided or substantially lessened by mitigation measures. An agency need make only one or more of the findings listed in Pub Res C §21081(a) for each significant impact, so if it makes a mitigation finding for each significant impact, no further findings are required. See Pub Res C §21081(a)(1)–(2); 14 Cal Code Regs §15091(a)(1)–(2).

In *Laurel Hills Homeowners Ass'n v City Council* (1978) 83 CA3d 515, the court held that, if mitigation measures substantially lessen a project's significant environmental effects, the lead agency may approve the project without making findings on the feasibility of the EIR's project alternatives. The court concluded that CEQA does not mandate the choice of the environmentally most desirable project if, through mitigation measures alone, the agency has reduced the project's environmental effects to an acceptable level. 83 CA3d at 521. See also *Stevens v City of Glendale* (1981) 125 CA3d 986, 996; *No Slo Transit, Inc. v City of Long Beach* (1987) 197 CA3d 241.

In *Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1988) 47 C3d 376, 402, the California Supreme Court noted with approval the holding in *Laurel Hills* that CEQA does not require an agency to consider an environmentally superior alternative when approving a project if mitigation measures will substantially reduce environmental impacts. See also *Rio Vista Farm Bureau Ctr. v County of Solano* (1992) 5 CA4th 351, 379 (agency is not required to make findings on feasibility of EIR's alternatives if mitigation measures will reduce environmental impacts to acceptable levels). Thus, when an agency finds that significant adverse effects will be avoided or substantially lessened by mitigation measures, it need not make findings that environmentally

superior alternatives are infeasible. See *Mira Mar Mobile Community v City of Oceanside* (2004) 119 CA4th 477; *Protect Our Water v County of Merced* (2003) 110 CA4th 362, 373; *Kings County Farm Bureau v City of Hanford* (1990) 221 CA3d 692.

In Section 4 above, the City finds that all potential significant impacts would be reduced with implementation of feasible mitigation. Further, as set forth in Section 5, above, the City finds that there are no significant and unavoidable project impacts. Accordingly, no findings rejecting project alternatives or identifying an environmentally superior alternative are required.

## **SECTION 7: STATEMENT OF PROJECT BENEFITS**

The City further specifically finds that there are specific economic, legal, social, and other benefits that support approving the Project. Those reasons are enumerated below.

Implementation of the Project would:

- The Overlay would encourage the placement of future residents and employees within close proximity to existing transit facilities, lowering the amount of fuel consumed, which would result in an overall decrease in per capita transportation energy consumption when compared with State averages. Additionally, guests and patrons would be able to visit stores and residences using these transit facilities, further promoting sustainable transportation choices.
- The Overlay would facilitate concentration of development proximate to existing goods services, and transit services, which would in turn support and promote existing businesses in the Downtown area.
- The Overlay would facilitate development that would contribute to the City in the form of impact fees that could be utilized to purchase and develop City parks and improve City facilities.
- The Overlay would provide improved walkability with new, wider sidewalks, new street trees and other public amenities. The Overlay would improve the pedestrian experience through streetscape enhancements. The Hotel applicant would upgrade the curb ramps at two existing crosswalks to comply with Americans with Disabilities Act (ADA) requirements and would install one streetlight.
- The Overlay would provide development flexibility to encourage business development that would increase the City's tax base. The Hotel would also bring patrons to the businesses downtown, which would encourage business development and increase the City's tax base.
- The Hotel includes development of a new bus stop along the Petaluma Boulevard North frontage, adjacent to Center Park, providing increased access to transit for residents and visitors in the Downtown area.
- The Hotel would introduce a new publicly accessible private open space that is open to the public at least 8 hours per day and/or at least 120 days per year for the benefit of residents and visitors to the Downtown area.
- The Hotel would contribute to the City through an increase in tax base and development fees.

## **SECTION 8: GENERAL FINDINGS**

1. The City, acting through the Community Development Department, is the “Lead Agency” for the Project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed, considered, and analyzed the EIR for the Project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment and analysis of the City in accordance with Public Resources Code Section 21082.1(c)(3).
2. The Draft EIR evaluated the following potential direct, indirect and cumulative environmental impacts: Aesthetics, Cultural Resources and Tribal Cultural Resources, and Land Use and Planning. Additionally, the EIR considered, in separate sections, Growth Inducing Impacts, Significant Irreversible Changes and Mandatory Findings of Significance. Chapter 4 summarizes the Initial Study, Appendix A of the Draft EIR, and fully addresses the remaining CEQA topics. The significant environmental impacts of the Project, as well as other alternatives were identified in the Draft EIR.
3. The City finds that the Draft EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.
4. The City of Petaluma evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, written responses were provided describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The City of Petaluma reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The City of Petaluma, as the Lead Agency, has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the FEIR.
  - a. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that the Responses to Comments contained in the Final EIR fully consider and respond to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR and includes substantial evidence that none of these comments provided substantial evidence that the Project would result in changed circumstances, significant new information, considerably different or feasible mitigation measures, or new or more severe significant impacts than

- were discussed in the Draft EIR, which would require recirculation of the Draft EIR. Thus, the City finds that, as significant new information was not added to the Draft EIR, recirculation is not required pursuant to Public Resources Code Section 21092.1.
- b. The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as it relates to the Project to determine whether, under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
  - c. None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.
  - d. The mitigation measures identified for the Project were included in the Draft EIR and Final EIR. The final mitigation measures for the Project are described in the Mitigation Monitoring and Reporting Program (MMRP) and subsequently incorporated into the Project as conditions of approval. The City finds that the impacts of the Project have been fully mitigated by the mitigation measures identified in the MMRP.
5. CEQA requires the Lead Agency approving a project to adopt a MMRP or the changes to the project which it has adopted, or made a condition of project approval, in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and in the MMRP as adopted by the City serve that function. The MMRP includes all of the mitigation measures adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMRP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMRP.
  6. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.
  7. The custodian of the documents or other materials which constitute the record of proceedings upon which the City's decision is based is the City of Petaluma.
  8. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
  9. The City is certifying an EIR for, and is approving and adopting Findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project.
  10. The EIR is a program EIR for purposes of the environmental analysis of the Overlay. This program EIR is prepared to support approval of the Overlay, and to simplify later

environmental review as activities consistent with the Overlay. When specific development projects are considered, the City may rely on this EIR for relevant analysis. CEQA Guidelines §15168(d)(2)

11. The EIR is a project EIR for purposes of environmental analysis of the Hotel. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the Hotel by the City and the other regulatory jurisdictions.
  12. The City of Petaluma, as the Lead Agency, has eliminated or substantially lessened all potential significant effects.
-