



DATE: December 16, 2024

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Olivia Ervin, Principal Environmental Planner
Brian Oh, Director of Community Development
Greg Powell, Principal Planner

SUBJECT: Consideration to Certify a Final Environmental Impact Report (Final EIR), Adopt Findings of Fact and a Statement of Overriding Considerations, and Adopt the Mitigation Monitoring and Reporting Program (MMRP) for the Creekwood Housing Development Project at 270 and 280 Casa Grande Road; APN(s): 017-040-051 and 017-040-016

City Record No. PLSR-2021-003

RECOMMENDATION

It is recommended that the City Council:

1. Receive the staff presentation on the Final EIR
2. Conduct a public hearing on the Final EIR
3. Adopt a Resolution certifying the Environmental Impact Report, and adopting findings of fact, statement of overriding considerations, the mitigation monitoring and reporting program (MMRP) for the Project (Attachment 1), and
4. Provide policy direction for Planning Commission's consideration regarding the Site Plan and Architectural Review including the proposed pedestrian bridge and multiuse pathway.

BACKGROUND

Project Description

The following includes an abbreviated project description. A detailed description is included in the EIR (available online at <https://cityofpetaluma.org/creekwood-housing-development/>) and in the September 16, 2024 City Council staff report (available online at <https://cityofpetaluma.primegov.com/Portal/Meeting?meetingTemplateId=17105>).

Project Site

The project site consists of two parcels (270 Casa Grande Road, APN 017-040-051; and 280 Casa Grande Road, APN 017-040-016) totaling 5.2 acres and is bounded by Casa Grande Senior Apartments to the north, Adobe Creek and its riparian corridor to the east, the Makenna Housing Development to the South, and Casa Grande Road and Casa Grande High School to the west. The project site contains two existing residences, outbuildings, landscaping, a small orchard, and undeveloped land covered in grasses.

Proposed Improvements

The project proposes demolition of the existing residence located at 280 Casa Grande Road, preservation of the existing residence located at 270 Casa Grande Road, and construction of 59 for-sale dwellings, 9 of which will be offered as below market rate (BMR) units (5 low income and 4 would moderate-income). Other improvements proposed include construction of a multi-use pathway adjacent to Adobe Creek, connecting the project site to the Makenna Subdivision to the south and stubbing out at the Casa Grande Senior Apartments to the north; construction of a multi-use bridge over Adobe Creek, connecting with the existing pathways and residential areas to the east of Adobe Creek on Spyglass Road; and stormwater treatment, flood control, emergency access, and transportation infrastructure.

Requested Entitlements

The project requires approval of the following planning entitlements, which will be considered following certification of the EIR.

- Site Plan and Architectural Review - Required for proposed uses of more than one dwelling unit per lot, except for accessory dwellings.
- Vesting Tentative Parcel Map - Required to establish a single 4.55-acre parcel and a 0.637-acre remainder parcel.
- Tree Removal Permit - Required for removal of 24 protected trees.

Note that no action on the requested entitlements will occur at this public hearing (see the Future Meetings & Next Steps section of this staff report for more information).

Prior Public Meetings

Overview

The Creekwood Housing Development project was initially submitted in 2021. Since that time, four public meetings/hearings have been held including a Neighborhood Outreach Meeting (required as set forth in Section 24.100 of the IZO), a Scoping Meeting on the EIR (November 14, 2022), Planning Commission hearing on the DEIR (September 10, 2024), and City Council hearing on the DEIR (September 16, 2024).

As detailed in the City Council staff report prepared for the September 16, 2024, DEIR hearing, the project is subject to Senate Bill (SB) 330, which limits the number of public meetings/hearings that may be held on the project entitlements. To meet the intent of SB 330's limitation on the number of public hearings for a project and allow for a more expeditious review

process, the FEIR is being brought forward directly to City Council to consider certification. As further discussed below, following Council's certification of the EIR, the Planning Commission will consider the project's SPAR and Tree Removal Permit at a subsequent public hearing.

DEIR Hearings

The DEIR for the project was published for a 45-day public review period starting on July 26, 2024, and extending to September 9, 2024. The Planning Commission held a public hearing on September 10, 2024, and adopted Resolution 2024-11 recommending the City Council direct preparation of the FEIR. Following Planning Commission's recommendation, the City Council held a public hearing on the DEIR on September 16, 2024. The associated staff report (available online at cityofpetaluma.primegov.com/Portal/Meeting?meetingTemplateId=17105) provides an in-depth discussion of the substantive and procedural aspects of the DEIR, a summary of the DEIR analysis and key issues identified, and a summary of the alternatives analyzed.

Following receipt of public comments and a discussion of the DEIR, the Council adopted Resolution 2024-121 directing preparation of the FEIR with specific direction to respond to comments raised on environmental concerns and explore options for the proposed bridge location. The Discussion section of this staff report describes how the FEIR responds to Council's direction received at the DEIR hearing.

Future Meetings & Next Steps

As described above, the project requires approval of a Vesting Tentative Parcel Map (VTM), Site Plan and Architectural Review (SPAR), and a Tree Removal Permit. The VTM is subject to review and final decision by the Community Development Director and does not require a public hearing, while the SPAR and Tree Removal Permit entitlements are under the Planning Commission's authority and will be reviewed and considered for approval at a future public hearing before the Planning Commission. Through the Planning Commission's review of the SPAR and Tree Removal Permits, standard conditions of approval, conditions related to the project design, and mitigation measures imposed as conditions of approval will be imposed on the project, including any feedback or direction given by the Council at this meeting related to the bridge and multiuse path, or other project design components.

Regulatory Agencies Review and Approvals

In addition to action by the Community Development Director and Planning Commission on the requested project entitlements, approval of permits from federal, state, and regional agencies with jurisdictional responsibilities for resources affected by the proposed project will also be required. The Project will require approvals from the California Department of Fish and Wildlife (CDFW), U.S. Army Corps of Engineers (USACE), and the Regional Water Quality Control Board (RWQCB). The City of Petaluma has no authority in the issuance of permits from other agencies, however, as set forth in the MMRP (Attachment 1, Exhibit B), the Community Development Department will track and confirm compliance with regulatory agency permit requirements to ensure full implementation of mitigation measures and compliance with State regulations including the Clean Water Act and the California Endangered Species Act.

DISCUSSION

EIR Overview

In accordance with the requirements of the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared for the Project, including the DEIR, which was previously considered, and the FEIR which is before the City Council for consideration to certify.

The purpose of the Project-level Creekwood Housing Development EIR is to inform decision makers for the City of Petaluma, responsible agencies, and the public of the potential environmental consequences of implementing the proposed Project, identify ways that environmental impacts can be reduced, and disclose substantial adverse impacts to the environment that cannot be avoided or significantly reduced. The City Council must certify that the EIR has been prepared in compliance with CEQA before project entitlements may be considered for approval.

The purpose of CEQA is to protect the environment, to the greatest extent possible, from harm caused by development projects; serve as an informational tool to identify and disclose environmental impacts and mitigation measures to reduce or eliminate those impacts; provide a framework for decision-making bodies to weigh environmental consequences of a project with its benefits before making a decision; and provide opportunities for public participation. CEQA is not a stand-alone approval process and is not a guarantee of a perfect environment. Rather, CEQA seeks to strike a balance between environmental protection and meeting the intent and objectives of the City's General Plan and other adopted Goals and Policies.

To date, the following has occurred regarding environmental review of the project:

- **October 21, 2022** - A Notice of Preparation (NOP) was mailed and published.
- **November 14, 2022** - A scoping meeting was held to receive public comments on the environmental topics that should be studied in the EIR.
- **July 26, 2024** - The DEIR, Notice of Completion, and Notice of Availability were distributed for public review and comment.
- **September 10, 2024** - The Planning Commission received comments on the DEIR, provided comments on the DEIR, and adopted Resolution 2024-11 recommending the City Council direct preparation of the FEIR.
- **September 16, 2024** - The City Council received comments on the DEIR, provided comments on the DEIR, considered Planning Commission's recommendation, and adopted Resolution 2024-121 directing preparation of the FEIR.
- **December 6, 2024** - The FEIR was published and sent to commenting public agencies, and notice of the December 16, 2024, Council meeting was published in the paper and mailed to interested parties.

FEIR Contents and Organization

Pursuant to Section 15132 (Contents of Final Environmental Impact Reports) of the State CEQA Guidelines, the FEIR consists of (a) the DEIR or a revision of the draft; (b) comments and recommendations received on the DEIR either verbatim or in summary; (c) a list of persons, organizations, and public agencies commenting on the DEIR; (d) responses to significant environmental points raised in the review and consultation process; and (e) any other information added by the City of Petaluma. The DEIR, together with the Response to Comments Document, constitutes the FEIR for the Project. The required contents of the FEIR are organized into the following Chapters (FEIR available online at cityofpetaluma.org/creekwood-housing-development/):

- **Chapter 1. Introduction and List of Commenters** provides an introduction and overview of the document, describes the background and organization of the FEIR, and provides a list of commenters who submitted letters in response to the DEIR.
- **Chapter 2. Responses to Comments** presents the comment letters received and provides responses to comments.
- **Chapter 3. Mitigation Monitoring and Reporting Program** provides the MMRP including the mitigation measure number and text, the impact the measure is designed to address, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.

FEIR Comments and Responses

During the 45-day public review period for the DEIR (July 26, 2024, to September 9, 2024), the City received a total of 33 comment letters from State and local agencies, organizations, and individuals. During the September 10, 2024, Planning Commission hearing and the September 16, 2024 City Council hearing, a total of 14 verbal comments from members of the public were received. Verbal comments were also provided by Commissioners and Councilmembers.

The written responses presented in the FEIR summarize the environmental issues raised by each comment and provide a good-faith, reasoned analysis in response. Responses to comments are intended to provide clarification and supplement the information provided in the DEIR, make factual corrections, and explain why certain comments may not warrant further response. For example, comments on non-CEQA topics such as support or opposition to the project are acknowledged for consideration by the decision-making bodies.

Because several comments raise similar issues, the FEIR employs a master response approach to comprehensively address the following topics:

- Master Response 1: Non-CEQA/General Comments;
- Master Response 2: Multi-Use Bridge Comments;
- Master Response 3: Casa Grande Road Comments;
- Master Response 4: Adobe Creek Riparian Corridor Comments; and
- Master Response 5: Parking Comments.

Following is a summary of the key topics raised during the DEIR review, including information specifically requested by the City Council as it relates to the bridge location and potential impacts to the Adobe Creek riparian corridor. As discussed below, the topics of vehicle miles travelled (VMT) and greenhouse gas (GHG) emissions are also presented below as the Project would result in significant and unavoidable impacts and require a statement of overriding considerations as part of the EIR certification. Itemized responses to all comments received are provided in Chapter 2 of the FEIR (FEIR available online at cityofpetaluma.org/creekwood-housing-development/).

Biological Resources

Chapter 4.1 (Biological Resources), pages 4.1-34 through 4.1-61 of the DEIR, analyzes the Project's impacts to biological resources. As described therein, sensitive biological resources are primarily associated with Adobe Creek and its riparian corridor. The proposed project maintains a 50-foot setback from the Creek with the exception of the proposed multi-use path and bridge consistent with City policy. As stated in the DEIR, the project will result in impacts to biological resources of Adobe Creek during construction and at operation, and the DEIR identifies mitigation measures that reduce impacts to less than significant levels including acquisition of state and federal permits from regulatory agencies charged with protecting water quality, habitat, and special status species.

Several comments received on the DEIR specifically recommend restoration of Adobe Creek, such as removal of non-native plant species. As detailed in Master Response 4 of the FEIR, any restoration efforts would require review and approvals from state and federal agencies. Mitigation measures imposed on the project require approval of permits from applicable state and federal agencies as the project includes activities that have the potential to impact jurisdictional waters and special status species. Further restoration may be imposed by regulatory agencies (e.g. USACE, CDFW, RWQCB) as part of the overall permit process to offset impacts caused by the Project and must bear a rough proportionality to the Project's adverse impacts. The scope of environmental review is limited to the project's adverse effect on the environment. The project is not required to incorporate restoration of the Adobe Creek corridor, except where the project will result in direct and indirect impacts to biological resources, such as activities associated with installation and operation of the proposed multi-use path and bridge. The EIR adequately discloses impacts to biological resources and appropriately imposes mitigation in proportion to the project's potential impacts.

Multi-Use Bridge

Several comments were received from members of the public expressing concern and opposition to the proposed bridge, stating that it may lead to trespassing into the Creek corridor and nearby properties. Commenters requested that a "No Bridge Alternative" be included in the EIR, and the Council specifically directed staff to explore options for the proposed location. As detailed below, the EIR includes the "No Bridge Alternative". As requested by Council, "Other Bridge Alignment Options" are discussed below, along with "Planning and Design Considerations" associated with the proposed Bridge. This information is presented for Council's consideration in providing policy direction regarding the bridge component of the proposed Project.

Trespassing

Concerns related to trespassing are included in Master Response 1 of the FEIR. As detailed in the response, trespassing concerns may be a topic for consideration by decision makers as part of the project entitlements, however, an analysis of environmental impacts associated with trespassing is not appropriate within the context of CEQA as it is a law enforcement issue. During the entitlement review, the Petaluma Police Department may impose specific measures related to lighting, access, and safety to further minimize such behavior and to ensure that Police are able to appropriately respond to such incidents. To address community concerns regarding trespassing and illicit activity within Adobe Creek, decision-makers may wish to provide further policy direction regarding trespassing into Adobe Creek and private property such as police presence and patrolling, motion-sensor lighting, signposts explicitly precluding access to certain areas, or other means.

No Bridge Alternative

As detailed in Master Response 2 of the FEIR, a “No Bridge Alternative” is fully analyzed in the DEIR. The analysis finds that the “No Bridge Alternative”, as compared to the proposed project, would result in fewer impacts to biological resources and hydrology and water quality; similar impacts related to cultural resources, geology and soils, hazards and hazardous materials, noise, and tribal cultural resources; and greater impacts related to greenhouse gas (GHG) emissions and transportation. A No Bridge Alternative is included in the EIR, should Council decide that the No Bridge Alternative is preferred. However, as detailed in the following discussion, the proposed Project inclusive of the bridge meets the project objectives, advances City objectives to achieve connectivity, furthers safe routes to schools, and realizes citywide goals priorities related to installation of footbridges.

Other Bridge Alignment Options

Consistent with Council direction, Master Response 2 provides consideration and analysis of a northerly bridge alignment. As detailed in the response, the northerly alignment, as compared to the location proposed by the project, would require a shorter bridge span, removal of fewer trees, and would be located further from existing residences. However, due to existing grade difference (~6 feet) between the bridge deck and the multi-use pathway at the northly location, substantially more grading and placement of fill within the floodplain and riparian corridor would be required (Attachment 2, Sheet ALT-A), or an extensive landing ramp of more than 75 feet (Attachment 3, Sheet ALT-B) would be necessary, neither of which minimize environmental impacts. As such, a northly bridge alignment is not recommended as it would result in greater environmental impacts as compared to a southern alignment.

Two specific bridge alignments were considered, the southerly alignment as presented in the proposed project (Attachment 3, Sheet C-13) and the northly alignment as suggested through the DEIR public comment process (Attachment 3, Sheet ALT-A and ALT-B). While other northly alignments may also be potentially feasible, due to the grade differences, required freeboard, and ADA requirements, any northly bridge alignment would result in greater fill to the floodplain and greater disturbance to the riparian corridor relative to the southern alignment, which

precludes the placement of fill as the grade differential between the bridge deck and the multi-use path are minimal.

Other southerly bridge alignments or configurations are also potentially feasible, such as a modified landing on the east side of Adobe Creek. For example, as depicted in Attachment 3, Sheet C-13A, the southerly alignment could be designed to tie into the existing sidewalk at spyglass road. However, to accommodate all potential bridge users including pedestrians and cyclists, this alternative southerly connection is shown to tie into both the sidewalk at spyglass road and the existing MUP through an expanded apron. An alternative that ties directly into the sidewalk on spyglass road would be feasible but would require bicyclists to dismount and navigate the transition from the bridge to the sidewalk as pedestrians.

It should be noted that for CEQA purposes all possible bridge alignments are not required to be analyzed. The potential environmental impacts of a southerly bridge alignment with a slight variation on the tie in configuration is understood to be adequately analyzed within the EIR, provided that such an alternative alignment would not introduce substantial fill to the floodplain or result in greater disturbance to the riparian corridor of Adobe Creek.

In considering bridge alignment options, the Council is encouraged to provide direction on the preferred bridge location and configuration, as well as the preferred design to best accommodate all potential users (e.g. pedestrians, cyclists, and ADA devices). The final bridge alignment and configuration can be further refined and finalized through the SPAR process including design considerations and treatments to minimize impacts to existing residents such as fencing, screening, and alternative alignments.

Planning and Design Considerations

The role of decision-makers in the CEQA process is to balance environmental consequences with project benefits. Construction of a pedestrian bridge over Adobe Creek represents a community benefit as it creates a more walkable, healthy, and sustainable community. This investment by the project is consistent with several goals and policies of the City's General Plan, Bicycle and Pedestrian Master Plan, and Citywide Goals and Priorities including the following:

- **General Plan Policies:**
 - Policy 5-P-15: Implement the bikeway system as outlined in the Bicycle and Pedestrian Plan and expand and improve the bikeway system wherever the opportunity arises.
 - Policy 5-P-18: The City shall require Class II bike lanes on all new arterial and collector streets.
 - Policy 5-P-23: Require the provision of pedestrian site access for all new development.
 - Policy 5-P-25: Establish a network of multi-use trails to facilitate safe and direct off-street bicycle and pedestrian travel. At the minimum, Class I standards shall be applied unless otherwise specified.
- **Bicycle & Pedestrian Master Plan:**

- Policy 6: Ensure that new development provides connections to and does not interfere with existing and proposed bicycle facilities.
- Policy 11: Establish a network of multi-use trails to facilitate safe and direct off-street bicycle and pedestrian travel. At the minimum, Class I standards shall be applied unless otherwise specified.
 - Program E: Build new river (upstream of navigable waters) and creek crossings for bicycles and pedestrians to provide greater connectivity and more efficient cross-town routes.
- Policy 12: Require all new development and those requiring new city entitlements with “frontage” along creeks and the river to permit through travel adjacent to creeks and the river with access points from parallel corridors spaced at minimum intervals of 500 -1,000 feet.
- **Citywide Goals and Priorities:**
 - Item 18: Establish and improve paths, as useful transportation options, and make walking and biking easy, fun and safe.
 - Item 218: Look at ways/locations to increase river footbridges.

By integrating best practices in Active Transportation, Healthy Communities, and Neighborhood Design, the proposed multi-use bridge can improve the quality of life for residents while supporting broader environmental and social goals, including those prescribed in adopted plan and policy documents. Below are key benefits of multi-use connections that would be achieved by the proposed bridge and are informed by a City of Petaluma Public Works & Utilities Department Memorandum describing the proposed bridge’s impacts on active transportation connectivity (Attachment 2).

- **Active Transportation:**
 - The proposed bridge facilitates active transportation by providing a safe, convenient, and direct route for walking and cycling.
 - The proposed bridge will fill an existing gap in the transportation network, connecting existing uses that are currently isolated by a natural barrier.
 - Improved connectivity supports a more sustainable, multimodal transportation system, which promotes physical activity and reduces traffic congestion, air pollution, and greenhouse gas emissions.
- **Healthy Communities**
 - The proposed bridge provides easy access to a new walking route, which increases the likelihood that people will engage in regular physical activity.
 - The proposed bridge offers a direct route to parks, recreational areas, and other local amenities, encouraging outdoor activity.
 - The proposed bridge fosters connections to nature and provides a safe space for residents to walk, run, or cycle, thus enhancing mental well-being and improving overall community health.
 - The proposed bridge increases opportunities for social interaction, which aids in creating a sense of community.

- **Neighborhood Design and Walkability**
 - The proposed bridge will contribute to creating a walkable, connected neighborhood, as it reduces the physical and psychological barriers created by the Adobe Creek and the existing circulation system.
 - Improving walkability increases access to essential services such as schools, shops, healthcare, and public transit.
 - Walkable neighborhoods improve social cohesion, safety, and local economic vitality, as businesses in pedestrian-friendly areas tend to thrive.
 - Bridging natural barriers encourages the creation of mixed-use developments and sustainable land use patterns that prioritize human-scale design over car-centric infrastructure.
- **Environmental and Ecological Benefits**
 - Unlike roads or vehicular bridges, pedestrian bridges typically have a smaller environmental footprint and can be designed to minimize impact on the surrounding ecosystem.
 - The proposed bridge will promote walking and cycling over driving, which contributes to a reduction in traffic-related pollution.

Conclusion

Since the City Council is not the final decision-making body for the project entitlements, staff recommends that the Council provide clear policy direction regarding the proposed bridge component of the project. While it is not necessary for the Council to determine the exact location of the bridge, the Council's input could consider public access and connectivity, privacy of existing residences, and environmental trade-offs. Specific feedback provided by the Council will be conveyed to the Planning Commission for consideration in their review and decision on the project SPAR and Tree Removal Permit entitlements.

Vehicle Miles Traveled

As detailed in the EIR, the project incorporates all feasible mitigation measures to address vehicle miles travelled (VMT) impacts including increasing residential density, integrating affordable and below market rate housing, and providing pedestrian network improvements (e.g. multi-use pathway and bridge connection). Despite incorporation of these design elements and mitigation measures, the project will result in a significant and unavoidable impact related to transportation as it will generate 16.0 VMT per capita, which exceeds the established threshold of 14.8 VMT per capita.

Although the project will result in a significant and unavoidable impact related to VMT, it is important to understand that the existing development pattern within the project site's traffic analysis zone (TAZ), the region's existing travel patterns, which are largely driven by economic factors such as the location of available jobs, and the City's location within the region, all play a role in the project's exceedance of VMT thresholds. The project's proposed residential use, including the proposed density, is consistent with the existing land use designation and zoning regulation. Within the existing context, the exceedance of VMT thresholds does not represent a failure of the project to incorporate feasible VMT reduction strategies, but rather is a result of the

interim absence of a newly established land use plan and local and regional VMT reduction strategies or programs.

Greenhouse Gas Emissions

As a result of the project's exceedance of established VMT thresholds, impacts related to greenhouse gas emissions (GHGs) will also be significant and unavoidable. The Bay Area Air Quality Management District (BAAQMD) 2022 CEQA Guidelines establish qualitative GHG significance thresholds, stating that an exceedance of VMT thresholds will result in a significant impact. As stated above, despite incorporation all feasible and effective measures to reduce VMT, impacts remain significant and unavoidable. Consequently, the project exceeds BAAQMD GHG thresholds and also results in a significant and unavoidable GHG impact.

Apart from GHG emissions associated with transportation, the project's GHG emissions will be limited. Residences will incorporate sustainable design features including an all-electric design and solar energy generation, in compliance with the new Building Energy Efficiency Standards of California Building Code Title 24.

Findings of Fact

Public Resources Code 21081 and Section 15091 of the CEQA Guidelines require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The City of Petaluma (City) is the lead agency responsible for preparation of the EIR in compliance with CEQA and the CEQA Guidelines. Section 15091 of the CEQA Guidelines states, in part, that:

- A. No public agency shall approve or carry out a Project for which an EIR has been certified which identifies one or more significant environmental effects of the Project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the FEIR.

Findings of fact are included in Attachment 1, Exhibit A.

Statement of Overriding Considerations

Based on the analysis contained in FEIR, the following impacts have been determined to be significant and unavoidable:

- **Impact 4.2-1:** Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.
- **Impact 4.4-3:** Result in VMT which exceeds an applicable threshold of significance, except as provided in CEQA Guidelines Section 15064.3, subdivision (b)

In accordance with Public Resource Code 21081 and Section 15093 of the CEQA Guidelines, whenever significant impacts cannot be mitigated to a level below significance, the lead agency is required to balance the benefits of the proposed Project against its unavoidable environmental risks when determining whether to approve the Project. If the benefits of a proposed Project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable.” In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines, and approve the Project.

A Statement of Overriding Considerations as it relates to the significant and unavoidable impacts related to VMT and GHGs are included in Attachment 1, Exhibit A. In summary, the Statement of Overriding Considerations finds that the following project benefits outweigh the significant and unavoidable impacts, in that the project will:

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

PUBLIC OUTREACH

As detailed in the Background section of this staff report, there have been several opportunities for the public and local, state, and federal agencies to provide comments and feedback on the project. In addition to prior meetings, public notice of this City Council hearing was provided consistent with local and state requirements and include the following.

CEQA Notices

A Notice of Completion (NOC) and Notice of Intent (NOI) to certify the FEIR, adopt Findings of Fact, and adopt a Statement of Overriding Considerations was published with the Sonoma County Clerk, State Office of Planning and Research (OPR), and published to the project webpage on December 6, 2024. Consistent with Section 15088 (Evaluation of and Response to

Comments) of the State CEQA Guideline, the City of Petaluma also provided a written response to public agencies that commented on the DEIR.

Notice of Public Hearing

A Notice of Public Hearing of this City Council hearing to consider certification of the EIR was published in the Argus Courier on December 6, 2024, and mailed to all property owners and occupants within 1,000 feet of the project site. Additionally, an onsite public hearing sign was posted on December 4, 2024, on the site's Casa Grande Road frontage providing notice of the City Council hearing.

COUNCIL GOAL ALIGNMENT

The project implements the following Citywide goals and priorities:

A City that Works

- Item 18: Establish and improve paths, as useful transportation options, and make walking and biking easy, fun and safe.
- Item 218: Look at ways/locations to increase river footbridges.

Environmental Legacy

- Item 54: Consider requiring electric vehicle charging systems and solar energy in new or substantially upgraded housing and commercial structures.
- Item 197: Inform and invite local California Native peoples into our ongoing dialogue as part of cultivating respectful and collaborative relationships with indigenous communities with the intention to understand, highlight, and integrate their community needs, climate action priorities, and ecological insight and values into our climate actions.

CLIMATE ACTION/SUSTAINABILITY EFFORTS

Although the Project EIR concludes that the project will have significant and unavoidable impacts related to the generation of VMT, the land use and regulatory context should be considered, in that the project's VMT exceedance does not represent a failure of the project to incorporate feasible reduction strategies, but rather is a result of the lack of a newly established land use plan and local and regional VMT reduction strategies or programs. The project is subject to payment of the Traffic Impact Fee which is a fee collected by the City and used to fund citywide transportation infrastructure improvements, including those that are intended to relieve congestion, improve circulation, and increase access to alternative modes of transportation.

In addition to payment of applicable impact fees that will be used to fund citywide improvements, the project includes construction of a multi-use bridge over Adobe Creek, internal sidewalks, and a multi-use pathway that further opportunities for pedestrian access and connection onsite and in

the site vicinity. The increase in non-vehicular connectivity in the area has the potential to reduce trips that otherwise would travel to Casa Grande High School by vehicle.

Non-mobility sustainability improvements proposed by the project that are consistent with the Goals of the Framework include a 50-foot development setback from Adobe Creek, planting of native trees and vegetation, and incorporation of all-electric construction and solar energy generation.

ENVIRONMENTAL REVIEW

The purpose of this hearing is to review and consider the FEIR, inclusive of responses to comments received on the DEIR as well as the Findings of Fact, Statement of Overriding Considerations, and MMRP. The subject of this staff report and public hearing is the environmental analysis conducted for the proposed project. The FEIR has been prepared in full conformance with CEQA and local CEQA guidelines. The action before the Council is to consider certifying the EIR for the project, which would allow the project entitlements to be considered for action at a future public hearing by the Planning Commission.

FINANCIAL IMPACTS

This item is related to an applicant-initiated entitlement application. All costs associated with the preparation and processing of this application are borne by the associated cost recovery account. The City entered into a Professional Services Agreement with Raney Planning & Management, Inc. to prepare the EIR, which is funded through the cost recovery account. The City would not experience future financial impacts as a result of certifying the EIR.

The Project includes public improvements that will benefit the community at no cost to the City including construction of the multi-use bridge over Adobe Creek. At operation, the City will incur a cost of ongoing maintenance associated with the bridge. The project is also subject to development impact fees in accordance with the City's adopted fee resolutions.

ALTERNATIVES

If the City Council does not find the FEIR to be adequate, explicit direction should be provided to staff to modify the FEIR to meet the substantive requirements of CEQA.

Given that the project is an SB 330 application and subject to the Housing Accountability Act, the implications of finding the FEIR to be inadequate should also be taken into consideration along with input from the City legal Council

ATTACHMENTS

- Attachment 1 Resolution certifying the Environmental Impact Report, and adopting findings of fact, statement of overriding considerations, the mitigation monitoring and reporting program (MMRP), and Final EIR for the Project.
Exhibit A: Findings of Fact and Statement of Overriding Considerations
Exhibit B: Mitigation Monitoring and Reporting Program
- Attachment 2 Adobe Creek Trail Bridge Impacts on Active Transportation Connectivity, Public Works & Utilities Memorandum, prepared by Bjorn Gripenburg, MCRP - Project Manager, and Jeff Stutsman, PE, TE - Deputy Director of Operations, November 20, 2024.
- Attachment 3 Alternative Bridge Alignment Figures, prepared by Steven J. Lafranchi & Associates, Inc. received 12.4.24.