



DATE: September 16, 2024

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

FROM: Kent Carothers, PE – City Engineer, Public Works & Utilities (PW&U)
Gina Benedetti-Petnic, PE – Interim Director, PW&U

SUBJECT: Resolution Approving the Final Subdivision Map for the Scott Ranch
Subdivision Project located at 1860 D Street, Assessor Parcel Numbers 019-120-040 & 019-120-041

RECOMMENDATION

It is recommended that the City Council adopt a Resolution approving the Final Subdivision Map for the Scott Ranch Subdivision Project located at 1860 D Street, assessor parcel numbers 019-120-040 & 019-120-041.

BACKGROUND

After a series of project revisions over approximately 20 years, the City Council approved the Scott Ranch Project on February 27, 2023, including the following:

- Resolution No. 2023-023 N.C.S. certifying the project Environmental Impact Report
- Resolution No. 2023-024 N.C.S. approving a General Plan Amendment
- Ordinance No. 2839 N.C.S. approving a Zoning Map Amendment
- Ordinance No. 2840 N.C.S. adopting a Planned Unit Development District
- Resolution No. 2023-025 N.C.S. approving a Vesting Tentative Subdivision Map

Following the City Council approvals, there have been a series of additional project approvals to implement the project and respond to conditions of approval, including:

- Ordinance No. 2023-2867 N.C.S. designated the Red Barn Complex a local landmark
- Planning Commission Resolution No. 2024-09 approving Site Plan and Architectural Review for the 28 residential lots
- Approval of Administrative Site Plan and Architectural Review for Phase 1 improvements to the park element of the project

- Administrative approval of a Tentative Parcel Map to create Parcel B
- City Council Resolution No. 2024-042 N.C.S. allocating open space acquisition fees toward the acquisition of Parcel B for expansion of Helen Putnam Regional Park

Additionally, on August 13, 2024, 47.78-acre Parcel B was acquired by Kelly Creek Protection Project/Earth Island Institute.

On December 22, 2023, Davidon Homes submitted an application for approval of the Final Map and Public Improvement Plans, which have been reviewed for compliance with all applicable conditions of approval and mitigation measures, as discussed in more detail below. (see Figure 1: Project Location and Surrounding Vicinity).

Figure 1: Project Location and Surrounding Vicinity



DISCUSSION

Davidon Homes, the developer, is requesting approval of the final map for the Scott Ranch Subdivision. The final map and subdivision improvement plans comply with all conditions of approval set forth in Resolution No. 2023-025 N.C.S. approving the Vesting Tentative Subdivision Map, all applicable mitigation measures adopted with the certification of the project level Environmental Impact Report, and other project-related legislation and pertinent City standards.

Pursuant to Government Code Sections 66473 and 66474.1, the City must approve a final map if the developer has complied with the terms and conditions attached to the tentative map (Attachment 2). The City Engineer determines whether the final map substantially complies with the tentative map (Government Code Section 66442(a)). The City Engineer certifies that the

subdivision is substantially the same as it appeared on the tentative map, that the subdivision complies with all Map Act provisions and local ordinances applicable at the time the tentative map was approved, and that the map is technically correct. This is codified in Petaluma Municipal Code (PMC) Section 20.24.390 (action on the final map by the city engineer). Once the City Engineer certifies that the final map is complete, formal approval of the final map is a ministerial act, and the legislative body has no discretion to disapprove the final map in the absence of fraud. (*Youngblood v. Board of Supervisors* (1978) 22 Cal.3d 644)

Pursuant to the Map Act and Petaluma Municipal Code Section 20.24.390, the City Engineer has determined that the Scott Ranch subdivision is substantially the same as it appeared on the tentative map; that the subdivision complies with all Map Act provisions and local ordinances applicable at the time the tentative map was approved; and that the map is technically correct. Additionally, the Community Development Director, pursuant to PMC Section 20.24.400 (action on the final map by the planning director), has found that the final map is in full conformity with all provisions of the zoning ordinance, the general plan, and all other applicable regulations of the City as analyzed during the review of the Tentative Subdivision Map. Accordingly, consistent with the Government Code and Petaluma Municipal Code, the City Council's action tonight is a ministerial one since this final map substantially complies with the approved tentative subdivision map, and there is no discretion to disapprove the final map except in the case of fraud.

The final map has also been determined to be consistent with applicable mitigation measures for the Scott Ranch project as adopted by City Council Resolution No. 2023-023.N.C.S.

Accordingly, the applicant has demonstrated compliance with all applicable requirements, and a resolution to approve the final map is before the City Council for approval. Once the final map is approved, construction of the subdivision improvements is expected to commence shortly thereafter. The developer will enter into a subdivision agreement and post the necessary bonds to complete the on-site and public improvements. The developer is responsible for constructing the required public improvements, which will be dedicated to and accepted by the City upon completion and compliance with City standards.

PUBLIC OUTREACH

Public notice of the September 16, 2024, City Council meeting was published in the Argus-Courier, consistent with all noticing requirements. Additionally, this item was noticed in compliance with the California Brown Act.

Per Section 24.100.A (Public Notice) of the IZO, a neighborhood meeting for a project subject to review by the Planning Commission, is required when a Project Site is within, immediately adjacent to, or in close proximity to a residential neighborhood. This project meets all these criteria, and the required neighborhood meeting was held on February 4, 2021, as part of the Zoning Map Amendment, Zoning Text Amendment, Vesting Tentative Subdivision Map, and Environmental Impact Report review. As the current SPAR application implements a portion of the scope of work previously reviewed under the entitlement application, the neighborhood meeting requirement has been met.

Approximately 45 members of the public attended the February 4, 2021, neighborhood meeting. The applicant team presented the project site history, described the partnership between Davidon Homes and the Kelly Creek Protection Project, shared the details of the proposed subdivision and open space components, and responded to questions and concerns expressed by participants.

On June 4, 2024, a stakeholder meeting was held with Pinnacle Heights HOA regarding the design of the roundabout at the intersection of Windsor Drive and D Street, adjacent to the Maxwell / Pinnacle PUD entrance. Concerns raised included parking on private streets, the size of tree planting in the roundabout, protecting existing HOA retaining walls and landscaping during construction, the location of the construction staging area, and construction hours. The project is conditioned to address each of these concerns.

COUNCIL GOAL ALIGNMENT

Based upon the information presented during entitlement hearings and staff report, the proposed project complies with all applicable Citywide goals and priorities, including those contained in the City of Petaluma General Plan 2025.

ENVIRONMENTAL REVIEW

Following review during a public hearing held on February 27, 2023, the City Council, acting upon the Planning Commission's recommendation, certified the Scott Ranch Project Environmental Impact Report (EIR) (SCH#2004072137). The environmental review of a project is not an entitlement, nor does it grant any development right or otherwise authorize development activity. Certification of an EIR by the lead agency is an acknowledgment that an adequate level of documentation, review, and analysis has been conducted and presented in the environmental record to render an informed decision on the environmental effects that would result from the proposed project. The certified EIR demonstrates that the environmental review record is adequate, the procedural and substantive requirements of CEQA have been met, that mitigations sufficiently avoid, reduce, or offset potential adverse environmental impacts, and that for those impacts that cannot be substantially reduced specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects. A Mitigation Monitoring and Reporting Program (MMRP) was adopted in conjunction with the EIR. The purpose of an MMRP is to (1) document the implementation of required mitigation; (2) identify monitoring/reporting responsibility, be it the lead agency (City of Petaluma) or another agency (responsible or trustee agency), or a private entity (applicant, contractor, or project manager); (3) establish the frequency and duration of monitoring/ reporting; (4) provide a record of the monitoring/reporting; and (5) ensure compliance. The project was fully analyzed in the Scott Ranch Project Environmental Impact Report (SCH #2004072137) which was certified by the City Council on February 27, 2023. The action before the City Council is consistent with the project reviewed in the EIR and no further environmental review is required.

FINANCIAL IMPACTS

The final map and improvement plan applications for the Scott Ranch Subdivision are subject to cost recovery, which the applicant must pay in full. This action does not impact the General Fund.

ATTACHMENTS

1. Draft Resolution
2. Final Map
3. VTSM Resolution No. 2023-025 N.C.S.