

Resolution No. 2025-XXX N.C.S. of the City of Petaluma, California

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETALUMA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FINAL EIR) FOR THE DOWNTOWN HOUSING & ECONOMIC OPPORTUNITY OVERLAY AND EKN APPELLATION HOTEL PROJECT LOCATED WITHIN DOWNTOWN PETALUMA; FILE NO: PLPJ-2022-0015 (PLGP-2023-0001, PLZA-2023-0002 & PLSR-2022-0017)

WHEREAS, on April 11, 2022, Mike Jolly of EKN Development Group (herein after ‘Applicant’), applied for Historic Site Plan and Architectural Review (H-SPAR) for the EKN Appellation Hotel Project (herein after ‘Hotel’) to develop a 93-room hotel with ancillary food service, parking and event spaces at 2 Petaluma Boulevard South; and

WHEREAS, the Hotel would exceed the maximum FAR established by the Mixed Use (MU) 2025 General Plan Land Use Classification and exceed the maximum building height, lot coverage, and floor area ratio (FAR) established by the Mixed Use 2 (MU2) Implementing Zoning Ordinance (IZO) designation; and

WHEREAS, the City of Petaluma advised the Applicant that the Hotel must be revised to comply with applicable IZO and General Plan standards and regulations, or amendments to the IZO and General Plan must be proposed to allow for Planning review to proceed; and

WHEREAS, EKN Development Group subsequently applied for a General Plan Amendment (GPA), Zoning Map Amendment (ZMA), and Zoning Text Amendment (ZTA) to create a Building Form Overlay (later renamed the Downtown Housing & Economic Opportunity Overlay (herein after ‘Overlay’)); and

WHEREAS, the City of Petaluma conducted three publicly noticed study sessions commencing on June 13, 2023, August 8, 2023, and October 3, 2023, to develop the scope and content of the Overlay, to consist of Subareas A, B, and C; and

WHEREAS, three parcels within Subarea A, including two parcels comprising the site of the Hotel Project, and one parcel within Subarea B of the Overlay are also within the boundaries of the Petaluma Historic Commercial District; and

WHEREAS, the discretionary Planning approvals for the proposed Overlay (GPA, ZMA and ZTA) and Hotel (H-SPAR and CUP) are defined as a “project” pursuant to California Public Resources Code Section 21065 and California Environmental Quality Act (CEQA) Guidelines Section 15378; and

WHEREAS, pursuant to CEQA Guidelines Section 15378(a) a “project” means the whole of an action, which has the potential to result in either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, pursuant to CEQA Guidelines Section 15378(c), the term “project” refers to the activity which is being approved and which may be subject to several discretionary approvals, and does not mean each separate discretionary approval; and

WHEREAS, for purposes of CEQA, the Downtown Housing & Economic Opportunity Overlay and the EKN Appellation Hotel are considered the “project” and are considered concurrently in the same environmental document; and

WHEREAS, on October 13, 2023, a Notice of Completion/Notice of Availability (NOC/NOA) of an Initial Study/Mitigated Negative Declaration (IS/MND) was published with the State Clearinghouse, filed with the Sonoma County Clerk, published on the City of Petaluma’s website, circulated in the Argus Courier, mailed to interested persons who requested notification, responsible, trustee and other public agencies, and mailed to all owners and occupants of properties within a 1,000 foot radius of the perimeter of the Overlay study area,

commencing a 30-day public comment period on the IS/MND, extending from October 13, 2023, to November 14, 2023; and

WHEREAS, on November 14, 2023, the Planning Commission and Historic and Cultural Preservation Committee (HCPC) held a duly noticed public hearing to consider the Draft IS/MND, General Plan Amendment, Zoning Map Amendment, and Zoning Text Amendment; and

WHEREAS, on November 14, 2023, the Planning Commission considered the proposed IS/MND in accordance with Section 15074 of the CEQA Guidelines and adopted Resolution 2023-20, making recommendations regarding the Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel (SCH #2023100359); and

WHEREAS, on November 14, 2023, the Planning Commission adopted Resolution 2023-21 and 2023-22, making recommendations regarding the proposed Downtown Housing & Economic Opportunity Overlay; and

WHEREAS, following the November 14, 2023, Planning Commission and HCPC joint public hearing, the City commenced preparation of an Environmental Impact Report (EIR) for the Overlay and Hotel to provide greater analysis of the potential impacts of the Project and to provide additional information for the public and reviewing bodies; and

WHEREAS, on April 12, 2024, a Notice of Preparation (NOP) of an EIR, and an Initial Study (IS) were published with the State Clearinghouse, filed with the Sonoma County Clerk, published on the City of Petaluma's website, published in the Argus Courier, mailed to interested persons who requested notification, responsible, trustee and other public agencies, and mailed to all owners and occupants of properties within a 1,000 foot radius of the perimeter of the Overlay study area, commencing a 30-day public comment period on the scope of the EIR, extending from April 12, 2024, to May 13, 2024; and

WHEREAS, the IS analyzed potential impacts pertaining to all resource areas identified in Appendix G of the CEQA Guidelines to find that potentially significant environmental impacts could occur and that additional analysis would be required in the EIR to address Aesthetic Resources, Cultural Resources, and Tribal Cultural Resources, other required sections of CEQA, and consideration of alternatives, while potential Air Quality, Agricultural and Forestry Resources, Biological Resources, Greenhouse Gases, Energy, Geology, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire environmental impacts were found to be less than significant and would not require additional review in the EIR; and

WHEREAS, on May 1, 2024, in compliance with local regulations, Public Resources Code Section 21083.9, and CEQA Guidelines Section 15083, the City of Petaluma held a duly noticed public scoping meeting on the NOP of an EIR to receive public comment on the scope of the environmental analysis for the Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel Project; and

WHEREAS, the public, interested parties, and stakeholders provided verbal comments at the May 1, 2024, scoping meeting and submitted written comments during the 30-day NOP comment period; and

WHEREAS, based on comments received during the EIR scoping period, the scope of the Draft EIR was expanded to include a Land Use and Planning section, in addition to Aesthetic Resources, and Cultural and Tribal Cultural Resources, as well as the inclusion of a chapter addressing all environmental topics found to be less than significant and less than significant with mitigation; and

WHEREAS, on August 23, 2024, a NOC/NOA was published with the State Clearinghouse, filed with the Sonoma County Clerk, published on the City of Petaluma's website, published in the Argus Courier, mailed to interested persons who requested notification, responsible, trustee and other public agencies, and mailed to all owners and occupants of properties within a 1,000 foot radius of the perimeter of the Overlay study area,

commencing a 45-day public comment period on the Draft EIR extending from August 23, 2024, to October 7, 2024; and

WHEREAS, on request, the public comment period on the Draft EIR was extended by two weeks, to October 21, 2024; and

WHEREAS, on September 12, 2024, two public notice signs were installed at 2 Petaluma Boulevard South to inform the public of the September 24, 2024, joint public hearing with the Planning Commission and HCPC on the Draft EIR and the Project, in compliance with IZO Section 24.100.B; and

WHEREAS, on September 13, 2024, the City's Notice of Public Hearing to be held on September 24, 2024, before the City of Petaluma Planning Commission and HCPC, was published in the Argus Courier, mailed to interested persons who requested notification, responsible, trustee and other public agencies, and mailed to all owners and occupants of properties within a 1,000 foot radius of the perimeter of the Overlay study area; and

WHEREAS, the Planning Commission and HCPC held a duly noticed public hearing on September 24, 2024, to consider information presented by staff, to receive public comments regarding the Project and the Project's Draft EIR, and to independently consider the Draft EIR; and

WHEREAS, at the September 24, 2024, public hearing, the Planning Commission and the HCPC considered staff, public, and agency comments on the Project, the staff report, and the Draft EIR, including all attachments; and

WHEREAS, at the September 24, 2024, public hearing, the HCPC considered the public comments received, independently considered the Draft EIR, and by a vote of 4-0 recommended to the Planning Commission that the Commission recommend to the City Council preparation of a Final EIR for the Project, subject to recommendations; and

WHEREAS, the Planning Commission considered the public comments received, independently considered the Draft EIR, considered HCPC's recommendation, and by a vote of 5-1, with Commissioner Newell absent, adopted Resolution 2024-12, making recommendations on the Project and on the Final Environmental Impact Report (Final EIR); and

WHEREAS, on September 27, 2024, the City's Notice of Public Hearing to be held on October 7, 2024, before the City of Petaluma City Council, was published in the Argus Courier, mailed to interested persons who requested notification, responsible, trustee and other public agencies, and mailed to all owners and occupants of properties within a 1,000 foot radius of the perimeter of the Overlay study area; and

WHEREAS, on September 27, 2024, pursuant to IZO Section 24.100(B), onsite signage was updated to provide information regarding the availability of the Draft EIR for public comment and notice of the October 7, 2024, City Council hearing; and

WHEREAS, the City Council held a duly noticed public hearing on October 7, 2024, to consider the Draft EIR and to receive oral comments from the public about the adequacy of the Draft EIR; and

WHEREAS, the City Council considered the public comments received, independently considered the Draft EIR, considered the Planning Commission's recommendation, and adopted Resolution 2024-125, directing staff to prepare the Final EIR, inclusive of responses to public comments; and

WHEREAS, all written comments received on the Draft EIR have been reviewed and responses to those comments have been prepared and presented in the Final EIR, along with clarifying text edits to the Draft EIR, which together constitutes the Final EIR; and

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

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

WHEREAS, five sites within the Overlay, including the Hotel site are listed on a hazardous materials sites compiled pursuant to Government Code Section 65962.5, all of which have received case closed status, and measures have been imposed on the Hotel to mitigate potential impacts during construction and at operation; and

WHEREAS, on February 14, 2025, a Notice of Availability (NOA), Notice of Intent to Certify, Notice of Public Hearing, and the Final EIR were filed with the State Clearinghouse and the Sonoma County Clerk, published on the City's website, published in the Argus Courier, mailed to interested persons who requested notification, responsible, trustee and other public agencies, and mailed to all owners and occupants of properties within a 1,000 foot radius of the perimeter of the Overlay study area, commencing the required 10-day public review period beginning on February 14, 2025, and extending through February 24, 2025; and

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

WHEREAS, on February 14, 2025, pursuant to IZO Section 24.100(B), onsite signage was installed to provide information regarding the availability of the Final EIR and notice of the February 24, 2025, City Council hearing; and

WHEREAS, on February 24, 2025, the Final EIR was presented to the Petaluma City Council and the City Council reviewed and considered the information presented in the Final EIR and received public comment prior to considering certification of the EIR; and

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

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

1. Certifies that the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project Final EIR (SCH #2024040565), inclusive of the Draft EIR, Final EIR, references, appendices, and all attachments thereto have been prepared and completed in compliance with the requirements of CEQA .
2. Certifies that the Project EIR was presented to the City Council, which has reviewed and considered the information contained in the Project EIR, and that the Project EIR reflects the City of Petaluma's independent judgment and analysis regarding the Project.
3. Finds that for each identified mitigation measure that requires the cooperation or action of another agency, adoption, and implementation of each such mitigation measure is within the responsibility and jurisdiction of the public agency identified, and the measures can and should be adopted and/or implemented by said agency.

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

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 24 day of February 2025, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor