



August 29, 2024

City of Petaluma
Planning Division
11 English Street
Petaluma, CA 94952

Ref: Gas and Electric Transmission and Distribution

Dear Petaluma Planning,

Thank you for submitting EKN Appellation Hotel plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: <https://www.pge.com/en/account/service-requests/building-and-renovation.html>.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

[REDACTED]
Petaluma, CA 94952

[REDACTED]
August 29, 2024

City of Petaluma
22 Bassett Street
Petaluma, CA 94952

Dear Mayor, City Council members and Planning Commission members,

I am writing to formally oppose ANY building form overlay in Petaluma's downtown area.

I am not opposed to high-density development in Petaluma. I am in favor of high-density development on non-downtown parcels within a half mile of a SMART station.

The proposed boundaries for a downtown building form overlay keep shifting, which is confusing and unfair to community members attempting to track and comment on this proposal.

I dislike 100% lot fill where alleys are not present because it places unsightly and odorous utility/garbage functions adjacent to pedestrian areas. In my opinion, the garbage collection systems at the 100% lot filled projects at Theatre Square are less than successful.

I disagree with Planning Manager Andrew Trippell's claim that non-historic commercial structures in downtown Petaluma are "underutilized." I oppose his recommendation that these buildings be bulldozed to make way for high-rise buildings with 100% lot fill to maximize economic benefit to the city.

Most of the parcels which Mr. Trippell has referred to as "underutilized" house successful businesses which serve our community well. Why threaten these businesses with relocation by encouraging redevelopment on these specific parcels? Why not instead focus on only the redevelopment of blighted properties (at a scale already allowed for in our General Plan)?

I am not convinced that downtown high-rise buildings are a panacea for Petaluma's economic woes. I believe the economic impacts of same, as well as long-term downtown parking solutions, need much further study before this building form overlay can be adequately analyzed.

Lastly, I suggest that if city leaders wish to continue considering a downtown building form overlay, they educate and then poll residents to determine if this is something our community truly desires.

Thank you for considering my perspective.

Sincerely,

Todd Gracyk

Todd Gracyk

cc: Olivia Ervin, City of Petaluma Principal Environmental Planner

From: Kirsten Gilstrap <[REDACTED]>
Sent: Friday, September 6, 2024 3:36 PM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>
Subject: Downtown Housing & Economic Overlay & EKN Appellation Hotel Project

You don't often get email from [REDACTED]. [Learn why this is important](#)
---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM
OUTSIDE OUR EMAIL SYSTEM.---

9-6-2024

RE: Downtown Housing & Economic Overlay & EKN Appellation Hotel Project

Dear Petaluma Council Members,

We, the undersigned beseech you NOT to approve the above named project because:

- 1) Present streets are already crowded. Petaluma needs no increase in traffic load. It now takes almost ½ hour to cross town, used to take -10 minutes.
- 2) Increased pollution will result, and air quality will suffer.
- 3) All folk entering the town on Petaluma Blvd see a looming 6 foot structure is a horrible introduction to our Historic town with ancient buildings and small shops.
- 4) Underground parking is insufficient.

When you chose to live in this lovely town were you seeking bad air, traffic congestion, noise, and hurly-burly? Or quiets! How will a 6 story Hotel benefit the present residents?

Sadly in the event if the hotel project is approved, the residents of Petaluma's only recourse is to remove the persons that voted for this project out of office, unfortunately the consequences for their actions will be with the people of Petaluma for years to come.

Sincerely,

Lindsay Mickles
Kirsten Gilstrap
Lisa Cattolica

Kirsten F Gilstrap CEO
Property Manager
Mickles Enterprises
[REDACTED] office
[REDACTED] cell

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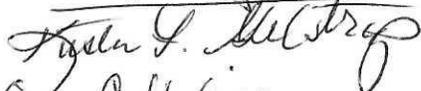
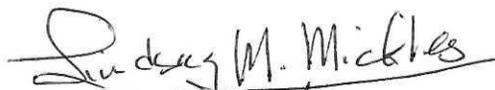
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Sincerely,

Lindsay Mickles

Kirsten Gilstrap

Lisa Cattolica



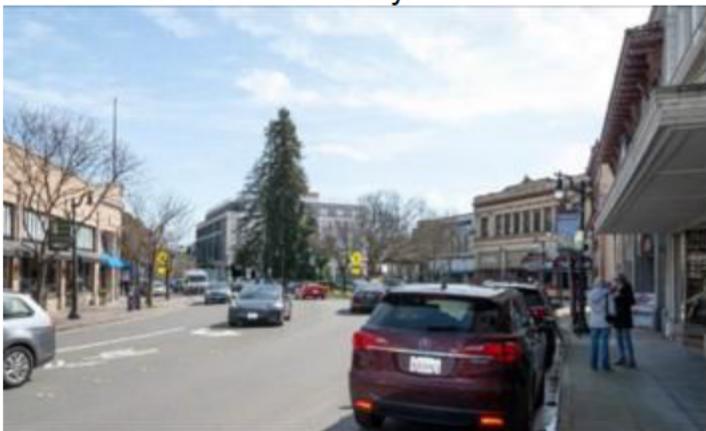
From: jf hancock <[REDACTED]>
Sent: Saturday, September 7, 2024 2:15 PM
To: Kevin McDonnell <kmcdonnell@cityofpetaluma.org>; -- City Council <citycouncil@cityofpetaluma.org>; Isabel Castellano <icastellano@cityofpetaluma.org>; Greg Powell <gpowell@cityofpetaluma.org>
Subject: EKN Overlay Draft EIR

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

The EKN Development EIR is deficient, it was prepared by First Carbon Solutions, a company dedicated to helping developers, “navigate the review process swiftly and cost-effectively.” Their stated purpose is to provide developers with “legally defensible” products. They are not neutral brokers who follow the facts wherever they lead and the Draft EIR they produced shows it. The report does not include things that we were promised in the public meeting prior to its creation. At the public meeting, we were told that our concerns would be fully addressed in the EIR. They are not.

I made the specific request that the view of downtown and the hills to the southeast from Penry Park be included. My comment is not addressed in the draft EIR but Francesa Preston made the same request and that is recorded in the draft. Despite these specific requests and the recognition in the Draft EIR that, “the open grassy hillsides and ridgelines south of Petaluma and the Petaluma River Corridor are identified scenic and visual resources in the General Plan,” those views are not considered in the report and views from Penry Park or any high vantage point are not included. The views used in the report are all taken from vantage points more beneficial to the project than would be from Penry Park or other high viewpoints. Renderings of the hotel in Views, 1 and 5 were made such that trees are in the way and View 8 was created so that the parking garage on C St. blocks it out entirely.





Where the hotel is shown, in view 3, one can see how ugly it is and how it won't fit into our cute downtown.



It looks like a jail, doesn't it?

I, and two others specifically brought up the hotel's impact on a treasured Petaluma cultural tradition, the Butter and Egg Days Parade. The impact of the hotel on the parade is not mentioned in the report. The hotel sits in the middle of the route for both the Butter and Egg parade and the Veteran's Day parade. There is no plan on how to deal with parade guests checking in and checking out and their impact on the parades.

There are many concerns about traffic recorded in the EKN's Draft EIR. Concerns which are swept aside by assuming people will just use other routes than the most convenient ones. The draft goes further and says, "Since the proposed project would not further degrade the intersection [Petaluma Blvd/D St] to LOS F, there would be no conflict with General Plan Policy 5-P-10." However, Petaluma's 2025 General Plan EIR says in section 5-P-10 that, "**LOS should be maintained at Level D or better for motor vehicles due to traffic from any development project.**" (emphasis added)

First Carbon Solutions did not take the concerns of Petalumans seriously in drafting this EIR. They were concerned about the needs of their client, EKN. They ignored specific requests to look at the project from a certain angle and only presented scenic views beneficial to their client.

They brushed aside concerns about traffic and made unverifiable assumptions about where people will choose to drive and that hotel guests will choose to use public transportation.

Worst of all, they misrepresented Petaluma's General Plan and said that it allowed for a worse level of traffic, LOS F, when it calls for nothing greater than LOS D. This misrepresentation is unacceptable and the City Council should reject First Carbon's characterization a "less than significant" impact on our scenic resources, cultural traditions, and environment.

I urge the council to reject this Draft EIR and vote against the Overlay and the ridiculous, out-of-place hotel.

Jeremy Hancock
Petaluma

From: jf hancock <[REDACTED]>
Sent: Monday, September 9, 2024 3:42 PM
To: Isabel Castellano <icastellano@cityofpetaluma.org>; Kevin McDonnell <kmcdonnell@cityofpetaluma.org>; Greg Powell <gpowell@cityofpetaluma.org>; -- City Council <citycouncil@cityofpetaluma.org>
Subject: EKN Hotel Shadows

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

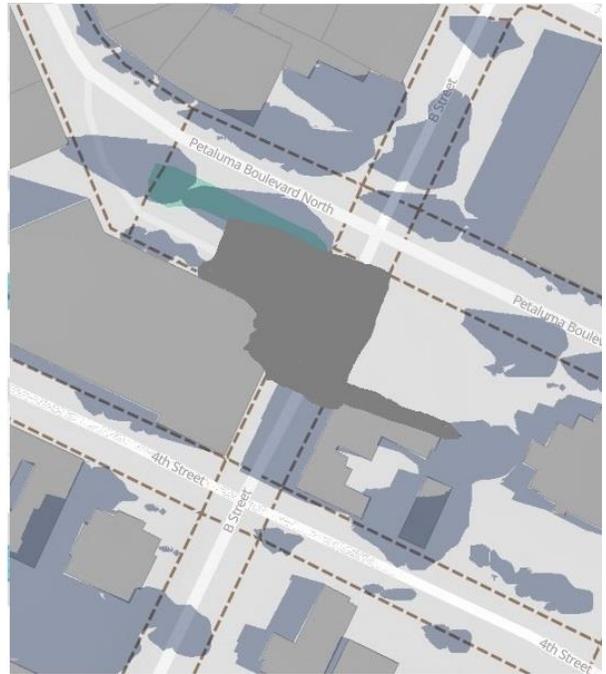
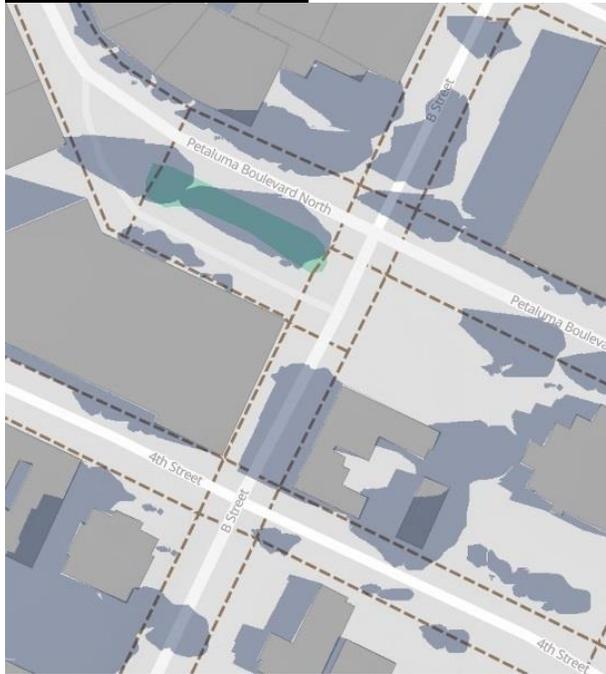
---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear Mayor, Council Members, and Planners,

When I last wrote to you about the proposed EKN hotel, I pointed out that First Carbon Solutions wasn't being a neutral arbiter following the facts wherever they might lead and instead were preparing a product for their client, EKN. As they say on their website, they "**deliver integrated, industry-specific solutions that move [developers] project[s] forward...**" (emphasis added) I also noted that they mischaracterized Petaluma's General Plan as allowing a greater amount of traffic than it does. They claimed that the proposed "project would not further degrade the intersection [Petaluma Blvd/D St] to LOS F, there would be no conflict with General Plan Policy 5-P-10." However, Petaluma's 2025 General Plan EIR says in section 5-P-10 that, "**LOS should be maintained at Level D or better for motor vehicles due to traffic from any development project.**" (emphasis added).

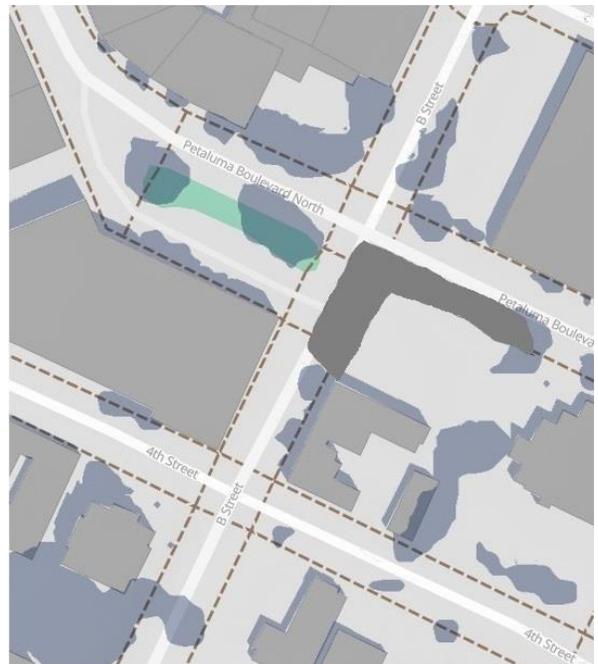
I am writing today regarding another mischaracterization by First Carbon in their draft EIR. They claim that, "the proposed Hotel would not cast shadows that would be cumulatively considerable." In their draft report, FC includes shadows that are cast at 9am, noon, and 3pm for the Vernal Equinox, the Summer Solstice, the Autumnal Equinox, and the Winter Solstice. They do not provide images of shadows cast later than 3pm and so, their draft report is insufficient and does not supply all the facts. Furthermore, they mislead about the images they do provide. They provide bright white images with lightly shaded shadows that do not show the whole picture. Below, I have used their images and information from shademap.app to create images that show the impact of the hotel.

Vernal Equinox 9am



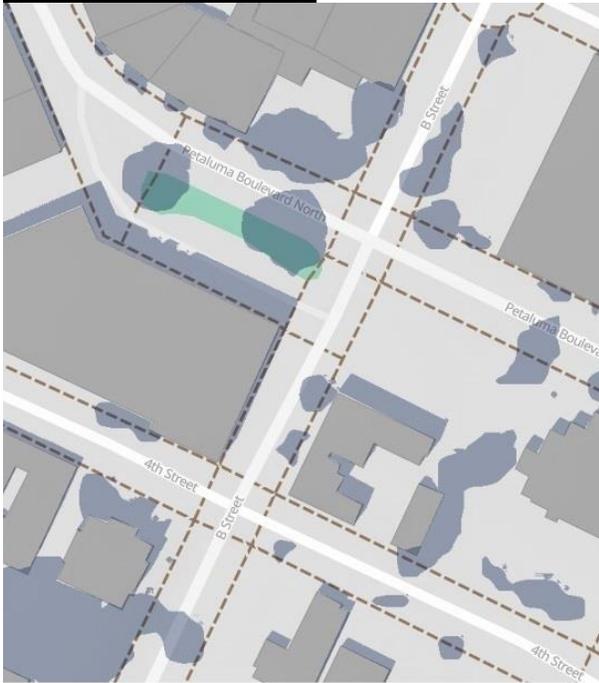
As measured by Google Earth, this shadow is about 150' by 100' and covers the street next to the hotel and half of the block behind Center Park. This is neither incremental nor inconsequential.

Vernal Equinox 12pm



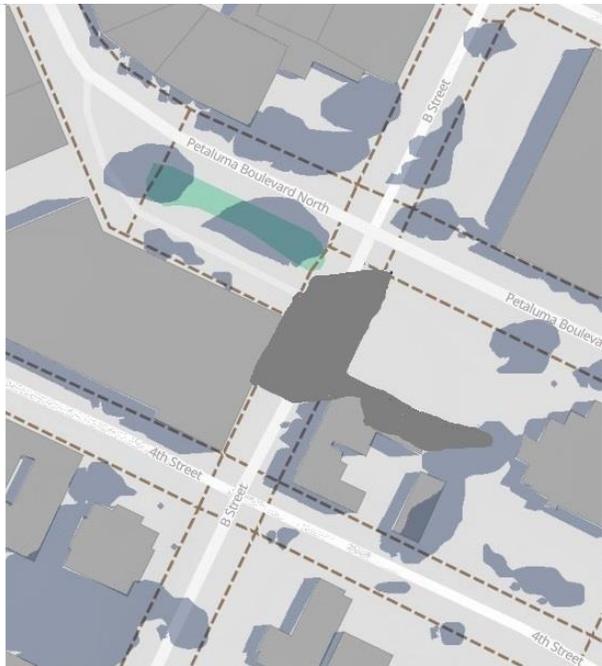
This shadow goes about 30' out into the street and wraps 250' around the building. This is neither incremental nor inconsequential.

Vernal Equinox 3pm.



This shadow extends about 40' across the street and about 140' along the building. This is neither incremental nor inconsequential.

Summer Solstice 9am



This one stretches 70' across the street and about 70' about 70' down the block. This is neither incremental nor inconsequential.

Summer Solstice 12pm



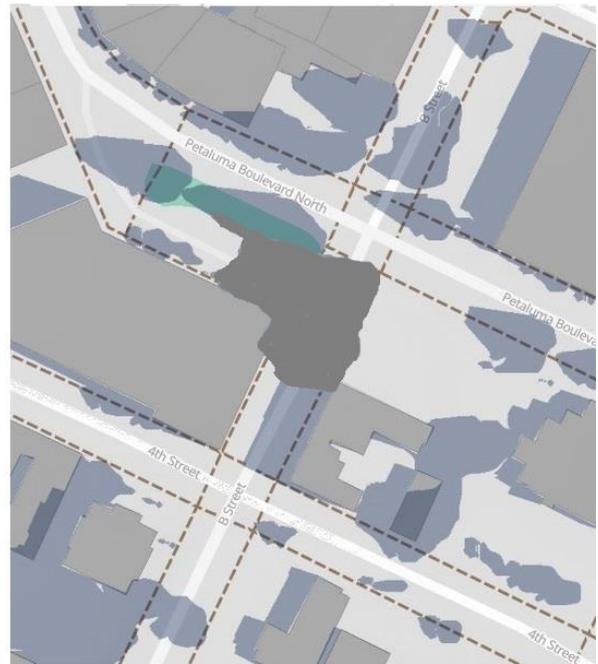
Ah, finally an incremental shadow.

Summer Solstice 3pm



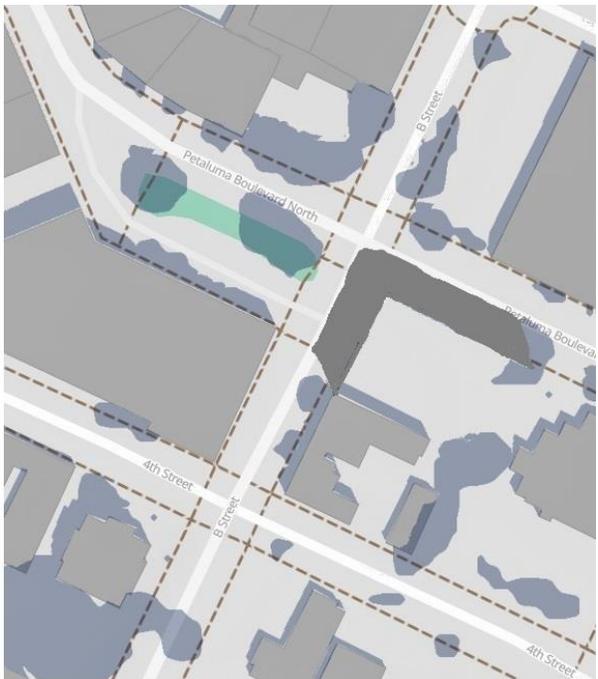
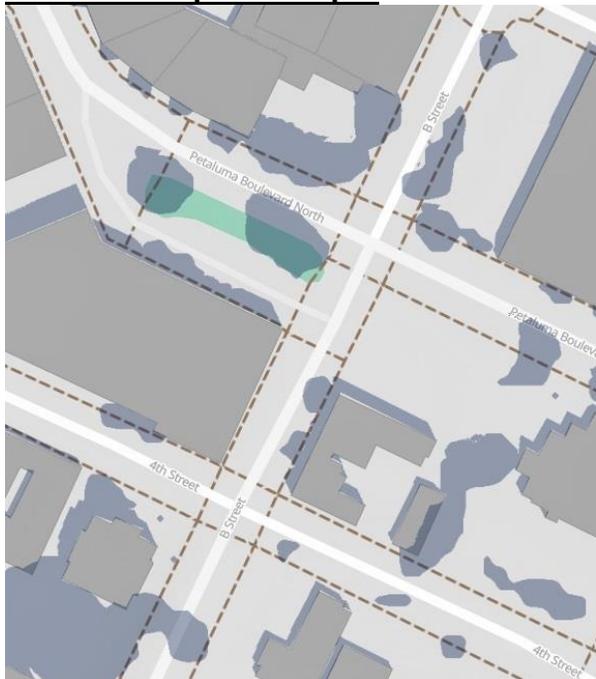
A second shadow that is not so bad.

Autumnal Equinox 9am



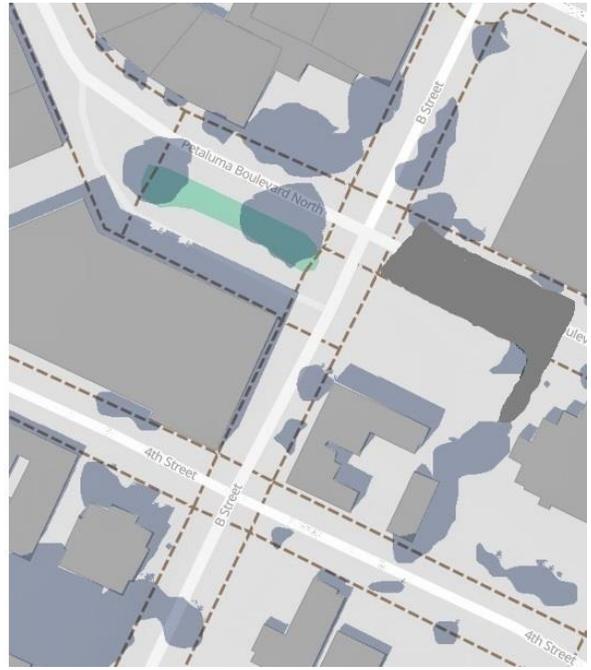
And we're back to the big shadows, it measures 130' by 100'. This is neither incremental nor inconsequential.

Autumnal Equinox 12pm



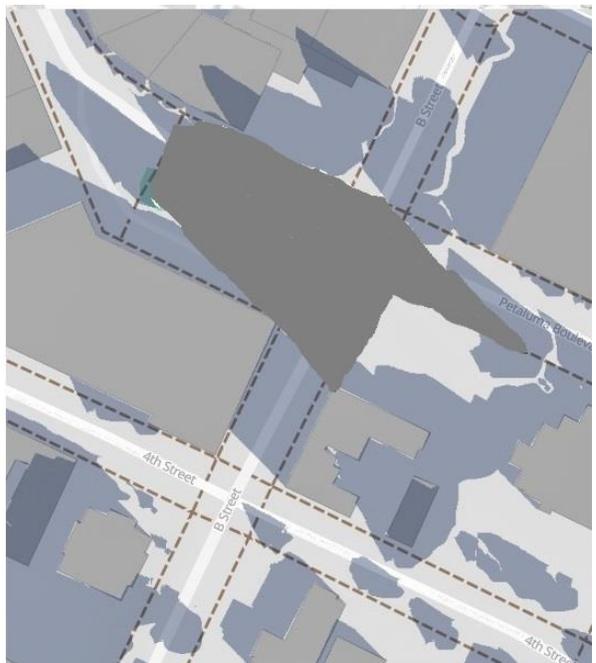
This shadow covers the entire sidewalk to the middle of the street and is along two faces of the hotel. It is 40' by 230'. This is neither incremental nor inconsequential.

Autumnal Equinox 3pm



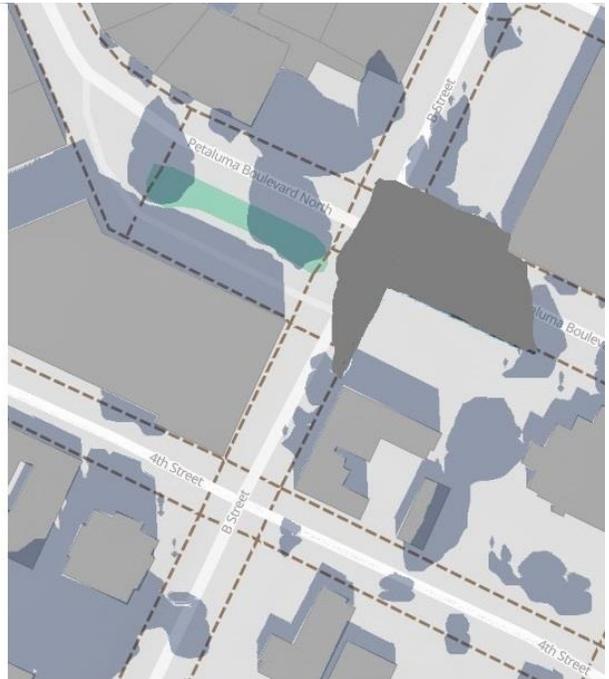
This 55' by 130' shadow reaches clear across the street. This is neither incremental nor inconsequential.

Winter Solstice 9am



This massive shadow entirely covers Center Park and darkens all the businesses behind it. It is 160' by 190'. This is absolutely neither incremental nor inconsequential.

Winter Solstice 12pm



Another big one measuring 120' by 40' by 140'. This is neither incremental nor inconsequential.

Winter Solstice 3pm



This last shadow crosses the street, covers up the face of the building on two sides across the street and a good chunk of the parking lot. It is about 140' by 140'. This is neither incremental nor inconsequential.

Faced with the way First Carbon is being less than straightforward about the impact of the hotel, our City Council should reject their conclusions and this draft EIR. I urge council members to remember that they are not so much the leaders of this community but rather its representatives. Petalumans have spoken clearly and consistently against this hotel. It clearly is out of scale in that location and, their very own shadow analysis proves it.

Jeremy Hancock
Petaluma

-----Original Message-----

From: Marilyn Jaffe <[REDACTED]>
Sent: Monday, September 9, 2024 11:44 PM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>
Subject: Hotel at B St and Petaluma Blvd

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Sent from my iPhone
To Whom it May Concern,

I am writing to express my strong opposition to the plan for this hotel.

The design, as pictured in the Sunday Press Democrat, is, frankly, hideous. It could be a warehouse or a factory. It would be a blight on our charming downtown. It's a big Box, devoid of charm and Way out-of-proportion.

We all see the vacancies come and go from the "theater district." Yes, it's great have a movie theater but the large, unattractive building is quite a price to pay. We certainly don't need another Big Box.

Yes, this hotel would bring revenue to the city but it would come with a great cost - loss of character and loss of opportunity. The loss of our downtown character is obvious. It would also be a loss of opportunity. That piece of real estate, even if there was a single owner, could be designed to look like, perhaps, four separate buildings, rather than one gigantic Box. It could have retail or restaurants at street level, and apartments upstairs.

We need homes for locals more than we need spaces for visitors. Let's not have Healdsburg-envy or Sonoma-envy. We don't want to become a caricature of ourself. Let's keep our small town a small town. Let's stay Petaluma.

Please put local sentiment at the forefront, rather than going for the "glamour" of tourism.

Thank you.

Sincerely,

Marilyn Jaffe

-----Original Message-----

From: Matt Richman [REDACTED] >
Sent: Monday, September 9, 2024 11:13 AM
To: Petaluma Planning <petalumaplanning@cityofpetaluma.org>;
gpowell@cityofpetaluma.org
Subject: New Overlay plan comment

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear City of Petaluma Planning-

I think changing the Zoning Plan to allow taller buildings, larger buildings, and larger footprints is a terrible terrible idea. This amendment looks to destroy the wonderful character that makes Petaluma special.

I don't want tall buildings downtown. I don't want new buildings set against the edges of the lot. I don't want larger FAR or larger lot coverage.

It seems especially sad to me that it's all being proposed because of one hotel project that is out of scale for our town. Destroying the character of Petaluma to entice tourists seems like a self-defeating plan.

Mark me down as a hard "NO" to the General Plan Amendment.

Thank you,
Matt Richman
[REDACTED]
Petaluma, CA 94952

From: David Keller <[REDACTED]>
Sent: Tuesday, September 10, 2024 1:09 AM
To: Brian Oh <boh@cityofpetaluma.org>; Olivia Ervin <oervin@cityofpetaluma.org>
Cc: McDonnell, Kevin <kevin-mcd@comcast.net>; Petaluma Planning <petalumaplanning@cityofpetaluma.org>; -- City Clerk <cityclerk@ci.petaluma.ca.us>; don.frances@arguscourier.com; Jim Sweeney <jim.sweeney@pressdemocrat.com>
Subject: RE: On-site Public Notice for EKN Hotel/Zoning Overlay proposals and hearings.
Importance: High

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

TO: City of Petaluma Community Development Department
Brian Oh, Director of Community Development
Olivia Ervin, Principal Environmental Planner
City of Petaluma
11 English Street
Petaluma, CA 94952
Phone: 707.778.4556
Email: oervin@cityofpetaluma.org

September 10, 2024

Dear Mr. Oh and Ms. Ervin:

RE: On-site Public Notice for the following proposed Projects is absent, wholly inadequate and misleading.

Comments on the CEQA Environmental documents for the following projects:

- Proposed EKN Hotel and Downtown Housing and Economic Opportunity Overlay Project

State Clearinghouse No. 2024040565

Hotel site APNs 008-063-008, 008-063-009, and 008-063-011

- Proposed Downtown Housing and Economic Opportunity Overlay (Overlay), approximately

12.18-acres and is located within Downtown. The Overlay comprises Areas A, B, and C (Exhibit 2-2)

- **Area A:** Boundary: B St. (north); D St. (south); Petaluma Blvd. S (east); 4th St.(west)

APNs: 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

- **Area B:** Boundary: South side of Western Ave. between Kentucky St. (east) and Keller St. (west)

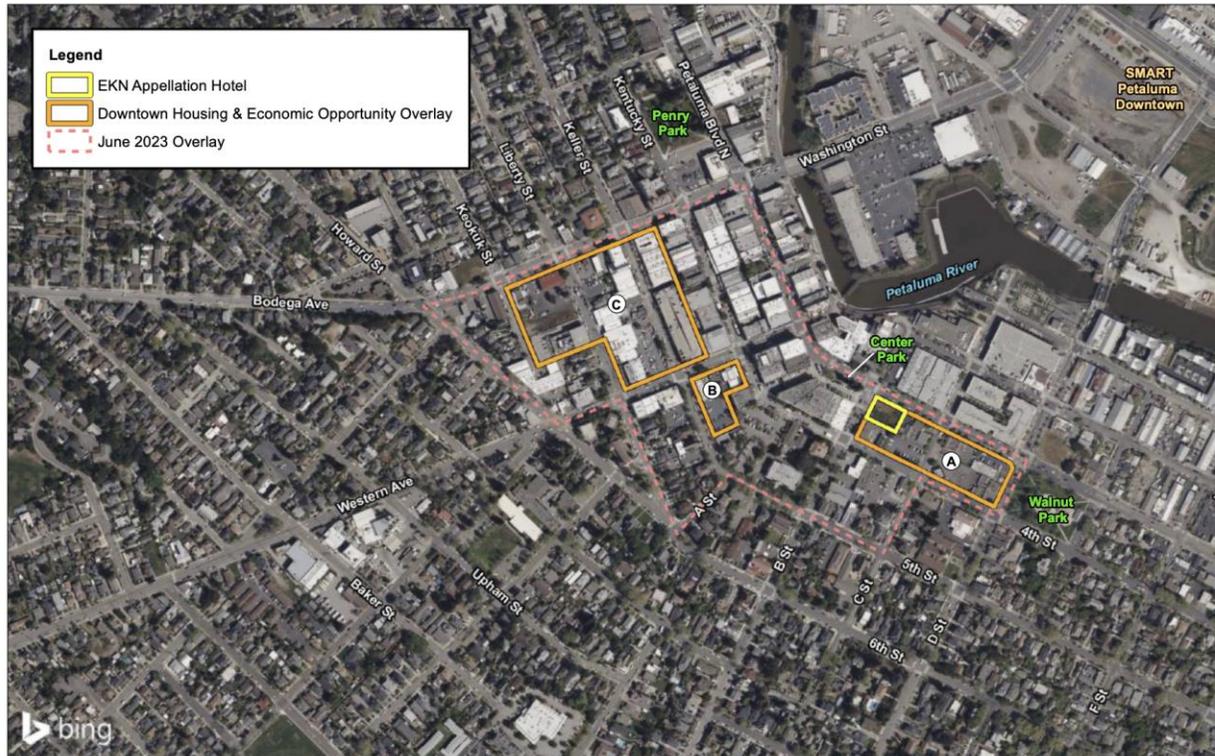
APNs: 008-051-024; 008-051-025

- **Area C:** Boundary: Washington St. (north); Western Ave. (south); Telephone Aly. (east); Liberty St./Court St. (west)

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; 006-362-010; 006-362-012; 006-362-014; 006-362-015;
006-362-021; 006-
362-022; 006-362-023; 006-362-024; 006-362-025; 006-363-001; 006-363-004; 006-
363-005; 006-363-
007; 006-363-023; 006-363-025; 006-363-026

° CITY RECORD NUMBERS: PLGP-2023-0001, PLZA-2023-0002 & PLSR 2022-0017



Source: City of Petaluma.



Exhibit 2-2
Local Vicinity Map
CITY OF PETALUMA

In my written and verbal comments for this Project's EIR NOP meeting (May 1, 2024), and at the 2023 IS/MND City Council CEQA meeting and joint Planning and HCPC CEQA meeting, I requested that the city provide on-site, up-to-date and clear billboard, sign, or poster notifications and images of the Project proposed for the proposed EKN Hotel parcels.

I also explicitly requested that the City provide clear and informative on-site signs, billboards and/or posters marking each and every one of the proposed Zoning Overlay parcels, per those designated in Areas A, B and C (Exhibit 2-2, above).

However, as of yesterday afternoon, Sept. 9, 2024, **there are absolutely no on-site public notices** located at or near any (no less all) of the parcels proposed for the EKN

Hotel (see photos, attached), nor at any parcels to be included in the Zoning Overlay (Areas A, B, and C). For people working, visiting or residing in the proposed Areas, there is nothing to help provide an informed public and stakeholders of the scope or magnitude of proposed changes, no less for the upcoming public CEQA hearings.

The City has already agendized the first CEQA hearing for comments on the limited EIR at the Planning Commission for Tuesday, September 24 (in approximately 2 weeks); and at the City Council on Monday, Oct. 7th (in approximately 4 weeks).

While there does not appear to be any legal CEQA requirement to post notices at the sites for proposed projects, most all cities and agencies will do so as a courtesy to the public, and to better understand the context and impacts of proposed projects. This failure here, given the highly controversial nature of these proposals, to timely provide what should be a minimum of on-location public information (including a brief description of the Project, renderings of the Hotel, where additional information is to be found, and proposed CEQA meeting dates) is a demonstrable shortcoming on the part of the City, and I believe is disrespectful to the interested and engaged members and stakeholders of our community.

In my experiences as a prior City Council member, (and as co-chair of the well publicized and successful Central Petaluma Specific Plan Citizens Advisory Committee, member of the Petaluma River Access and Enhancement Plan Citizens Advisory Committee, and participant in the City's and SMART's (2) Station Area Plans), this is a clear sign of neglect of one of local government's primary goals: ***to inform and engage its citizens.***

Time is of the essence. Please let me know what the city will be doing promptly to remedy these material omissions.

Sincerely,

David Keller
Petaluma, CA

September 16, 2024

To: Petaluma Planning Commission
Historic & Cultural Preservation Committee
Petaluma City Council

From: Kathy Brandal



This is not the first letter I have written regarding my concerns about the EKN Appellation Hotel and the Downtown Housing & Economic Overlay. I have been against both the Hotel and the Overlay from the beginning. I have read the available information. I have also attended an informational meeting. Nothing I have read or heard has convinced me to change my mind. These are terrible ideas and if they are implemented it will be to the detriment of the Historical Downtown!

The Hotel is proposed for the wrong location. It is too big and out of character for the surrounding downtown area. Yes, it would be nice to have the income money and taxes paid by tourists. The jobs provided by a hotel and restaurant would also be a plus. **HOWEVER, you can build the hotel in another location and still benefit from the income and jobs.** Please stop and rethink the location of the hotel.

In addition to the hotel size and design being out of character with the surrounding area, I am also concerned about the traffic and parking issues. The downtown area is already impacted with too much traffic! Without an additional crosstown connector (at Rainer or Caulfield) the traffic will only be worse. As it is, it can take close to 20 minutes to cross town during peak times and on weekends. Tourist's cars will add to the backups. Contrary to some of the councilmember's beliefs, tourists will not be riding their bicycles or arriving on the Smart Train.

Parking will be another huge issue. I am 75 years old. I do not ride a bike and cannot walk to town if I plan to shop. I need available parking spaces! Both downtown garages help, but they will be inadequate once the hotel staff starts using them. Also, the planned parking for hotel guests and the restaurant patrons is inadequate. Where will the overflow cars be parked??? I have not read or heard about a logical solution to the parking issues. Yawn, yawn! I know these topics have been raised over and over. The Draft Environmental Impact Report finds the hotel's impact is not significant. I do not believe that for one moment! What is needed is common sense not impact reports written by strangers.

After reading the Commentary by Mike Healy in the 9/13 Argus Courier, I am even more against the Overlay Zone! I am grateful to Mr. Healy for reporting the hidden facts about the Overlay. With the provisions that have been proposed and the impact of relevant state laws the six story buildings can turn into 9 story buildings – from 45 feet to 108 feet!!! This can happen at the whim of the developers without any approval from the City Hall! In addition, the laws can make it impossible for Petaluma to enforce off-street parking minimums. That means a nine-story apartment building can be built with zero

off-street parking!!! These laws, which I am sure the city councilmembers, planning commission members and preservation committee members are very aware of, apply to areas within half a mile of a major transit stop – AKA Smart Train Station.

Please stop trying to pull the wool over my eyes and other tax paying citizens of Petaluma!

The hotel should not be built at the proposed location. Please look for another more suitable spot!

The overlay should never happen!!!!

Thank you,

A handwritten signature in cursive script that reads "Kathy Brandal".

Kathy Brandal



Dear Uriel Orozco, City of Petaluma

I'm writing today to voice my comments, concerns and suggestions to you regarding the proposed Appellation Petaluma Hotel. These fall into four categories: Location, Design, Noise and Traffic.

LOCATION:

My first question about the proposed hotel is why build it there?

Wouldn't both the goals of hoteliers Palmer/Hunsberger, of EKN, and of the city of Petaluma be better served by building the hotel within the CPSP location? Please allow me to elaborate:

- Our location in southern Sonoma produces many of the nation's prime artisanal, organic delicacies. You name it, we've got it: from wines to beers, sustainable seafood to world-class bakeries, world-renown dairy and meat products, the list goes on...

Why not expand the vision of the Appellation Petaluma to reflect this richness, include a food court on the lower level and/or the surrounding area... an arcade of local shops... thus helping to expand retail opportunities, grow our local economy, ...as well as capitalize on the burgeoning food tourism in our area.

This would be best achieved within the CPSP area, where planning could supply ancillary structures, walkways and landscaping... not in the proposed location -- the footprint of which is already circumscribed, and curtailed by traffic.

- With our commitment to carbon neutrality by 2030, Petaluma is exemplary in our adherence to and implementation of green practices, and climate resiliency. Why not make the Appellation Petaluma reflect our green identity, by becoming a one-of-a kind, state-of-the-art green hotel? As a traveler, I know how traveling green is not incompatible with traveling in comfort. Travelers enjoy the opportunity to explore green products and practices, to align our actions with our values. It would enhance EKN's efforts to be a destination hotel, and it would have "Petaluma" written all over it.

With these defining attributes, and within the CPSP target location, Appellation Petaluma could well become the fulcrum of highly-energized urban life... utilizing the nearby train and bus line transit stations, and its proximity to the 101,...as well as meeting our CPSP goal: drawing resources to central Petaluma, uniting the east and west sides.

*Let's envision the area replete with demonstration gardens, landscaped walkways, parklets and performance spaces ... **with the Appellation Hotel Petaluma at its heart.***

DESIGN/ARCHITECTURE:

Petaluma already has its own unique architectural vernacular. In addition, our city is home to sculptors and ceramicists, and a variety of other makers of public art. Why not incorporate the playfulness-mixed-with-utility that is integral to our civic palette? Sadly, EKN's visuals of the future hotel reflect only the blandest of corporate aesthetics.... It says nothing about our location, our community or our history! It would be wise if Appellation Hotel hired local

architects and artists to consult. For example: many of the sculptors in the area famously work with metal... the entry metalwork could be much more relevant to our community if designed and fabricated by one of our own!

NOISE:

"At 50 feet, amplified music would generate a noise level of 72 dBA. Based on the height of the Hotel building, and attenuation provided by the parapet of the Hotel building and the building itself, noise levels at the nearest sensitive receptor will be approximately 56 dBA which is within the noise limits established by the City. " (pg 87)

I realize the dBA levels have already been established by the city, but it's worth noting: most bands are well above 80 dBAs...more like 110 dBAs. From the proposed outdoor rooftop bar sound waves could be carried by evening winds. In the evening, marine air blowing eastward through the Petaluma Gap, branches into southward and northward streams and could attenuate the reach of noise. Many of us experience this on an ongoing basis, with the roaring of the racetrack, or the sound of rock bands blaring from the fairgrounds. If the rooftop's bar's operating hours extend to 2 am (as most do) the noise would be unacceptable, and in violation of our noise ordinance.

TRAFFIC:

With multiple, ongoing truck deliveries, passenger drop-offs, and the plan for ongoing events, not to mention the 93+ guests, I have concerns about how local residents and shopkeepers will deal with the jump in traffic and difficulty with parking. 4th street becomes a one way at B street. Parking on 4th between B and Western is difficult, and not much relieved by the parking lot. I believe we're asking for trouble to invite the kind of congestion a hotel in that spot will create. At such times when hotel parking is maxxed out, I suspect a valet service will be called in to park cars on neighborhood streets...only to frustrate multi-resident households with more than one car... and compromise safety for pedestrians and bicyclists.

D is already experiencing its slow down, 5th is soon to be a "slow street," leaving the streets bordering the proposed hotel -- B, 4th and Petaluma Blvd-- to shoulder subsequent traffic fallout.

Again, I urge our city planners to consider the CPSP location for the Appellation Petaluma, where both the city and the hotel could only benefit.

Thank you for reading this letter and giving it your attention.

Respectfully,



Barbara Lowe



Sept. 20, 2024

City of Petaluma Planning Commissioners

Re: Downtown Housing and Economic Opportunity Overlay Project

Dear Commissioners,

The Overlay Proposal is causing significant agitation in town. I hope you will take the following observations into consideration when you vote on the Draft EIR for the Downtown Overlay Project.

First, let me make it clear that I'm not against higher density in parts of town, recognizing the necessity to avoid sprawl. I'm fine with modern building mixing in with historic ones. (Historicist architecture is often dismal anyway.) I support the Central Petaluma Specific Plan. I continue to object to a developer-driven overlay being considered concurrent with a general plan update. Petaluma will have less control over aspects of the plan and associated ramifications under this process.

Understanding that community concerns about the overlay may not carry the day, please think carefully about these aspects that I hope remain in your purview. I've moved to Petaluma in 1987, but had a period of four years living in new apartments in Redwood City (2016-2020). I know what it means to live in and be surrounded by the kinds of buildings being proposed, as well as potential pitfalls. (For those who may not know, Redwood City has built many several-story apartments and business in the last years and is a useful reference for what is being proposed in Petaluma.)

- Recent state density bonus laws: Much higher density than zoned may be allowed should the developer meet certain housing-type guidelines, and the city would have no say over this additional height. Has this probability been fully considered?
- Alleys: Advocates for the overlay mention that the historic downtown is built to the sidewalk edge. The overlooked fact is the presence of alleys for garbage/recycling/deliveries.

In Redwood City, the recycling and trash dumpsters would be dragged onto the streets, reducing street parking, the day prior to pickup, leaking all over the street, and there they would sit until apartment staff got around to pulling them back into the building in the next day. (There was no accommodation for green waste pickup in either Redwood City apartment. That would have added a third dumpster to the street for each property.) That's what Western and other streets will look like two days a week. Additionally, facades on Western will need to accommodate those dumpsters, meaning big utility doors. These details, as well as the utilities and fans, aren't traditionally shown on renderings. Facades on Western and on B Street won't be as appealing as you may like to imagine. Do you have the ability to require alleys? Or off-street garbage pickup?

- Environmental infrastructure:

- Setbacks: I found the neighborhoods where apartments are being built in Redwood City to be dispiriting and harsh where there were no setbacks. There was too little room for decent street trees and the sun glared off the buildings, making it unpleasant to walk one's errands, or the dog, on warm days.
- Green space: Associated with a lack of setbacks, in that crowded environment, I longed for green spaces and there were too few. The nearest green area I could find in downtown Redwood City when out for a stroll with my dog was a courtyard at Kaiser. That was also a dispiriting detail. (Decent parks were available, but not near enough for everyday use and they could be quite crowded.)
- Open space: Developers may tell you that their rooftop gardens qualify as open space. Please don't buy this line. These areas are rarely green and often so occupied as to be unavailable, or, being on an exposed roof, too sunny to be enjoyed. As an adjunct space, they are fine but shouldn't qualify as contributing to park area. As to a "public open space" – does that mean if one buys a drink and a meal? Any space owned by a developer is not truly public. They can change the rules and access.

Open space will be a challenge – but again, we're operating outside the general plan where we could have that fuller discussion. Can you even consider if we'll have sufficient park area or green space when you vote on the overlay?

- Green roofs and solar panels: Since you are not considering this project within our usual channels, do you have the ability to require the addition of elements such as green roofs or solar panels?
- Parking: Even though both apartments in which I lived were minutes for Caltrain and there were many good jobs right in Redwood City, the apartment parking garages were full. We all hope for a day when we won't all need or want our own vehicles, but for the foreseeable future and an aging population, that's pie in the sky, with ice cream on top.
- Aesthetics: Back to the subject of historic downtown – there is a range of building types and styles – doorways, window shapes and sizes, building styles. This is one of the chief charms of a historic downtown. Without a design review committee, we ought not be surprised by inexpensive design and construction for much of the area. I served on SPARC when Basin Street brought their downtown plans through, and I know we improved the appearance and usability of those projects. With so little City control and with bonus density options, we may find we are stuck with tall AND harsh buildings – an overall reduction in livability and charm.

We are all passionate about this town. I hope that my perspective can help inform your own.

Thank you for your consideration.

Janet Gracyk

Petaluma



FW: PUBLIC COMMENTS / Draft EIR for the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel

From [REDACTED]
Date Fri 9/20/2024 4:57 PM
To Orozco, Uriel <uorozco@cityofpetaluma.org>

 1 attachments (145 KB)
PUBLIC COMMENTS DEIR for DH&EO Overlay and EKN Appellation Hotel.pdf;

You don't often get email from [REDACTED] [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Hi, Uriel,

I forgot to add your name to this email distribution—I apologize!
I would like to make sure that my Public Comment makes it in front of the Planning Commissioners for their upcoming 9/24 meeting.

Many thanks,

Lydia Asselin
[REDACTED]

From: [REDACTED]
Sent: Friday, September 20, 2024 4:48 PM
To: 'Olivia Ervin' <oervin@cityofpetaluma.org>
Cc: gpowell@cityofpetaluma.org
Subject: PUBLIC COMMENTS / Draft EIR for the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel

Hi, Olivia and Greg,

Please include my attached public comments regarding the DEIR for the Hotel & Overlay. I wanted to get them on the record prior to next week's 9/24/24 Planning Commission Meeting, even though the 45-day Public Comment period does not technically end until 10/6 or 10/7. Which leads me to the question of whether the Planning Commission should even be conducting a Public Hearing on this subject before the 45-day public comment period is up.

Regards,

Lydia Asselin
[REDACTED]

**Draft EIR Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel
Public Comment Submitted by Lydia Asselin
September 20, 2024**

In deciding what to comment on regarding the 414-page DEIR for the Hotel and Overlay, I am struck by the lack of much new information since the October 2023 IS-MND. The content in the DEIR is just a reformatted and repackaged, repetitive version of information in the IS-MND. The only measurably new content in the DEIR consists of these three items.

- Higher quality visual simulations.
- A new Vehicle Miles Traveled assessment.
- A Historic Built Environment Impacts Assessment for the hotel by South Environmental, supplemental to Diana Painter’s report. This information codifies why Rex Hardware and Bank of the West should not be considered as historic contributing buildings.

Still having a problem with the combined DEIR?

- Once again, we have a combined Hotel and Overlay document, which provides a “**nothing to see here**” programmatic approach to any Environmental Impact from the Overlay because there are no proposed buildings to evaluate. At times the proposed Hotel project is discussed as if the Overlay was a fait accompli.

Have a problem with Aesthetics? Pretty hard to quantify this topic, since a project’s design is subjective, right? So, really **nothing to see here**.

- **In Aesthetics / AES-1**, CEQA asks if the proposed project infringes on scenic vistas. Not from the specific vantage points selected by the preparers of the DEIR, so **nothing to see here**. It may not block vistas of our surrounding hills, but the building’s bulk and height dominate the neighborhood.
- **In Aesthetics AES-3**, CEQA asks if the project is in an urbanized area, would it conflict with applicable zoning and other regulations governing scenic quality? Well, yes, it does—in allowable building height, FAR, and lot coverage. But the Overlay, you say...?
- **Aesthetics “Mitigation Measures”** are the responsibility of HCPC and the Planning Commission to adjudicate with the discretionary HSPAR review process. *Have a Problem with Aesthetics?* Just register your concerns with the Planning Commission and HCPC. These two groups of citizens have already voiced their discomfort with the bulk, massing, and design of this hotel building. So have numerous Petaluma residents. Nobody seems to be listening.

Have a problem with shadows cast from a six-story building?

- Sorry, in **AES-5**, CEQA doesn’t consider this an environmental impact. **Nothing to see here**.

Have a problem with Cultural & Historic Resources?

- **In Cultural & Historic Resources CUL-1** CEQA asks if the proposed project could cause a substantial adverse change in the significance of a historic resource. Does a historic resource need to abut the proposed project? The DEIR goes to great extents to prove that post-fire Rex Hardware and North Bay Savings & Loan (Bank of the West) are not considered

to be historically contributing buildings. **Nothing to see here**, despite Rex Hardware’s best attempts at recreating their pre-fire building.

- Beyond just looking at buildings that are immediately adjacent to the proposed hotel, there is the issue that the Hotel parcel sits within the boundary of the National Register Downtown Commercial District. As such, this site acts as a gateway to Petaluma’s historic downtown, and any building erected there should be worthy of this location. We are offered the same Mitigation Measures—Planning Commission, HCPS, HSPAR can weigh in on the Conditional Use Permits and the merits of the design.
- **In Cultural & Historic Resources CUL-2 and CUL-3** CEQA asks if the proposed project could cause a substantial adverse change in the significance of an archaeological resource. Or if the proposed project could disturb human remains, The DEIR indicates that any issues uncovered during excavation or via canine alerts can be mitigated via longstanding archaeological protocols. No issues here.

Have an ongoing problem with Land Use and Planning? Now you’re talking. (Also see Aesthetics AES-3, above.) This building does not conform to existing zoning requirements, which is why the Overlay was created. Which came first, the chicken or the egg? The Hotel or the Overlay?

- **In Land Use and Planning LAND-2:** CEQA asks if the proposed 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. The DEIR (as did the IS-MND) says the Discretionary Review Process and the need for Conditional Use Permits to exceed the height limits are sufficient mitigators.
- **These Mitigation Measures that are stipulated** in the DEIR are taken word-for-word from the laundry list of possible public benefits that must be achieved to get a Conditional Use Permit (CUP)--first to go from 45 feet to 60 feet, then another CUP to go from 60 feet 75 feet, and a third CUP to go to 100% lot coverage from 80%. The developer worked with the Petaluma Planning Department in coming up with this laundry list of public benefits after the hotel had already been designed. **Nothing to see here, folks—the developer is in the driver’s seat.**
- **The project doesn’t need to achieve compliance with everything from the laundry list nor meet full consistency with all General Plan Goals.**
 - Pick two out of three listed public benefits and you can move up to 60 feet!
 - Pick one out of three more listed public benefits, and you can achieve 75 feet!
 - But you’ll have to meet all five public benefits to achieve 100% lot coverage!
- For example, you don’t need to demonstrate “exceptional architecture and design” to meet the first 60-foot threshold. And if you have underground parking, you can automatically meet the second 75-foot threshold. Seriously! How were these metrics weighted?

Do you have a problem with the Conditional Use Permit process being the Mitigation Measure for Aesthetics, Cultural and Historic Resources, and Land Use and Planning?

- Who gets to weigh in on whether the developer satisfactorily meets the laundry list’s requisite number of items? The members of the Planning Commission and HCPC. This would be done at the HSPAR Review. It puts an onerous load on a group of volunteers, none of whom are architects.

- Is it possible to meet the requirements of the two CUP hurdles and still not be approved on the design merits of the project. Technically yes. This hotel’s mass and bulk and generic design have always been contentious points of discussion. **Aesthetics Do Matter.**

Perhaps you have a problem with traffic or parking?

- Sorry, CEQA’s “Vehicle Miles Traveled” methodology gives projects within a half mile of the SMART station a designation of no significant impact.
- Common sense might lead you to think that out-of-town tourists staying at a high end hotel will not be arriving to Petaluma via SMART train from the Santa Rosa Airport. Or San Franciscans looking for a weekend getaway will leave their Teslas home and Uber up 101. But CEQA sets the parameters. **Nothing to see here.**
- As a courtesy, the previous metric, “Level Of Service” (used in the current General Plan’s EIR back in 2008) was briefly discussed in the DEIR. Back then, the Petaluma Boulevard/D Street intersection was problematic (LOS=D). The DEIR notes, however, “...*under future and future-plus-project scenarios, the Petaluma Boulevard/D Street intersection would degrade to LOS E. Furthermore, this intersection would operate unacceptably regardless of the proposed project. Since the proposed project would not further degrade the intersection to LOS F, there would be no conflict with General Plan Policy 5-P-10. But no matter; CEQA uses VMT as a metric. Nothing to see here.*”

Do you have problems with Cumulative Impact (or lack thereof)?

- The DEIR document tells us there is no significant environmental impact for this proposed hotel project. But what about taking into account those other “pipeline projects” like the nearby Oyster Cove (132 dwelling units; 2100 sq ft commercial), or the proposed Haystack Landing (182 dwelling units; 14,516 sq ft commercial) Adobe Winery (13,718 sq ft commercial)?
- Well, CEQA says since these projects were apparently designed to meet current zoning requirements, and the current land use maps would have foreseen this kind of development on vacant parcels, there would be no measurable impact. Adding the Hotel into the mix might have some cumulative impact, but that could be mitigated through the Conditional User Permit (CUP) process. **Nothing to see here.**
- As for the Hotel, the DEIR again uses the Conditional Use Permit process as the Mitigation Measure that would make this a project that conforms to the General Plan and zoning ordinances. Thus—less than significant cumulative impact. This is all dependent on simultaneously approving the Overlay, of course.

In Conclusion

- The DEIR gives us a big dose of **Nothing to See Here** in terms of any environmental impact.
- So I for one will move on to the next step--reiterate and reframe the issues I have with the Hotel and talk about its inappropriate size, bulk, scale, height, and blandly uninspiring architectural design.
- And I will continue to argue in front of the Planning Commission and the members of the Historic and Cultural Preservation Committee that **THIS** hotel is wrong for **THIS** location.



Rezoning without complete analyzing of historic Downtown Petaluma

From Ann Ledoux [REDACTED]
Date Sun 9/22/2024 11:30 AM
To Orozco, Uriel <Uorozco@cityofpetaluma.org>

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

"No to quick job of changing Downtown Petaluma." AND not showing 6pm Sep 24 meeting on website. Perhaps ignoring state process of zoning laws. Quick and possibly dirty operations. Let's get off this fast train. Proper policy needed!
Sent from my iPad



City of Petaluma: Comment on Notice of Public Hearing, Draft EIR, EKN Appellation Hotel at 2 Petaluma Blvd. North

From Michael Nistler [REDACTED]
Date Sun 9/22/2024 2:06 AM
To Orozco, Uriel <uorozco@cityofpetaluma.org>

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Dear Uriel Orozco,

Please upload and share my comments regarding the planned Automated Car Parking System at the Appellation Hotel at 2 Petaluma Blvd North.

Thank you, Michael Nistler
[REDACTED]

Automated Car Parking Systems

Background

- A. The APC car loading sequence includes: attendant enters customer's car, drives car into stall, exits stall, closes bay door, robot controls elevator to descent car, awaits robot to descend, move into position, ascend to surface, open bay door, etc.
- B. The time range to park each car may range from of 2 to 10+ minutes to retrieve a car.
- C. Occasionally the robot encounters minor mechanical, sensor, interlock, human error, and on rare occasion may have a catastrophic multiday event
- D. Semi-automated robot systems (paternoster that revolves similar to an up down ferris wheel) are simpler and less expensive than lift and slide (puzzle parking), however semi-automated systems (typically under 100 car capacity) require actions by the parking attendant or driver.
- E. The main disadvantage in the US is access time during rush hour and operator error should the attendant fail to signal the APS of a car to be parked (or driver misplaces the required parking ticket for retrieval)
- F. Below building/below grade APS requires about 225 sq. ft per space (for instance a space 11 feet wide, 20 feet long), costing in the range of \$40K to \$100K for a fully automated space, while a semi-automated systems may cost \$20K to \$40 per space.
- G. The depth of an underground system can be as deep as 130 feet.

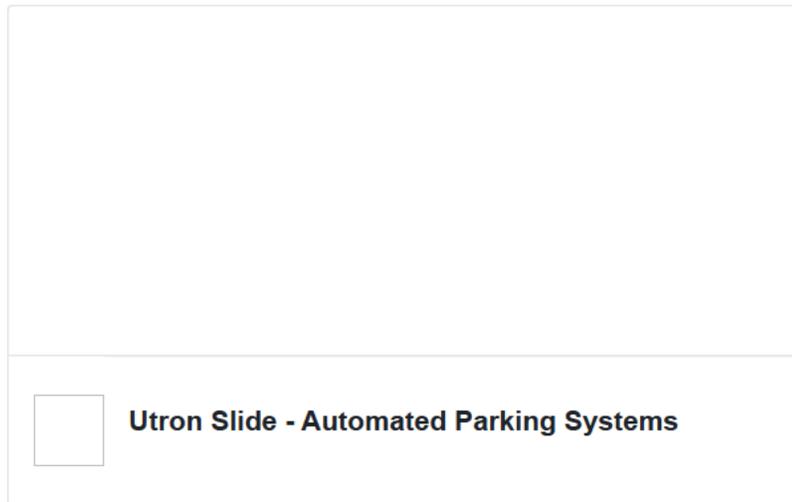
Questions

1. How many months will be required excavate the soil at 2 Petaluma Blvd North?
2. Will the excavation work be performed during nighttime hours and how many vehicles will operate simultaneously?
3. Will traffic on Petaluma Blvd be impaired or shutdown during excavation?
4. What is the anticipated noise level (dB) at street level during steel pile driving operation?
5. What large digging, drilling, crane operations, semi-trucks and other heavy equipment (above the City 10,000 pound vehicle limit) will be onsite and staged in public property during construction?
6. What is the duration in months relating to the above for the excavation as well as for the entire construction period?
7. What is the anticipated peak retrieval rate when cars are parked and retrieved simultaneously?
8. For optimized APS retrieval processes, a parked car may be retrieved minutes before owner arrives. In this case, where does the attendant park the car outside the facility?
9. How will APS preventive and corrective maintenance as well as catastrophic repairs affect nearby business and traffic?
10. Should a prolonged catastrophic repair interval occur, will the owner expect or require special consideration from nearby businesses or the City?
11. In the event of a power outage, will a backup generator be used to continue service at a defined performance level?
12. Which street/s will provide APS access? (especially noteworthy on the busy Petaluma Blvd)
13. Will urgent needs to address catastrophic repairs require the City to make special accommodations that may inconvenience nearby businesses and traffic flows?
14. Does the owner's policy include providing customers free short-term rental car usage in the event of a protracted service outage?
15. What is the expected life expectancy of the APS and what is the anticipated nearby business impact, traffic flow considerations and estimated upgrade/replacement time?
16. Will the owner have staff to perform corrective maintenance as electrical wire break, electric motor failure, bearings/belts/chains lubrication/breakage, hydraulics problems, sensor replacements, optical camera failures, mechanical and electrical calibration, computer problems, emergency shutoff malfunction?
17. If not, what is the process and expected time interval to have a qualified repairman on site?
18. What are the flood mitigation plans for the APS?
19. Has the owner addressed underwater springs, considering the regular water seepage (underground spring) at the downtown United States Post Office at 120 4th St?

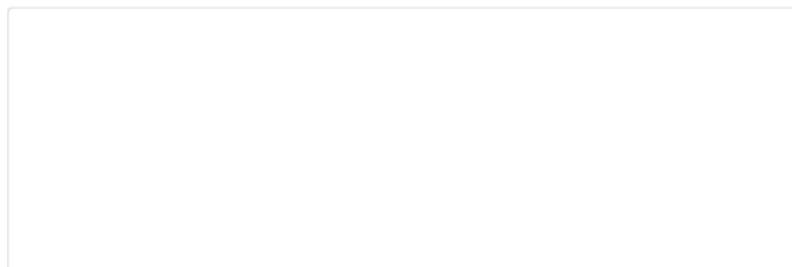
- 20. During the winter rain season and considering the above as well as the depth of the APS, what are the estimated gallons per hour are estimated to be pumped into the City storm drains?
- 21. What security measures (closed-circuit recording cameras, coded and/or key locked machinery and computer operation, have been planned to ensure the APS is secure from unauthorized access, including vandalism?
- 22. Aside from customer parking, specifically who else will be using the APS? (management, employees, service vehicles, catering, food and laundry services, storage, staging, etc)
- 23. Regarding the depth of the APS and the building height, what additional earthquake mitigation will be required and how will it affect the construction project?
- 24. Will the Fire Department require additional equipment and training to access the APS in the event of an emergency?
- 25. During daily operations for deliveries, pickups, customer and guest traffic, what will be the additional impact on City streets and where will delivery, pickup and traffic not entering the APS be staged?
- 26. Has the owner entertained purchasing the adjacent BMO (Bank of the West) lot should the scope of the APS environmental impact be insurmountable and/or nearby businesses and Petaluma residents have overwhelming objections?

APS Illustrative Video Information

<https://www.youtube.com/watch?v=a1zgsyP32Cg>
[Utron Slide - Automated Parking Systems](#)



<https://youtu.be/6blks7vfZog>
[How Automated Parking Garages Work](#)





How Automated Parking Garages Work

Kathy Chambers

On 09/19/2024 5:09 PM PDT Isabel Castellano <icastellano@cityofpetaluma.org> wrote:

Hello Kathy,

Thank you for reaching out and inquiring about the EKN Appellation Hotel project. Visual simulations were created for the hotel project. A copy is attached for your refence. They are also included within the Draft Environmental Impact Review (EIR). Your request will be included as a public comment for the Draft EIR review period.

Information and documents related to the project are available on the City’s website at: <https://cityofpetaluma.org/economic-opportunity-overlay-ekn-appellation-projects/>

Please reach out if you have additional questions.
Isabel

Isabel Castellano

Historic Preservation Specialist, M-Group Consulting Planner serving the City of Petaluma
City of Petaluma | Community Development

[Schedule a Virtual Counter Appointment](#)

office. [707-778-4315](tel:707-778-4315) |

icastellano@cityofpetaluma.org



Report issues through our new service request app! Download [engagEPetaluma](#) on [Google](#) or [Apple](#).

From: KATHY CHAMBERS [REDACTED]
Sent: Thursday, September 19, 2024 4:11 PM
To: Isabel Castellano <icastellano@cityofpetaluma.org>
Subject: Proposed Overlay/Appellation Hotel Project

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Isabel,

I am asking you if a rendering could be made of the EKN Application Hotel at a different/closer angle that would show how large the hotel would actually be. Last year the only drawing showed the hotel with nothing around it. The new rendering on the City of Petaluma City's website shows the building from the south east side.

For the members of the Petaluma community to **really** see the size of the building a drawing needs to be made from the Fourth and B Street side which will show how the hotel will dwarf Rex Hardware and the surrounding buildings.

Since you are a Preservation Specialist I think you would agree that knowing how the proposed overlay building will fit in our historic downtown is important.

I am a fourth generation Petaluman and I am against the proposed hotel for multiple reasons among them it is too large and most importantly it will ruin our historic district.

As I did last year, I will be attending the upcoming meetings regarding the proposed overlay and writing letters to different city agencies.

Sincerely,

Kathy Chambers



public comment for 9/24/meeting

From Susan Pateros [REDACTED]
Date Mon 9/23/2024 12:07 PM
To Orozco, Uriel <uorozco@cityofpetaluma.org>

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I am writing in **support** of the Downtown Housing & Economic Opportunity Overlay, and the EKN Appellation Hotel.

The hotel would provide a much needed source of revenue for the city, as well as add an upscale destination for residents and visitors to enjoy.

Quoting from the FY 2024 2025 City of Petaluma
Adopted Operating and Capital Improvement Program Budget:

"Despite having additional sales tax revenue, it's important to remember this source is *finite [sic]*. While it provides financial resources that the City has not historically had, the needs far outweigh the available resources. We must continue to prudently manage our finances to maintain reserves and provide core services.

.....general fund departments were required to maintain a flat budget. "

Please note that police, fire, public works, and parks and recreation in Petaluma are funded through the General Fund, which, as noted above, was required to maintain a flat budget.

Petaluma can be justifiably proud of its core services, which enhance its citizens' lives. But if we want to maintain the high standard of those departments, the city needs more revenue, and the hotel would be an important source for that revenue.

Sincerely,

Susan A. Pateros



Opposition to the EKN Downtown Appellation Hotel and thoughts on the overlay as it pertains to affordable housing

From Jeanne Gaskin [REDACTED]
Date Mon 9/23/2024 9:19 PM
To Orozco, Uriel <uorozco@cityofpetaluma.org>

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To: City Council- Mr. Uriel Orozco

September 22, 2024

uorozco@cityofpetaluma.org

Subject: Opposition to the EKN Downtown Appellation Hotel and thoughts on the overlay as it pertains to affordable housing

This letter is to express our opposition to the proposed building of the EKN Appellation Hotel in downtown Petaluma on Petaluma Boulevard South and B St. We also wish to state that we are not opposed to the development of the downtown, and we recognize the need for affordable housing.

We have lived in Petaluma for over 28 years and have seen many changes to the downtown. Many of these changes have been positive such as bringing a movie theater to the heart of downtown with apartments, shops and restaurants. That change made life better for both residents and visitors to Petaluma. And that particular project took steps to accommodate parking by building a parking structure so that residents and visitors alike can park and enjoy that area of the downtown. We believe such projects set us apart as a city that takes pride in showcasing and maintaining our beautiful and historical buildings and architecture, even as we know that new buildings will not have the look of established historical buildings but when thoughtfully done, can coexist.

We know that the city is trying to commit to building affordable housing and that building these close to the downtown can make sense. However, as an example of a not so well thought out change near downtown, the high density housing that was built on the Boulevard across from Oak St. is so dense and tall it has blocked the views of the hills and thereby permanently and negatively affecting that entry into our town. We're not all about "the view" but it feels crowded and gives the feeling of the high noise walls that line freeways. While important and necessary, the scale of that housing project for

that location feels too tall and dense. What's done is done but as something real, as opposed to a rendering, we now can learn from that project going forward.

The idea of pushing for an overlay to make the same mistake seems wrong. And the linking of an overlay to the hotel project feels off. Would there have been a pressing need for the overlay if the city had not been approached about a six story hotel? Could this have been approached in a more moderate, reasonable way? The size and scale of the proposed hotel is too much for that location. And most glaringly, is the fact that there are 93 rooms, a ground floor restaurant with seating for 150 guests, and an upper floor event space and bar for 60 guests, yet parking to accommodate only 58 vehicles. How does this add up? Where do the developers or does the city council think all the other guests and patrons are going to park? Have you tried to park in the downtown on a Friday night or weekend? On a Friday midday we wind up parking on the rooftop of the parking structure on Western and Keller, and that is on a weekday. Not to mention the scarcity of parking when there is a special event taking place downtown.

We are fortunate to be the kind of town that holds parades and fairs. We are lucky enough to live so close to town we can walk rather than dealing with the sparse parking. We know what it is like downtown because during special events, when streets are closed off, our neighborhood is one that gets filled with people parking on it, blocks away from downtown. We cannot even imagine what people who live close to the proposed hotel will have to deal with daily if this project gets built. And where would hotel employees park? How inconsiderate to not accommodate them.

Why is there no discussion about modifying the size of this hotel? The exterior is generic, unoriginal, and does not fit the character of our beloved town. Why not try and make it fit in a little more, or make it look more unique to this town? If the council feels another downtown hotel is necessary, why not build on a preexisting space that is not being utilized? Why not make it a boutique hotel with fewer rooms with adequate parking? Not to mention, we love our Rex Hardware. It is part of the feeling of downtown Petaluma and the culture we have. How will such unique small businesses deal with being in the shadow of a wine country hotel behemoth next door?

If the city council is hoping the building of this hotel will bring more people to Petaluma to patronize shops, restaurants, etc., why not insist that developers provide enough parking for all it offers? And why would you inconvenience the people who live close to this proposed hotel who will be directly affected by this project forever? Will we be sporting resident parking permit on our cars? Why are we making Petaluma more for visitors than for the residents who love it here and are committed to it? We love seeing the downtown thriving and families strolling on a summer evening or winter holiday shopping at our small businesses. When we mention that we live in Petaluma folks invariably say, I LOVE Petaluma. How sad it will be if they one day add, But I don't come anymore. No place to park.

We urge you to rethink this hotel project and overlay. There has to be a better way.

Thank you for your time.

Sincerely,

Jeanne Gaskin and Howard Termo



Virus-free. www.avg.com



Public Comment

From adam klein [REDACTED]
Date Mon 9/23/2024 8:06 PM
To Orozco, Uriel <uorozco@cityofpetaluma.org>

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Dear Mayor and City Council Members -

I am writing to formally oppose ANY building form overlay in Petaluma's downtown area. I agree that revitalization efforts need to be made to support our downtown businesses and Petaluma overall.

That said, Petaluma is known for its **Historic Downtown** which is famous for its well-preserved 19th and early 20th-century architecture, earning it a spot on the National Register of Historic Places. Its historic charm makes it a popular destination for visitors and filmmakers.

The very thing that draws people here is in jeopardy with the proposed zoning overlay. I am certain there are other ways of cultivating a flourishing downtown without this overlay or the proposed EKN hotel project.

Yes, we want to move forward and I believe we want to move forward intelligently, aligned with what makes Petaluma distinct and not deteriorate or dilute our value.

I am not opposed to high-density development in Petaluma. I am in favor of high-density development on non-downtown parcels within a half mile of a SMART station. I also have concerns with the state laws that would come into effect if the proposed overlay were instituted.

Yes to progress but from a place of solidity, grounded deep in the principles of what has Petaluma stand out.

I urge you to reject in full the proposed overlay.
Thank you.
Adam Klein

⋮

[REDACTED] <http://activelystill.com>



Public Comment - Agenda Item 1

From susan kirks [REDACTED]
Date Mon 9/23/2024 10:13 PM
To Orozco, Uriel <uorozco@cityofpetaluma.org>

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Dear Members of the Planning Commission,

I would like to associate myself with Lydia Asselin's public comment for this agenda item

I certainly wish she had received an appointment to the Planning Commission when she applied.

I also want to associate myself with the public comment from Mickles' Enterprises.

It is a waste of your time to be reviewing this limited DEIR for the proposed over sized and too tall steakhouse hotel and fabricated overlay zone.

When we see City leaders who are elected to make best decisions for the Petaluma community, when we improve what has been an inadequate General Plan Update process, when we collaborate to bring innovative economic development and protect the downtown historic character and architecture, we will be on the best path for downtown businesses, visitors to Petaluma, and residents and voters here

That is not this.

With the current dynamic of of several City Council members trying to push this hotel and overlay zone with the for profit M Group consulting firm that IS the City's Planning function, and the paid consultant, Dave Alden, also on GPAC and the Transit Advisory Committee, pushing this proposal for his client, we have a proposal that benefits the developer and a proposal that is out of sync with Petaluma's downtown and does not provide public benefit

As Planning Commissioners, you should not approve this DEIR.

And notably, the elected official, Brian Barnacle, and appointed Planning Commissioner and your former Chair, Blake Hooper, actively promoting the hotel and overlay zone, who at an election forum last week tried to walk back their expressed support positions during election season should align with the support they have previously and publicly expressed. The positions are .contradictory to creative thinking, listening to residents and voters, and leadership and service for the greater community.

I hope we can find a better use of your time as Planning Commissioners.

Susan Kirks



Comments

From s. herman [REDACTED]
Date Tue 9/24/2024 9:38 AM
To Orozco, Uriel <uorozco@cityofpetaluma.org>

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No to EKN and overlay!

Please don't ruin what makes Petaluma so appealing to most if not all of we residents, homeowners, and tourists, thank you.

Susan & Ted Herman
[REDACTED]



Public Comment

From Becky Jaeger [REDACTED]
Date Tue 9/24/2024 10:30 AM
To Orozco, Uriel <uorozco@cityofpetaluma.org>
Cc Petaluma Planning <petalumaplanning@cityofpetaluma.org>

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My comments and questions are focused on the ALLEKN Hotel and Overlay projects. I totally disagree with this project and hope it is not too late to stop it. The following are just a few of the issues I have with this project:

I really do not understand what the City is doing. On the one hand you are trying to limit cars, increase walking and biking, reduce carbon foot print etc. Yet on the other hand you want to put up this Hotel which will increase traffic that is already a nightmare in this town. Do you think the guest in this hotel will walk everywhere? Sure they can walk around downtown, but after they do they are going to head out of town....in cars...and increase the nightmarish traffic issues (that the City seems to ignore)

I totally disagree with the assessment that the impact of parking is minimal. How is that possible? Of course a hotel in the middle of town is going to impact parking. How would it not?

The building does not fit in with the Petaluma vibe at all. I question how many people are coming to Petaluma, or plan to come to Petaluma that we need this hotel. How is this going to impact the other local hotels in the area? I have not seen anything about the occupancy rates of these hotels and if they are so full that we need another one. Maybe, if we do need this kind of hotel it can go someplace else other than on the corner of one of the busiest, most congested corners in town.

I hope the City takes the concerns and objections that the people of Petaluma have to this project into consideration before they move forward. I am pretty sure they will not, but at least we can give stopping it a try.

Thank you,

Becky Jaeger
[REDACTED]



Overlay

From Barbara Stowe [REDACTED]
Date Tue 9/24/2024 10:29 AM
To Orozco, Uriel <uorozco@cityofpetaluma.org>

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Dear members of city council,

I am unable to attend tonight's meeting as I will be working . I moved to Petaluma in 2019 and was drawn here by the preserved historic downtown , the many acres of farmland and the thriving community.

I am shocked and dismayed that this overlay is being considered at all- as if city planners have no regard for the treasure we hold here.

So few towns/cities have preserved their historical buildings and overall feel of community - and it seems the city council is trying to lead us in the same direction . Additionally, it seems the council is being deceitful in seeking an EIR that does not truly delve into all the myriad ways these overlays could impact our community .

As elected members, you are tasked with listening to residents and preserving a healthy thriving community. You are not given permission to enable profiteers to come in and rape our cityscape for their own benefit. You are tasked with enabling local business to thrive and succeed yet you act as a barrier for local businesses.

I am confused and disturbed by your agenda and ask that you would stop and consider the long term implications of your decisions today. What are you doing to Petaluma ? What are you preserving for our children and grandchildren? What are you saying about the importance of caring for what we have ? I intend to Vite in November and my vote will be cast for candidates who seek to preserve Petaluma's history as part of a thriving community.

Sincerely ,
Barbara Stowe
Sent from my iPhone

From: [REDACTED]
To: -- City Clerk
Subject: comment on tonight planning meeting on hotel
Date: Tuesday, September 24, 2024 12:29:58 PM

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Planning Commission:

You must not change our city zoning for that hotel project. No one wants the hotel to ruin our city, and no one wants our city's history obliterated by high rises. I repeat, no one. You need to listen to the people and represent us like is your job, and protect our well being and safety from what we already have, let alone make traffic, parking, exhaust fumes and noise worse all because of this hotel no one wants.

Anthony



Draft EIR Public Comment

From Morgan Bellinger [REDACTED]

Date Tue 9/24/2024 12:24 PM

To Petaluma Planning <petalumaplanning@cityofpetaluma.org>; Orozco, Uriel <uorozco@cityofpetaluma.org>; Greg Powell <gpowell@cityofpetaluma.org>; Isabel Castellano <icastellano@cityofpetaluma.org>

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Please include the following comment for tonight's meeting.

I generally support the overlay and the hotel project, but I think any parking requirements the city might put on the hotel developers and within the proposed overlay zone are unfair as long as there's free public street parking in the area.

It's absurd to think that hotel guests arriving on Saturday after 4pm wouldn't just park on the street near the hotel, within 2 hour zones that aren't enforced on Sundays. If they just parked on the street, they wouldn't have to deal with the valet or wait to pick up their car.

So how does that fact fit into an EIR? I'm not sure, but I think a good starting point would be to recognize that resident parking permits and meters are inevitable in Petaluma, that those systems are expensive, and to maybe require developers to pay a fee towards the implementation of a permit/meter system in lieu of required off street spaces. The only alternative is to keep increasing the required parking space count for development, when those spaces may well go unused given the other spaces available.

The other massive real-world oversight captured in this document is that bicycles regularly get stolen from street bicycle parking all over the Bay Area, and that the result is an environmental impact from folks choosing to drive instead of risk bike theft. Can we please require developers to partner with BikeLink to have lockers installed to mitigate this impact? Or at least publicly-accessible secure bike rooms? Lockers take up more space than simple metal racks but several can fit in a single street parking space.

Thanks.

Morgan Bellinger

[REDACTED]



Public comment

From Cindie Raab [REDACTED]
Date Tue 9/24/2024 12:18 PM
To Orozco, Uriel <uorozco@cityofpetaluma.org>

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I am writing in regard to the Downtown Housing & EKN Appellation Hotel Project. I, like most of the Petaluma community am against this project.
I would like to have our historic downtown preserved. The hotel will not only be an eyesore to our historic downtown, but the lack of parking will cause further traffic and parking problems.
WE ARE OPPOSED TO THE DOWNTOWN HOUSING & ECONOMIC OPPORTUNITY OVERLAY!!!
Sincerely,
Cindie Raab
Lonnie Raab
Sent from my iPhone



Public comment from Petaluma resident Tom Gaffey: "Please do not approve this zoning overlay and hotel"

From Tom Gaffey [REDACTED]

Date Tue 9/24/2024 2:15 PM

To City Clerk <cityclerk@cityofpetaluma.org>; Orozco, Uriel <uorozco@cityofpetaluma.org>

Cc Rizzi, Krystle <krizzi@cityofpetaluma.org>; Kevin McDonnell <kmcdonnell@cityofpetaluma.org>; Barnacle, Brian <bbarnacle@cityofpetaluma.org>; Janice Cader Thompson <Jcaderthompson@cityofpetaluma.org>; Mike Healy <mhealy@cityofpetaluma.org>; Karen Nau <knau@cityofpetaluma.org>; Dennis Pocekay <dpocekay@cityofpetaluma.org>; John Shribbs <jshribbs@cityofpetaluma.org>; Petaluma Planning <petalumaplanning@cityofpetaluma.org>

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Petaluma City Manager, Petaluma City Council and Petaluma City Planning Commissioners:

As a citizen of the city of Petaluma I would like my opinion about the EIR report regarding the EKN Hotel Proposal to be logged into public record. I am against the commission recommending the approval of this report to the Petaluma City Council. The report is perfunctory and does not appropriately take into account added traffic and parking impacts that will be created by the addition of this hotel to the B St site. It also does not take into appropriate consideration of the 100% lot coverage of this hotel and the issues created by daily delivery services, as well as trash pickup and tech service employees etc. coming and going.

This hotel does not conform to current zoning regulations concerning building heights, lot coverage and design review. The poorly conceived overlay proposal for the downtown has not been approved as of the report date and should not be used as a determining factor in the approval of this report.

There are many other issues involving this project as far as economic projections and impacts, downtown character destruction, citizen livability issues that are not brought into account with this report.

I want my opinion against the council and commission approving this EIR report logged into public record. Do not approve this report, do not move forward with this hotel as designed and do not move forward with the downtown overlay proposal!

Tom Gaffey
Petaluma



PUBLIC COMMENT: Overlay and EKN Draft EIR

From Heather Kratt [REDACTED]**Date** Tue 9/24/2024 2:03 PM**To** Orozco, Uriel <uorozco@cityofpetaluma.org>; Darren R <darrenracusen@gmail.com>; rogermcerlane@mac.com <rogermcerlane@mac.com>; sandi.lee.potter@gmail.com <sandi.lee.potter@gmail.com>; rwhisman@yahoo.com <rwhisman@yahoo.com>; Heidi Bauer <heidibauer2000@gmail.com>; bmhooper1@gmail.com <bmhooper1@gmail.com>**Cc** City Clerk <cityclerk@cityofpetaluma.org>; City Council <citycouncil@cityofpetaluma.org>

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Petaluma Public and Planning Commissioners:

The draft EIR for the downtown overlay and EKN Hotel development falsely concludes that a 6 story hotel crammed onto 1/3 of an acre in our historic downtown presents "less than significant" impact.

The draft EIR wrongly assumes the overlay has already been approved, ignoring the underlying issue that the hotel does not conform with existing zoning. It also doesn't mention the impact of traffic or parking, instead concluding that a 58 car underground valet parking lot is sufficient parking for hundreds of guests and employees. I saw no mention of water usage and the impact this hotel might have on the existing sewer system. This draft EIR is flawed at best.

I would like the Planning Commissioners to consider these questions: Who hired not paid for, but established the relationship between the hotel developer and the EIR consultant? Why does it seem that the M Group can find a way around any environmental obstacle for rich developers? Has anybody in the city government or Planning Commission ever questioned the credibility of the M Group's choice of contractors? Because you should.

I'd like to remind the public that the Planning Commission and City Council at large both opted to side with the outsourced for profit M Group planners in their assertion that my 100% mobile, zero development, outdoor community marketplace on my own vacant 2/3 acre lot would somehow be an assault on the community. There is a clear record of the M Group's disparate treatment of small business owners and their favoritism and coddling of rich developers. This is the inherent conflict of interest putting profit over the best interests of the community that will always exist when you outsource a critical government function to a for profit firm.

Thanks,

Heather Kratt
NorCal Food Truck Association
The Floodway Community Marketplace
[REDACTED]



Public Comment on the DEIR for Downtown Housing and Economic Opportunity Overlay Project

From Lance Kuehne [REDACTED]
Date Tue 9/24/2024 1:55 PM
To Orozco, Uriel <uorozco@cityofpetaluma.org>; City Clerk <CityClerk@cityofpetaluma.org>
Cc whitley@sonoma.edu <whitley@sonoma.edu>; mcplus2@gmail.com <mcplus2@gmail.com>; ppitingaro@gmail.com <ppitingaro@gmail.com>; alexjenezon@gmail.com <alexjenezon@gmail.com>; sbarclays@gmail.com <sbarclays@gmail.com>; rogermcerlane@mac.com <rogermcerlane@mac.com>; bmhooper1@gmail.com <bmhooper1@gmail.com>; Janice Cader Thompson <jcaderthompson@cityofpetaluma.org>; Nfrye46@gmail.com <Nfrye46@gmail.com>; Jessica.94954@gmail.com <Jessica.94954@gmail.com>; brentnewell.petaluma@gmail.com <brentnewell.petaluma@gmail.com>; darren@petalumaplanning.org <darren@petalumaplanning.org>

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Hello Commission Members,

I have read through much of the 414 page Draft Environmental Impact Report for the EKN hotel and accompanying overlay. A lot of that report reads like a work of fiction.

I won't go into great detail on all my objections to the findings of this report by FirstCarbon Solutions of Walnut Creek, but here are my main concerns.

1) This DEIR states that the hotel conforms to a zoning law that doesn't even exist. The overlay has not been approved. The current regulations that apply to that lot are the historic design guidelines for "The Petaluma Historic Commercial District" established in 1999. This hotel does not come close to conforming to our existing zoning regulations. The overlay needs to be approved first, before we can even consider whether this hotel conforms to such new guidelines.

2) The DEIR states that a "Parking Assessment District" will take care of all parking issues related to buildings in the Overlay Zone areas. During peak times in our downtown, all parking spaces are already taken. A "Parking Assessment District" does not add additional parking. This hotel supplies 58 valet parking spaces, and takes away 3 current street parking spaces. This hotel will likely need to have 150 to 200 parking spaces when at peak staffing and occupancy levels. There is no place downtown where an additional 100 to 150 vehicles can park at peak demand times. Local businesses like Rex Hardware next door will lose business because customers won't be able to park near their store. Clearly, parking issues are not adequately addressed in this DEIR.

3) This DEIR states that no alternative sites were considered because "There are no significant and unavoidable impacts associated with the proposed project. Accordingly, none of the sites suggested as alternatives would avoid or substantially lessen a significant and unavoidable impact." This is clearly false. This hotel would change the character of our historic downtown forever. That is why so many citizens are upset about this

whole idea, and wouldn't object (or object so strongly) if it were located in another part of town.

4) The notices given to the public about this overlay are woefully inadequate. The proper signage didn't even get posted at the hotel site until just a few days ago. Many citizens in Petaluma are completely unaware that this rezoning is even being considered.

5) Our 8 year "2023-2031 Housing Element" plan has already been approved, and no housing was proposed for the downtown area. Why is this suddenly being changed? There is clearly not enough thought given to the consequences of doing this.

6) The Overlay Project does not take into consideration the possibility of state-mandated "Density-Bonuses" that the city may be subject to if we approve 6-story housing developments in our historic downtown. This could lead to the real possibility of 9-story buildings being erected in our downtown.

Clearly, many of the conclusions reached in this DEIR have no relationship to reality. This DEIR needs to be rejected and re-written to conform with reality and current zoning laws.

Thank you for your time,

Lance Kuehne

=====
Lance Kuehne
Petaluma, California
=====



Public Comment: Draft EIR

From Anisa THOMSEN [REDACTED]

Date Tue 9/24/2024 1:55 PM

To Orozco, Uriel <uorozco@cityofpetaluma.org>; Petaluma Planning <petalumaplanning@cityofpetaluma.org>; City Clerk <cityclerk@cityofpetaluma.org>

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Good Afternoon,

Parking and traffic for the proposed hotel will be an issue. As it stands right now, even without the hotel, parking is an issue downtown. Most of the patrons of the proposed hotel will be coming from the San Francisco and the East and South Bay. They will be arriving by car. Where will they park?

From what I understand, parking is not required as the hotel will be within a half-mile of public transportation. Just because planners 'can' ignore parking does not mean they 'should.' It is very unlikely hotel patrons will be utilizing any type of public transportation with their luggage in tow, due to the complicated logistics of getting to Petaluma from other areas.

There are a few other things to point out. A total of 58 parking spaces for 150+ people? Where will the workers park? Is public transportation system really a viable option? Walking and riding bicycles are great - when the weather is nice and the sun is up. What happens when it is dark and/or in the event of incimate weather?

Patrons of the hotel will not want to fuss nor wait (nor tip) for a valet to park and retrieve their cars when street parking is readily available. Parking for the hotel will fill up nearby streets, limiting resident's access.

What if this draft EIR is approved and the overlay is not?

What will happen when the streets are closed for our long-standing traditional events and parades? How will hotel patrons come and go?

It will be interesting to see if the hotel wants to be a good neighbor by adhering to our current regulations and seriously addressing the traffic and parking impacts that will happen.

From what I'm seeing thus far is that the hotel does not want to be a good neighbor and wants what it wants - regardless of citizen input and the very real impacts it will have on Petaluma. Please prove me wrong.

Anisa Thomsen

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Hotel and Overlay

From Laura Gavre [REDACTED]

Date Tue 9/24/2024 2:26 PM

To Orozco, Uriel <uorozco@cityofpetaluma.org>; City Council <citycouncil@cityofpetaluma.org>; mcerlane@mac.com <mcerlane@mac.com>; Nfrye46@gmail.com <Nfrye46@gmail.com>; Jessica.94954@gmail.com <Jessica.94954@gmail.com>; bmhooper1@gmail.com <bmhooper1@gmail.com>

Cc whitley@sonoma.edu <whitley@sonoma.edu>; mcplus2@gmail.com <mcplus2@gmail.com>; ppitingaro@gmail.com <ppitingaro@gmail.com>; sbarclays@gmail.com <sbarclays@gmail.com>; alexjenezon@gmail.com <alexjenezon@gmail.com>

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---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear Planning Commission and HCPC members and City Council. I am writing in protest to the proposed Overlay and Hotel on B st. My first complaint is that today's meeting, 9/24/24 has not been properly advertised for most people in town. In addition, the parcels which are proposed for the overlay are not marked by signs so community members cannot get a sense of the enormous impact this will have for our historic downtown.

Our Historic downtown area is registered nationally and people from all over the country come to see it as there are components that are unique for the country. I have been to most of the meetings about this proposed hotel for the last 5 years (starting with previous owner). Every spokesperson said they wanted to work with the city and support the historic downtown area, yet immediately they wanted it to be 6 stories, 25 ft taller than the historic district limits. The only reason they could share was that a shorter hotel wouldn't make them enough money! When they couldn't get a variance, some bright member of the town government suggested an overlay.

The Overlay was first suggested for the whole downtown and soundly rejected. Now, with the 3 parcels planned out, buildings can go up to 6 stories supposedly. Yet, gov't officials have not been honest as with state law, developers can build 33 feet higher to 108 feet or 9 stories!! And since it's state law, our local council could not vote against it!

Plus the Overlay says buildings can use 100% of the lot, not just 80%! And what about Parking!! Because the overlay areas are within 1/2 mile of the transit station, providing parking is not required! With 93 units, 58 spaces is totally inadequate, especially as people who work at the proposed hotel would need to park too. Valet parking will take parking away from regular community members who want to shop downtown or visit the best Hardware store right next door.

The DEIR seems to assume the Overlay has already passed; It Has Not Passed. The only reason for the overlay is to get the Hotel approved. Most of us who opposed the Hotel and overlay would be more favorable if it stayed within the Historic guidelines and provided more parking. How are delivery trucks going to park to deliver goods and what about maintenance services and garbage pick up for the Hotel?/

This plan has not been well thought out at all and What about WATER?? We've been rationing for years and now the city wants to put up a huge hotel which will require lots of water, sewage services and also drain our electrical stores during summer months.

If all of the above isn't enough to prevent this outrageous project, there is also pollution - noise pollution, air pollution and bumper to bumper traffic causing exhaust pollution.

I strongly oppose the overlay and the hotel unless they comply with current historic guidelines. This is not my first letter about this and as much as you say community members are not giving enough input, most of us feel that town committees just don't listen. You ask for input and then say, "yes, but" and do what you want, which has mainly giving more money to developers and builders. Input about the EIR was limited to certain components so much of local complaints have not been addressed. I have heard that most of the M group members live out of town, so they won't have to endure all the new hardships this project would entail. The M group should be fired and local community members should be on all town committees and commissions.

In addition, giving community members 3 min to talk is not enough. The last meeting I attended, people were not allowed to cede their 3 min to another speaker, which is totally unfair and violated your own rules.

Thank you,
Laura Gavre
Retired Teacher and 27 yr resident of Petaluma



Public Comment

From Eva Rhea [REDACTED]
Date Tue 9/24/2024 1:24 PM
To Orozco, Uriel <uorozco@cityofpetaluma.org>

You don't often get email from [REDACTED] [Learn why this is important](#)

Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.

Dear Planning Commission and HCPC,

As a Petaluma resident, I strongly oppose the EKN Hotel and Overlay. This project will have a lasting negative impact on our town's character, quality of life for its residents, and environment. The scale is far too large and will destroy Petaluma's unique beauty and charm.

I also question whose interests are served by this proposal. The community will face increased traffic, parking issues, environmental damage, and noise while benefiting very little in return.

Please prioritize your citizens and Petaluma's long-term well-being and reject the proposed hotel and overlay.

Thank you,

Eva Rhea

Petaluma Resident



PUBLIC COMMENT: Joint Planning Commission + Historic & Cultural Preservation Committee Meeting

From Mothers Vet [REDACTED]

Date Tue 9/24/2024 1:22 PM

To Orozco, Uriel <uorozco@cityofpetaluma.org>; City Clerk <cityclerk@cityofpetaluma.org>

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To the Planning Commission:

Please enter my comments into the Public Record:

I disagree when the DEIR says that having valet parking for 58 cars when the demand might be for 200 parking spaces at peak times "Provides all required parking below grade".

I disagree with the statement that no alternative site evaluation was necessary since the impact of this hotel is so minimal. A six story building in this location is unsightly, unnecessary and not in line with our historic downtown. I disagree with the fact that the DEIR assumes the overlay is already passed (which it hasn't), and that is the only reason why this hotel conforms to zoning requirements.

I am against this proposed overlay and building of this 6 story hotel and ask that this project be scrapped.

Dom and Carol Peters



PUBLIC COMMENT on Draft EIR

From sherry sandberg [REDACTED]

Date Tue 9/24/2024 3:02 PM

To Orozco, Uriel <uorozco@cityofpetaluma.org>

Cc -- City Council <citycouncil@cityofpetaluma.org>; Greg Powell <gpowell@cityofpetaluma.org>

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Dear City Representatives,

I reviewed the Draft EIR and still oppose approval of the EKN Hotel and the Overlay/Spot Zone changes to our downtown. There is not sufficient detail to demonstrate that the environmental impacts can be reduced to a less than significant levels. The report merely states that all CEQA impacts can be reduced but not how it could or would be done.

I would like our city representatives to respect the existing zoning regulations for downtown development.

I understand that property owners may prefer to sell their land to developers that do not wish to abide by zoning requirements. If our representatives believe that downtown is blighted in certain areas, perhaps they should consider implementing a vacancy tax for those properties.

So my vote is NO on proceeding with this Draft EIR.

Thank you.

Sherry Sandberg
Petaluma property owner



Public Comment on Agenda Item 1

From Nathan Spindel [REDACTED]

Date Tue 9/24/2024 3:13 PM

To Orozco, Uriel <uorozco@cityofpetaluma.org>; rogermcerlane@mac.com <rogermcerlane@mac.com>; Nfrye46@gmail.com <Nfrye46@gmail.com>; brentnewell.petaluma@gmail.com <brentnewell.petaluma@gmail.com>; Blake Hooper <bmhooper1@gmail.com>; Jessica.94954@gmail.com <Jessica.94954@gmail.com>; darren@petalumaplanning.org <darren@petalumaplanning.org>; Janice Cader-Thompson <jcaderthompson@cityofpetaluma.org>; whitley@sonoma.edu <whitley@sonoma.edu>; ppitingaro@gmail.com <ppitingaro@gmail.com>; sbarclays@gmail.com <sbarclays@gmail.com>; mcplus2@gmail.com <mcplus2@gmail.com>; alexjenezon@gmail.com <alexjenezon@gmail.com>

Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.

Dear Planning Commission and Historic & Cultural Preservation Committee,

My young family has lived and worked in West Petaluma for five years. We plan to stay here for decades. Every day I go downtown to work, shop, eat, and stroll. I love walking in our historic neighborhoods and downtown; it is one of the primary reasons we moved to Petaluma.

I believe our downtown should be upzoned for higher density commercial and residential uses. We need more housing, downtown activity, and activated street space. Such density has many benefits from livability to affordability and climate adaptability. More downtown activity and housing has a significant economic benefit to our city; increased revenues and more affordable housing will go hand in hand to improve all Petalumans' quality of life. Decreased downtown activity and more expensive housing? Not so much.

With the above in mind, I support the Downtown Overlay proposal. Six stories is a fine height for buildings in our downtown (there's already a number of buildings around that height). A few new five/six story buildings is SO much preferred over the status quo of vacant and under built lots — our town deserves better than that. I am embarrassed to walk visitors by Walnut Park among the many sad, ugly, fenced off empty lots. I fear that if we don't allow and incentivize more intense building that our town will weaken in the coming decades as more people move out; largely due to unaffordable housing, boarded up buildings, uncomfortably empty streets, and blighted lots. That's the opposite of what I want for Petaluma. I want to see more housing, more activated streets, and more small businesses with more beautiful views of our river and hills!

Successful places grow. Growth either happens up or out. If growth doesn't happen, successful places get expensive. If you want affordability, you need to increase building. All new building — commercial, high end residential, anything — helps increase supply and takes pressure off the market. Building up is the only logical choice given our city's climate stance and policies. Building up makes sense in the commercial core.

Regarding historic aesthetic and/or preservation concerns that I've heard many community members raise: the Overlay could be further designed to consider historic/aesthetic context. Our City Attorney

indicated that this could be done at the public meeting on July 12 2023. There is precedent for such objective design policy in many other cities (Napa, Healdsburg, Santa Barbara, Pasadena, San Diego, Boston, New Orleans); I encourage our committees and staff to explore if there is a way to include this in the Overlay, a followup ordinance to the Overlay, or the General Plan Update. That would allow for increased density while alleviating historic/aesthetic concerns. We need a path forward for a strong and vibrant future for Petaluma.

Thank you,
Nathan Spindel



Public Comment

From Barbara [REDACTED]
Date Tue 9/24/2024 3:51 PM
To Orozco, Uriel <uorozco@cityofpetaluma.org>

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Dear Planning Commission,

I am opposed to the proposed hotel and changes to the historic district downtown for a few reasons:

1. The hotel is not attractive and doesn't complement our distinctive downtown. It is too tall and too modern looking. Yes, we need a hotel, but one in scale with the area.
2. Having a Hotel with no or little parking is not smart. Luxury hotel patrons are not going to walk over from the train station or get an Uber. They are going to drive right to the hotel so they can drive to a restaurant or winery later. They will need and want their car. Forcing the neighborhood to absorb all of the parking of employees and patrons is not a good way to go.
3. Once you open up the historic area for higher buildings, State rules take over and developers can add 75" without City Hall approval. This is not what Petaluma wants or needs.

Please stop trying to jam this proposal through. Listen to the majority and not the developers.

Thank you Barbara Cieslewicz, 23 year Petaluma resident and voter
[REDACTED]



FW: Public Comment on the DEIR for Downtown Housing and Economic Opportunity Overlay Project

From Daibel Fernandez Bolt <dfernandez_bolt@cityofpetaluma.org>

Date Tue 9/24/2024 4:12 PM

To Orozco, Uriel <uorozco@cityofpetaluma.org>

Cc Andrew Trippel <atrippel@cityofpetaluma.org>; Greg Powell <GPOWELL@cityofpetaluma.org>; Hines, Heather <hhines@cityofpetaluma.org>; Brian Oh <boh@cityofpetaluma.org>; City Clerk <CityClerk@cityofpetaluma.org>

Hi Uriel,

Another public comment.

Thank you,
Daibel

Daibel Fernandez-Bolt

Administrative Assistant

City of Petaluma | City Clerk

dfernandez-bolt@cityofpetaluma.org



Report issues through our new service request app! Download [engagEPetaluma](#) on [Google](#) or [Apple](#).

From: Suzanne Biaggi [REDACTED]

Sent: Tuesday, September 24, 2024 4:09 PM

To: -- City Clerk <CityClerk@cityofpetaluma.org>

Cc: whitley@sonoma.edu; mcplus2@gmail.com; ppitingaro@gmail.com; alexjenezon@gmail.com; sbarclays@gmail.com; rogermcerlane@mac.com; bmhooper1@gmail.com; Janice Cader-Thompson <jcaderthompson@cityofpetaluma.org>; Nfrye46@gmail.com; Jessica.94954@gmail.com; brentnewell.petaluma@gmail.com; darren@petalumaplanning.org

Subject: FW: Public Comment on the DEIR for Downtown Housing and Economic Opportunity Overlay Project

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear Commission Members,

I am writing to go on the record in opposition to the approval of the Draft Environmental Impact Report for the EKN hotel and accompanying overlay for the following reasons:

1. This DEIR states that the hotel conforms to a zoning law that doesn't even exist. The overlay has not been approved

- 2. The impact of the additional parking has not been addressed adequately
- 3. It seems unbelievable that the reason no other sites were considered (I have written numerous times suggesting other sites that are much more appropriate and designs that are four stories that would fit into this site). because “There are no significant and unavoidable impacts associated with the proposed project” I have not spoken to one person that feels the design and height are appropriate for the selected location
- 4. The Overlay Project does not take into consideration the possibility of state-mandated “Density-Bonuses” that the city may be subject to if we approve 6-story housing developments in our historic downtown. This could lead to the real possibility of 9-story buildings being erected in our downtown.

I have read the rebuttal to this by our planning department – I will not reiterate it here, but suffice it to say if that reasoning were true the proposal for this hotel would not have gotten so far.

My understanding is that is not a FULL EIR report. I request that before any further action is taken that we do a full and proper EIR report that will addresses, air quality, traffic circulation etc. issues that have only be partially or not addressed at all in this report.

Suzanne biaggi,



SUZANNE BIAGGI



From: Lance Kuehne [Redacted]
Date: Tuesday, September 24, 2024 at 1:57 PM
To: Suzanne Biaggi [Redacted] Obaid [Redacted] Gaffey Tom [Redacted]
 <[Redacted]> Shakti Kennedy [Redacted] Tomasso [Redacted]
 <[Redacted]> Colleen Mahoney <[Redacted]> Lydia Asselin [Redacted]
 <[Redacted]> David Keller [Redacted] Beverly Alexander [Redacted]
 [Redacted] Kathy Myers <[Redacted]> Laurie Treleven [Redacted]
 Moira Sullivan [Redacted] Darren Racusen [Redacted]
Subject: Fwd: Public Comment on the DEIR for Downtown Housing and Economic Opportunity Overlay Project

I just sent this to the Planning Commission for tonight’s meeting.

Lance

Begin forwarded message:

From: Lance Kuehne [Redacted]

Subject: Public Comment on the DEIR for Downtown Housing and Economic Opportunity Overlay Project**Date:** September 24, 2024 at 1:55:10 PM PDT**To:** uorozco@cityofpetaluma.org, -- City Clerk <CityClerk@cityofpetaluma.org>**Cc:** whitley@sonoma.edu, mcplus2@gmail.com, ppitingaro@gmail.com, alexjenezon@gmail.com, sbarclays@gmail.com, rogermcerlane@mac.com, bmhooper1@gmail.com, jcaderthompson@cityofpetaluma.org, Nfrye46@gmail.com, Jessica.94954@gmail.com, brentnewell.petaluma@gmail.com, darren@petalumaplanning.org

Hello Commission Members,

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I won't go into great detail on all my objections to the findings of this report by FirstCarbon Solutions of Walnut Creek, but here are my main concerns.

1) This DEIR states that the hotel conforms to a zoning law that doesn't even exist. The overlay has not been approved. The current regulations that apply to that lot are the historic design guidelines for "The Petaluma Historic Commercial District" established in 1999. This hotel does not come close to conforming to our existing zoning regulations. The overlay needs to be approved first, before we can even consider whether this hotel conforms to such new guidelines.

2) The DEIR states that a "Parking Assessment District" will take care of all parking issues related to buildings in the Overlay Zone areas. During peak times in our downtown, all parking spaces are already taken. A "Parking Assessment District" does not add additional parking. This hotel supplies 58 valet parking spaces, and takes away 3 current street parking spaces. This hotel will likely need to have 150 to 200 parking spaces when at peak staffing and occupancy levels. There is no place downtown where an additional 100 to 150 vehicles can park at peak demand times. Local businesses like Rex Hardware next door will lose business because customers won't be able to park near their store. Clearly, parking issues are not adequately addressed in this DEIR.

3) This DEIR states that no alternative sites were considered because "There are no significant and unavoidable impacts associated with the proposed project. Accordingly, none of the sites suggested as alternatives would avoid or substantially lessen a significant and unavoidable impact." This is clearly false. This hotel would change the character of our historic downtown forever. That is why so many citizens are upset about this whole idea, and wouldn't object (or object so strongly) if it were located in another part of town.

4) The notices given to the public about this overlay are woefully inadequate. The proper signage didn't even get posted at the hotel site until just a few days ago. Many citizens in Petaluma are completely unaware that this rezoning is even being considered.

5) Our 8 year "2023-2031 Housing Element" plan has already been approved, and no housing was proposed for the downtown area. Why is this suddenly being changed? There is clearly not enough thought given to the consequences of doing this.

6) The Overlay Project does not take into consideration the possibility of state-mandated "Density-Bonuses" that the city may be subject to if we approve 6-story housing developments in our historic downtown. This could lead to the real possibility of 9-story buildings being erected in our downtown.

Clearly, many of the conclusions reached in this DEIR have no relationship to reality. This DEIR needs to

be rejected and re-written to conform with reality and current zoning laws.

Thank you for your time,

Lance Kuehne

=====
Lance Kuehne
Petaluma, California
=====



Fwd: Planning Commission Meeting September 24, 2024: Feedback on General Plan Draft

From Maureen Gottschall [REDACTED]
Date Tue 9/24/2024 6:03 PM
To Orozco, Uriel <uorozco@cityofpetaluma.org>

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Begin forwarded message:

From: Maureen Gottschall [REDACTED]
Date: September 24, 2024 at 3:57:25 PM PDT
To: citycouncil@cityofpetaluma.org, cityclerk@cityofpetaluma.org
Cc: petalumaplanning@cityofpetaluma.org
Subject: **Planning Commission Meeting September 24, 2024: Feedback on General Plan Draft**

Dear City Council and Planning Department,

I attended the public feedback session on the general plan this past Saturday, where I spent two and a half hours trying to understand each project and rezoning proposal. I would like to commend the staff for their courtesy and helpful explanations.

My expectation for this session was to receive specific details on the draft general plan, including its impacts, pros and cons, state requirements, and triggers based on percentages of low income housing per project. I wanted to understand how we will meet our state requirements across all city projects, the parking requirements for each proposed project, the infrastructure needed to meet those requirements, and whether our current infrastructure can support them. Additionally, I was interested in the impact of current projects in the pipeline on existing infrastructure.

However, my experience was quite different. The materials provided showed images labeled "current" and "proposed" that appeared identical, necessitating clarification from staff. While I appreciated the opportunity to provide input on what I would like to see, it seemed this feedback should have been solicited before the draft was created, not afterward. I am puzzled as to why the planning commission did not engage the public earlier on such significant changes that will affect every Petaluma resident.

I left the session more confused about what is being proposed and felt there was insufficient analysis to help me provide meaningful feedback. Consequently, I opted for "no change" or the lowest impact changes, such as 2-4 story buildings, without fully understanding their implications.

I have serious concerns about the potential high/moderate density planning that lacks adequate parking and major public transportation upgrades. Many residents commute out of town, and an increase in population will exacerbate this issue. As a current commuter to the East Bay, I find there are no viable options that wouldn't double my commute time. The SMART train has limited destinations and cannot realistically support the proposed growth. Even when my son travels home from San Francisco, we have to pick him up from the ferry because the SMART train connections are neither easy nor efficient. Any additional moderate/high-density planning should be contingent upon multicounty infrastructure upgrades.

The concept of a 15-minute neighborhood is appealing but unrealistic. It overlooks our cultural shift towards technology and convenience, such as shopping on Amazon or using DoorDash and Instacart. This trend is increasing annually. Petaluma also has an aging population that may not be able to walk for 15 minutes, and the density required to support neighborhood shops financially loops back to the infrastructure issue.

I oppose the proposed 6-9 story hotel in the historic district for several reasons. Firstly, its aesthetic is inconsistent with the rest of the historic district. Such hotels are not seen around Sonoma Square or in Healdsburg's historic downtown. I would prefer Petaluma to remain consistent with these towns rather than resemble Santa Rosa. Hotels like the Eldorado Hotel and Healdsburg Hotel are more in line with Petaluma's heritage and are part of what attracts visitors. The surrounding neighborhoods would be impacted by increased traffic and the need for additional parking to support the hotel, even with the proposed underground garage. The city has recently reduced parking on D Street by over half, which one of the zones would back up against, raising concerns about coordinated planning. This could be a planning failure, affecting residents and visitors of the surrounding neighborhoods.

Given the recent bankruptcy of Vintage Wine Estates and broader concerns about the wine industry's future and inflation, investing in a large, high-end hotel with \$400-\$500 per night rooms seems risky. Sonoma County's average hotel occupancy rate is 60%, with a median room price of \$212.61 [Sonoma County Quick Facts](#). This hotel room's rate will be substantial over the median room price furthering the risk that it will succeed. It appears this hotel is driven more by an outside developer than the needs of Petaluma. My fear is that we will be left with a large, empty building in a few years. A smaller boutique hotel, as mentioned earlier, would be a better alternative.

My overall recommendation is that this draft is premature and should be returned to the planning commission for further vetting and public feedback. We need to preserve the integrity of our historic downtown and learn from existing examples like Old Elm Village and its parking impacts. The plan should be realistic with low/moderate density projects that account for future infrastructure support, including roads, bridges, and public

transportation, over the next twenty years and not plan for a future that will not exist in that timeframe.

Best,
Maureen Gottschall

Draft EIR Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel

Public Comment

Jane Hamilton



September 24, 2024

The content of the Draft Environmental Impact Report DEIR is by and large a repeat of the same information that was put forth in the Initial Study Mitigated Negative Declaration ISMND from October 2023. This EIR is extremely thin on new or in-depth content, extremely narrow in its scope and does not provide the public with much needed information on the true impacts of the proposed Hotel and especially on the proposed overlay zones. The primary responsibility of an EIR is to identify potential negative environmental impacts and to mitigate those impacts to acceptable levels. This Draft EIR does not come close to fulfilling that responsibility.

Further analysis of the following should be required:

1. **Impacts of parking and circulation for both the hotel and the overlay areas.** It's real. It cannot be avoided. The hotel is car dependent. The overlay zones are purported to be for housing which will also bring cars. This must be quantified and addressed. CEQA's "Vehicle Miles Traveled" methodology gives projects within a half mile of the SMART station a designation of no significant impact. Obviously, this hotel will be heavily car dependent both for employees and hotel guests and will have significant impacts.
2. **Impacts on aesthetics.** The DEIR states these concerns will be mitigated in the future by leaving those decisions to the discretionary review processes of Planning Commission, Historic Committee and HSPAR. This favors developers and puts the public at a distinct disadvantage. The public must be able to read the 414 page EIR of a proposed project, understand the rules of the process and actively work on each and every proposal that comes forward while the developers have a full time paid team of attorneys and planners and engineers to get their projects moved through. This is not an acceptable mitigation.
3. **Making height limit approvals the result of a series of conditional use permits is not an acceptable mitigation.** The conditions required to gain approval of a permit for various heights of any given building in the overlay zones are coincidentally exactly what the hotel is proposing for their project. Who is the author of these requirements? It looks like it's the EKN team. For instance, a project doesn't need to demonstrate "exceptional architecture and design" to meet the first 60-foot height approval and if you have underground parking, you can automatically gain approval for the 75-foot height limit.

Draft EIR Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel

Public Comment

Jane Hamilton



September 24, 2024

4. **Alternatives to the project must be explored!** Alternatives were briefly mentioned but quickly dismissed because the project as currently proposed was determined to not have any **significant environmental impacts**. This is not reasonable. The reason so many people are opposed to these changes is because we know they will have **significant environmental impacts**.
5. **Historical Context is not adequately addressed!** The Hotel parcel sits within the boundary of the National Registry for the Downtown Commercial District. This is a gateway to Petaluma's historic downtown, and any building erected there should be complimentary and not detrimental to it. No new historical architectural experts were consulted, and no new reports were generated for the DEIR. We are offered the same Mitigation Measures— Planning Commission, HCPS, HSPAR can weigh in on the Conditional Use Permits and the merits of the design.
6. **The subterfuge presented in the DEIR around density needs to be clear and more straightforward so the public can understand the ramifications.** The DEIR states “The proposed Overlay would retain existing land use designations and residential density requirements which is 30 dwelling units per acre. **However, the proposed Overlay would include a General Plan text amendment that would raise the maximum allowable FAR from 2.5 to 6.0 for nonresidential uses.**” In general, at 30 DU's/acre, any Overlay housing wouldn't exceed 2 to 3 levels of residential. So much for the overlay zones being targeted to bring in high density housing downtown. Furthermore, it is suggested that the overlay rules being proposed now would sunset upon the adoption of the General Plan update. **This points to the obvious conclusion that the overlay zoning proposal is written for the hotel with no serious analysis given to the impacts that such a rules change will mean to Petaluma.**

This zoning change presents a dramatic change to the landscape of our Historic downtown and when many people are extremely interested in it, why has the city made it so hard for the public to be informed? **There has been a complete lack of signage at each overlay zone.** Most members of the public, even those quite interested in the proposals, could not tell you exactly where the boundary of each zone is. **The notification of the locations for the overlay zones has been egregiously inadequate.**

Draft EIR Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel

Public Comment

Jane Hamilton



September 24, 2024

The staff report appears to be asking the Planning Commission and the Historic Committee to vote to approve the DEIR tonight and recommend that the City Council move ahead to the Final EIR before the close of public comment, which is on October 7th, 2 weeks from now. So, without the benefit of hearing matters and issues that the public may bring forward, the planning Commission is being asked to just move this along, rubber stamp it if you will, to accommodate an arbitrary schedule. And that serves who? EKN? How is this even legal? **The Planning Commission and Historic Committee can and should insist that they will not make their decision before the 45-day close for public comments.**



Outlook

concerns about zoning overlay and EKN hotel application

From Brian Lamoreaux [REDACTED]**Date** Tue 9/24/2024 9:29 PM**To** Petaluma Planning <petalumaplanning@cityofpetaluma.org>; Greg Powell <gpowell@cityofpetaluma.org>; Isabel Castellano <icastellano@cityofpetaluma.org>; Orozco, Uriel <uorozco@cityofpetaluma.org>

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Hi,

I have concerns about the zoning overlay and this project specifically poses in relation to building height, aesthetic impacts on downtown Petaluma and parking. A hotel of this scale would ruin the parking situation in town, and that impacts everyone who lives here and visits. I do not like or agree with that they are not required to provide any parking (even though they claim to provide some). I do not think Petaluma should allow for 6 story buildings in downtown, even if they have terraced or stepping inward tops. Hotel Petaluma is 4 stories and it has a huge visual impact and its presence in downtown is felt. Why do we have to alter our rules to exceed what is already the tallest most imposing building in town? Is that existing Hotel Petaluma full all the time? Definitely not.

This scale, design and use of building looks like it belongs in Healdsburg, not Petaluma.

I also have major concerns about the aesthetic and architectural design of the building based on the renderings presented, but that is not the purpose of my comment here.

I am not a person who hates change, is scared of the future, or wants Petaluma to stay it's been in the past. I welcome change, I welcome infill and some higher density. I welcome movement in this direction however I feel the EKN Appellation Hotel project far exceeds what is appropriate and we can meet in the middle. What is presented is not what I want but I do welcome change.

The EIR does not look sufficient to me - please push back and do your due diligence. We do not need to rush this through for anyone. This is our town and our job is to do our homework, listen to what people say and are concerned about and not rush something through that's not well thought out or the best option.

Thanks,

Brian Lamoreaux
[REDACTED]



public comment: 9/24/24 Planning Comm. meeting on Hotel changing zoning of our downtown

From Ahmed Obaid [REDACTED]
Date Tue 9/24/2024 5:36 PM
To Orozco, Uriel <uorozco@cityofpetaluma.org>

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Planning Commission,

Please do not approve the EIR for the hotel and the overlay. It has gone through multiple iterations trying to "somehow" work it in despite our rules that preclude it per National Historic Landmark downtown.

Further, do not change all General Plan references of our "Historic Downtown" to just "Downtown. That is deeply disrespectful to the many generations of different ethnicities that built our town, and our ag and River heritage.

I know just a year ago we finalized our Housing Element, which stated no housing developments in our Downtown. Building up downtown will impact our wellbeing and quality of life. Traffic causes heart stress due to noise, motion, and pollution. You must put Petalumans' wellbeing, safety, and health above your inclination to give preferential treatment to this hotel developer.

It is an exclusionary and unfair offence to discriminate against the needs and rights of Petalumans with regard to equity and health/safety/wellbeing, as the public has overwhelmingly expressed throughout the multiple attempts by city to shove this hotel down our throats — and even ruin our historic downtown to do so. This overlay will also have negative impact on downtown businesses, as traffic and parking will be so bad no one will want to go downtown.

Regard,
A.T. Obaid



public comment for Overlay EIR

From Taryn Obaid [REDACTED]
Date Tue 9/24/2024 8:22 PM
To Orozco, Uriel <uorozco@cityofpetaluma.org>
Cc -- City Council <citycouncil@cityofpetaluma.org>

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Petaluma can and must do more than the bare minimum on this EIR. The wellbeing, safety, and health of Petalumans must be City's first concern. That is the #1 role of our city government.

Using the excuse that law does not require assessing parking or traffic, pollution/emissions, or economic impacts **doe not preclude us from doing so.**

Excuses by consultants for not doing a thorough, full, and excellent job with the EIR because it's not required is not acceptable.

Our elected leaders must insist on full, thorough EIR to protect Petalumans and our quality of life. Especially for seniors and families (not everyone can ride a bike!).

Taryn Obaid



public comment tonight Hotel zoning overlay meeting

From Taryn Obaid [REDACTED]
Date Tue 9/24/2024 5:26 PM
To Orozco, Uriel <uorozco@cityofpetaluma.org>
Cc Ahmed Obaid <ahmedtobaid@hotmail.com>

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Dear Planning Commissioners,

The public does not want this hotel and the overlay city has been pushing through multiple iterations in attempt to shoe-horn it in.

Just last year we finalized our Housing Element, which stated no housing developments in our Downtown due to infrastructure constraints and parking and traffic negative impacts. The entire City residents were involved in finalizing that plan. Why are you trying to change it now just for this hotel developer?

Multiple attempts for this hotel developer to give away our town, and the people have overwhelmingly opposed it at many meetings, in writing, and all over social media.

Multiple attempts for this hotel:

1. Hotel overlay
2. Calling it the housing and economic overlay
3. Now calling it the mixed use overlay

Petalumans see right through this effort, and we overwhelmingly say "no." State Laws will grant density/height onuses and "no parking." Have you analyzed those huge carbon and climate impacts?

Just vote how the people you represent want: "no."

Taryn Obaid



Outlook

EKN Draft EIR: Negative Impacts on Historic Downtown/Unintended Consequences

From Veronica Olsen [REDACTED]**Date** Tue 9/24/2024 4:19 PM**To** Orozco, Uriel <uorozco@cityofpetaluma.org>; City Clerk <cityclerk@cityofpetaluma.org>

Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.

Dear Planning Commissioners and Historic Preservation Committee,

Firstly, it is important to note that the EKN Appellation Hotel proposal and the "Housing & Economic Overlay" are two separate proposals that have been combined to facilitate the construction of a hotel. While this approach may seem practical from a developer's standpoint, it lacks significant benefits for Petaluma. Moreover, the potential **adverse effects of the oversized, poorly designed hotel and the proposed six-story building heights on our historic downtown have not been thoroughly evaluated.** The Draft Environmental Impact Report (DEIR) inadequacies:

I concur with Lydia Asselein's analysis and also support JF Hancock's concerns regarding shadowing and the destruction of significant viewsheds. It is evident that the EIR consultant did not conduct a comprehensive analysis, and the DEIR project scope does not include the previous written and spoken public comments and concerns from previous meetings, including the DEIR scoping meeting. Furthermore, I share David Keller's concerns about the lack of notice and communication regarding the significant increase in heights for all the parcels. I also stand behind Lance Kuehne's comments 1 6. Additionally, it is concerning that the adjoining historic neighborhood, Oak Hill, and its potential impacts on historic resources have not been addressed.

Thank you for your attention.

Best,

Veronica Olsen



Public Comment

From Lori Pratt [REDACTED]
Date Tue 9/24/2024 4:16 PM
To Orozco, Uriel <uorozco@cityofpetaluma.org>
Cc -- City Clerk <cityclerk@cityofpetaluma.org>

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Joint Planning Commission and Historic & Cultural Preservation Committee,

I disagree with the DEIR. I believe that the overlay will open up Petaluma to buildings in the historic downtown at six to nine stories tall and this would forever change our beautiful downtown. I disagree that the parking for 58 cars when the demand for parking may be as high as 200 cars will be sufficient. 58 parking spaces is not enough. I enjoy going downtown on the weekends and on several occasions I have had to circle the block several times before finding a parking space. I cannot imagine trying to park downtown if the hotel and overlay are approved. I also disagree that no alternative site evaluations were necessary. There are several locations that could be considered.

Thank you,
Lorraine Pratt
Petaluma Resident



Public comment

From Dana Thomsen [REDACTED]
Date Tue 9/24/2024 4:03 PM
To Orozco, Uriel <uorozco@cityofpetaluma.org>

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The overlay and the hotel have a significant impact on downtown. Please consider this impact and the concerns the citizens have. This could change Petaluma forever, and most of the community has cried out against this.

Dana Thomsen



(DO NOT PUBLISH ADDRESS)

1.0: QUESTIONS2

2.0 COMMENTS3

 2.1 PARKING, TRAFFIC, VMT, GHG:.....3

 2.1.1 Parking and secondary impacts - Hotel.....3

 2.1.2 Parking and secondary impacts – overlay.....4

 2.1.3 Legal Precedent.....4

 2.2 GENERAL PLAN CONSISTENCY4

 2.2.1 Land Use, Growth Management, and the Built Environment (Element 1)5

 2.2.2 Community Design et al & Historic Preservation (Elements 2 & 3)5

 2.2.3 Analysis of General Plan consistency put forth in DEIR6

 2.2.5 Legal Precedent..... 14

 2.3 ALTERNATIVES ANALYSIS 14

 2.3.1 Expanding Analysis of Alternatives 15

 2.3.2 Legal Precedent:..... 15

 2.4 DEFERRED MITIGATION - MM Overlay CUL-1e 15

 2.4.1 Reliance on Future Studies 16

 2.4.2 Subjectivity and Lack of Specificity..... 16

 2.4.3 Deferred Decision-Making and Uncertain Effectiveness 16

 2.4.5 Direct Mitigations at the Programmatic Level 16

 2.4.6 Legal Precedent..... 16

3.0 OVERLAY AS SPOT ZONING..... 17

 3.1 Spot Zoning 17

 3.2 Public Economic Benefit of the Overlay..... 17

 3.3 Inconsistent with General Plan 18

 3.4 Transportation 18

 3.5 Public Outcry..... 18

 3.5 Public Interest/Benefit vs. Private Gain..... 19

 3.6 Legal Precedent 19

1.0: QUESTIONS

1. Are all public and agency comments from the IS/MND included as part and parcel of this document?

ANSWER (combination of Andrew Trippel and Olivia Ervin): The comments from the IS/MND are not explicitly brought in for review from DEIR -> FEIR. Community members who feel their comments weren't addressed in the IS/MND should resubmit them!

2. Am I correct that per city CEQA guidelines outlined in Resolution 93-116, Planning Commission can request to review the FEIR it and when it is prepared?

ANSWER (Olivia Ervin): Yes, we can

3. Do we have a legal determination on how/if projects will be allowed to claim Density Bonus and/or other concessions or waivers via affordable housing bills like SB-330? Especially transit-oriented development incentives in the Density Bonus Laws? Ie. Do we need to anticipate 9-story buildings?

- a. Is it a requirement, or even legal given HCD's stance on housing, to consider these kinds of state laws in a CEQA review?
- b. In the Petaluma Downtown Housing & Economic Opportunity Overlay Document (Nov. 2023) page 43 it is stated: "Exceptions to height limit allowed? No, any building over 45' is limited to an overall max of 60'/75'" – is that true even in context of density bonus?

ANSWER (combination of Brian Oh and Olivia Ervin): Not required to analyze impact of State Affordable Housing laws on overlay potential buildout. Current DEIR as a programmatic review definitely does not analyze it as this overlay treats the residential buildout as being 0 additional residential population.

4. Does it matter what the size of buildings and intensity of uses were allowed by the General Plan when a Parking Assessment District was formed? Would subsequent significant changes to projected building size (more people using them) and intensities of use within the boundaries of a Parking Assessment District change the suitability or applicability of a Parking Assessment District? Is there some kind of maximum capacity?

- a. And Parking Area within C is likely not going away because of no changes to that zoning in the overlay, correct?

ANSWER (combination of Brian Oh and Olivia Ervin): Under AB 2097, for projects within half a mile of public transit (with the exception of hotels and event centers) the city cannot mandate parking

5. Confirming – are restaurant and hotel employees included in parking determination that was made relative to city parking standards?

ANSWER (Andrew Trippel): Yes, they were

6. MM EKN GEO-3: Is any kind of continued monitoring assumed after the building is in use as continued added weight and stresses are being applied with car traffic, parking lifts, etc?

ANSWER: CA Building Code enough to ensure that there won't be additional impacts here once the project is occupied.

- ~~7. "Views from the proposed Overlay Area toward the Petaluma River, Sonoma Mountain, and the hillsides and ridgelines to the south are generally obscured by existing intervening development." – Was there analysis in section 4 of views from parcels whose site lines pass through the overlay? Is that required per CEQA?~~

8. Impact LAND-2: Confirming "However, the proposed Overlay would include a General Plan text amendment that would raise the maximum allowable FAR from 2.5 to 6.0 for nonresidential uses." – does not raise allowable FAR for residential uses? (pg 272 of PDF, 3.3-18 in document)

ANSWER (combination of Brian Oh and Olivia Ervin): FAR only applies to non-residential. When it comes to residential projects, the relevant analog measure is "density".

- ~~9. Confirming all subsequent developments within the overlay will require CEQA review? Quick description on how future developments will refer to this programmatic EIR in their subsequent reviews~~

10. *"Alternative 3 (Reduced Height) is the environmentally superior alternative as impacts in the majority of the environmental topic areas would be the same as the proposed project, but slightly reduced. Additionally, due to the reduced height under Alternative 3, the less than significant with mitigation impacts related to aesthetics, historic resources and land use would be reduced to a greater degree compared to the proposed project, Alternative 1, and Alternative 2, because a CUP and compliance with MM Overlay CUL-1e would no longer be required for increased height."* – what does this environmentally superior alternative mean for the project?

ANSWER (Olivia Ervin): We can request the applicant pursue a certain alternative more.

2.0 COMMENTS

2.1 PARKING, TRAFFIC, VMT, GHG:

2.1.1 Parking and secondary impacts - Hotel

The exclusion of parking impacts from the EIR is unjustified and could violate CEQA's requirement for comprehensive environmental review.

Under CEQA Guidelines Section 15064.3, while parking impacts themselves may not need to be analyzed as direct environmental effects, the secondary impacts of parking deficiencies—such as traffic congestion, vehicle miles traveled (VMT), greenhouse gas (GHG) emissions, air quality degradation, and safety concerns—are all potential significant impacts that should be evaluated. CEQA Guidelines encourage the analysis of all potential impacts, including these secondary to parking deficiencies.

The EIR notes that parking impacts were excluded from its environmental review. Failing to assess these impacts may result in an incomplete evaluation of the project's overall environmental

impact, particularly given the project's location in a congested downtown area. The project proposes a 58-space parking garage for a 93-room hotel with a restaurant and event space. 58 spaces will not be sufficient to meet peak demand, especially during events or peak tourism seasons. Excluding parking analysis when there is a reasonably foreseeable conflict between the number of spaces compared to the number of employees, restaurant patrons and hotel guests raises concerns under CEQA about traffic, circulation, and secondary environmental impacts, including:

- VMTs & GHGs : Inadequate parking could lead to vehicles circulating in search of parking spaces, increasing traffic congestion and VMT, which in turn increases air emissions and contributes to GHG production. That creates waterfall impacts into those areas of the EIR
- Traffic Safety and Pedestrian Impacts: Increased traffic in downtown areas often leads to increased conflicts with pedestrians and cyclists, particularly in a pedestrian-oriented downtown like Petaluma. We can also consider the increase of ride-share services being used in this area, which can often lead to blocked lanes and active transportation pathways. Failing to consider these impacts violates CEQA's requirements to analyze all potential safety hazards.
- Cumulative Impacts: Parking deficiencies in this project could contribute to broader cumulative impacts downtown, especially when combined with other nearby developments. The EIR fails to consider how this project's parking needs could exacerbate already existing congestion and circulation problems in the area.

2.1.2 Parking and secondary impacts – overlay

Future projects that fall within the overlay and within the parking assessment district can bypass parking requirements. If future developments within the overlay, that are larger in scale and intensity of use than the existing General Plan, are not analyzed for parking impacts we may be excluding a responsible analysis of potentially significant cumulative impacts that waterfall into transportation, safety, VMTs and GHGs.

2.1.3 Legal Precedent

In **Taxpayers for Accountable School Bond Spending v. San Diego Unified School District** (<https://caselaw.findlaw.com/court/ca-court-of-appeal/1629130.html>), the court ruled that while parking itself may not be an environmental issue, the secondary effects of parking shortages, such as increased traffic and emissions, must be analyzed under CEQA. The Draft EIR's exclusion of parking impacts fails to meet this requirement.

2.2 GENERAL PLAN CONSISTENCY

CEQA requires that EIRs assess whether a project is consistent with the General Plan. Under CEQA Guidelines Section 15125(d), an EIR must address any inconsistencies between the proposed project and the local General Plan. The overlay and hotel conflict with many goals and policies in Petaluma's General Plan 2025, including foundational guidance regarding FAR limits whose importance are consistently reinforced in Land Use and Downtown sections of the document. There are inconsistencies with other goals and policies in GP Elements 1, 2, 3 and.

Sections 2.2.1 and 2.2.2 provide a summary of important, foundational policy conflicts with GP 2025 Elements 1,2 and 3. Section 2.2.3 contains a table analyzing the consistency of goals and policies listed in Table 3.3-3 of the Draft EIR.

2.2.1 Land Use, Growth Management, and the Built Environment (Element 1)

FAR Limits: The Petaluma General Plan limits FAR to 2.5 within the General Plan Land Uses we have in our downtown area. The hotel project and the accompanying overlay, seeks to dramatically increase FAR, which directly contradicts some of the most important context in the General Plan 2025:

“FAR is a broad measure of building bulk that controls both visual prominence and traffic generation... The FAR standards can be clearly translated to a limit on building bulk in the Development Code (the City’s zoning regulations) and is independent of the type of use occupying the building.” (GP 2025 pg. 1-3)

The General Plan Land Use Designations outline in the General Plan 2025 limit FAR to 2.5 in the downtown area. This is designed to preserve the historic and pedestrian-oriented character of downtown, preventing over-scaled development that could disrupt the existing built environment.

Intensity Limits: The General Plan specifies that density and intensity standards should ensure new development is in scale with the existing urban context, particularly in sensitive areas like downtown:

“The density/intensity standards do not imply that development projects will be approved at the maximum, density or intensity specified for each use. Development regulations consistent with General Plan policies...may reduce development potential” (GP 2025 pg. 1-3)

Further, policy 1-P-1 states that we must:

*“**Maintain** both minimum and **maximum development intensities** as stipulated in the General Plan Land Use Classifications.” (GP 2025 pg. 1-14)*

The zoning changes in the overlay and the construction of the hotel project at the current requested FAR limits go against these fundamental, and consistently reinforced, land use policies in the General Plan.

2.2.2 Community Design et al & Historic Preservation (Elements 2 & 3)

The General Plan emphasizes the importance of maintaining the historic and cultural character of Petaluma’s downtown. It’s clear that the goals for downtown in Elements 2 and 3 focus on maintaining the historic character, the pedestrian scale and preventing overdevelopment.

In the General Plan 2025 “Community Design, Character, and Green Building” Element, the downtown is described as:

“...a destination in the city and a hub of commercial and retail activity, Downtown is the special place most frequently identified by residents in planning workshops. The area is

marked by its **historic structures and a walkable street scale**, making it an important district in Petaluma” (GP 2025 pg. 2-2 thru 2-3)

This statement reinforces the importance of historic integrity and building scale when considering changes to our downtown. This is reinforced by context given to the Downtown subsection of the element:

*“Downtown’s unique characteristics—**historic buildings, the river, and pedestrian scale**—make it a destination point with visitors and residents alike. This General Plan envisions preserving and enhancing these features in order to create a vibrant mixed-use center, with specialty retail, restaurants, public uses, professional offices and limited opportunities for residential uses.”* (GP 2025 pg. 2-6)

There is also guidance in Policy 2-P-5 when it comes to limiting height of infill development on arterial corridors:

“Improve key arterial corridors through:

- o *Intensification via infilling, orientation of facades toward the street, **appropriate building height**, and interior parking lot configuration on the parcel;”* (GP 2025 pg. 2-4)

Under Policy 3-P-1 there is more reinforcement that building mass in the downtown area should be limited

“Develop floor area ratio and other design standards that relate overall building size and bulk to site area for Downtown...” (GP 2025 pg. 3-2)

Importantly, there are no policies that advocate for increasing the FAR limits and height limits of downtown. The overlay and hotel directly conflict with the policy direction that is fundamental in these areas of the General Plan.

2.2.3 Analysis of General Plan consistency put forth in DEIR

Here I have analyzed the Goals and Policies from Table 3.3-3 (PDF page 276) of the Draft EIR and they are assessed as using the following relationships with the General Plan 2025 document: 1. Inconsistent 2. Inconsistent with Greater Context 3. Not applicable or 4. Consistent. Any consistency determination without explanation matches what is already present on Table 3.3-3.

Policy	Overlay Consistency	Hotel Consistency
Chapter 1: Land Use, Growth Management, and the Built Environment		
1-G-1: Maintain a balanced land use program that meets the long-term residential, employment, retail, institutional, education, recreation, and open space needs of the community.	Tenuous applicability: Far too general to use this goal - literally any project could meet this requirement	Tenuous applicability: Far too general to use this goal - literally any project could meet this requirement
1-P-1: Promote a range of land	Inconsistent: sub-bullet in this section provides	Inconsistent: sub-bullet in this section provides

<p>uses at densities and intensities to serve the community’s needs within the Urban Growth Boundary (UGB).</p>	<p>additional guidance that says: "Maintain both minimum and maximum development intensities as stipulated in the General Plan Land Use Classifications." – this project increases maximum intensities</p>	<p>additional guidance that says: "Maintain both minimum and maximum development intensities as stipulated in the General Plan Land Use Classifications." – this project increases maximum intensities</p>
<p>1-P-2: Use land efficiently by promoting infill development, at equal or higher density and intensity than surrounding uses.</p>	<p>Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.</p>	<p>Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.</p>
<p>1-P-3: Preserve the overall scale and character of established residential neighborhoods.</p>	<p>Inconsistent: could be argued that development of scale and intensity not in GP 2025 will potentially impact neighboring residential neighborhoods.</p>	<p>Inconsistent: could be argued that development of scale and intensity not in GP 2025 will potentially impact neighboring residential neighborhoods.</p>
<p>1-P-6: Encourage mixed-use development, which includes opportunities for increased transit access.</p>	<p>Consistent</p>	<p>Consistent</p>
<p>1-P-7: Encourage flexibility in building form and in the nature of activities to allow for innovation and the ability to change over time.</p>	<p>Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.</p>	<p>Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.</p>
<p>1-P-11: Allow land use intensification at strategic locations along the arterial corridors leading to Downtown and Central Petaluma, including aging commercial and industrial sites.</p>	<p>Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.</p>	<p>Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.</p>
<p>1-P-12: Encourage reuse of under-utilized sites along East Washington Street and Petaluma Boulevard as multi-use residential/commercial corridors, allowing ground-floor retail and residential</p>	<p>Inconsistent: Specific guidance under this policy is: "Develop incentives in the Development Code to encourage lot consolidation to enable efficient multi-story buildings, and relocation of driveways to side streets."</p>	<p>Inconsistent: Specific guidance under this policy is: "Develop incentives in the Development Code to encourage lot consolidation to enable efficient multi-story buildings, and relocation of driveways to side streets."</p>

<p>and/or commercial/office uses on upper floors</p>	<p>Nothing related to FAR increases.</p> <p>It is established throughout the GP 2025 document that FAR standards and maximum development intensities should be held firm</p>	<p>Nothing related to FAR increases.</p> <p>It is established throughout the GP 2025 document that FAR standards and maximum development intensities should be held firm</p>
<p>1-P-14: Require provision of street trees, landscaping, parking, and access features to help integrate land uses and achieve an effective transition between uses of disparate intensities.</p>	<p>Not applicable</p>	<p>Consistent</p>
<p>1-P-27: Encourage innovative site and building design to address parking solutions such as shared, structured, and/or underground facilities</p>	<p>Not applicable</p>	<p>Consistent</p>
<p>1-P-47: Ensure that the pace of growth does not create spikes that unduly strain City services.</p> <p>A. Monitor the availability of resources necessary to serve new development, prior to granting entitlements.</p>	<p>Inconsistent: The rest of this policy seems to focus on limited expanded development, both residential and non-residential. May conflict with the goals of the overlay. The rest of this policy: “B. Upon adoption of the General Plan, immediately reevaluate the Residential Growth Management System, with the possibility of reducing the annual allocation numbers and/or eliminating or reducing exemptions, to keep pace with infrastructure capacities and to allow a reasonable annual growth rate through 2025. C. Evaluate the need for a nonresidential growth management program.”</p>	<p>Consistent</p>
<p>1-P-48: Ensure all new development provides necessary public facilities to support the development.</p> <p>A. Collect proportionate fair share of long-term infrastructure improvement</p>	<p>Consistent</p>	<p>Consistent</p>

<p>costs as entitlements are granted. B. Initiate design of long-term infrastructure improvements in a timely manner to ensure their completeness to coincide with demand.</p>		
<p>1-P-50: Preserve and expand the inventory of trees on public property, by undertaking the following: A. Develop a program, and associated costs, to monitor and maintain all trees on public property. B. Develop Street Tree Master Plan(s) for neighborhoods and Downtown districts. C. Assist and encourage private property owners to plant street trees (e.g., no fee permits for concrete removal, neighborhood tree planting programs). D. Allocate funding for the planting and long-term care of trees.</p>	<p>Not applicable</p>	<p>Not Applicable: This policy references programs that proactively add tree canopy. Also focuses on “public property” in policy language.</p>
<p>Chapter 2: Community Design, Character, and Green Building</p>		
<p>2-G-3: Advance Downtown Petaluma as a focus of civic and cultural activity in the community, retain a strong pedestrian orientation and scale, preserve and enhance buildings of historic and architectural importance.</p>	<p>Inconsistent: GP context above this listed goal "limited opportunities for residential uses" - contraindicates opening up ground floor Mixed Use for residential development</p> <p>Pedestrian scale in the context of GP 2025 could refer to smaller-scaled development, not increased FAR and height as overlay proposes.</p>	<p>Inconsistent: Pedestrian scale” in the context of GP 2025 could refer to smaller-scaled development, not increased FAR and height. Hotel could impact buildings of historic and architectural importance. Will not enhance historic buildings - at best, will not have negative impacts.</p>

<p>2-P-3: Maintain landmarks and aspects of Petaluma’s heritage that foster its unique identity.</p>	<p>Consistent</p>	<p>Not applicable: Details on this policy specify "Adaptively reutilizing, reusing and preserving industrial landmarks such as the Train Depot, the Sunset Line & Twine building, Petaluma & Santa Rosa Railroad trestle, the livery stable at Steamer Landing Park, and existing granaries." The hotel does not relate to this policy.</p>
<p>2-P-5: Strengthen the visual and aesthetic character of major arterial corridors.</p>	<p>Inconsistent: This policy further clarifies “Intensification via infilling, orientation of facades toward the street, appropriate building height, and interior parking lot configuration on the parcel;" The guidelines to increase height in the overlay contraindicate the specifics of this General Plan policy.</p>	<p>Inconsistent: This policy further clarifies “Intensification via infilling, orientation of facades toward the street, appropriate building height, and interior parking lot configuration on the parcel;" The added height of the hotel contraindicates the specifics of this General Plan policy.</p>
<p>2-P-14: Promote the development and intensification of the Downtown commercial core as both a visitor destination and a neighborhood retail center.</p>	<p>Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.</p>	<p>Inconsistent with Greater Context: it is established throughout the document in elements 1 and 2 that FAR standards and maximum development intensities should be held firm.</p>
<p>2-P-17: Pursue the development and promotion of cultural activities and facilities, such as museums, meeting halls, community theatres, public art galleries and shows, and outdoor gathering places within the Downtown area.</p>	<p>Inconsistent: The overlay does not promote these activities within the downtown core</p>	<p>Consistent</p>
<p>2-P-19: Maintain the grid street pattern within Downtown and improve connections between Downtown and surrounding areas.</p>	<p>Not applicable</p>	<p>Consistent</p>
<p>Chapter 3: Historic Preservation</p>		

<p>3-P-6: Ensure that new development adjacent to eligible historic and cultural resources is compatible with the character of those resources.</p>	<p>Inconsistent with Greater Context: it is established throughout the document that FAR standards and maximum development intensities should be held firm in order to protect historic resources.</p>	<p>Inconsistent with Greater Context: it is established throughout the document that FAR standards and maximum development intensities should be held firm in order to protect historic resources.</p>
<p>Chapter 4: The Natural Environment</p>		
<p>Goal 4-G-1: Protect and enhance biological and natural resources within the UGB.</p>	<p>Not applicable</p>	<p>Consistent</p>
<p>Goal 4-G-3: Improve air quality and meet all federal and State ambient air quality standards and goals by reducing the generation of air pollutants from stationary and mobile sources.</p>	<p>Inconsistent: See inconsistency description in 4-P-7</p>	<p>Inconsistent: Potentially significant impacts due to secondary impacts related to parking. No strategies for reducing SOV use and it doesn't notably reduce reliance on GHG and/or air pollutant sources more than existing zoning.</p> <p>See inconsistency description in 4-P-7</p>
<p>4-P-7: Reduce motor vehicle related air pollution.</p>	<p>Inconsistent: The overlay does not allow for greater residential intensity close to downtown services, which would be the primary reduction in motor vehicle use. Rather this overlay promotes greater commercial intensity, which would generate more motor vehicle-related pollution due to a higher volume of people traveling to these larger commercial sites.</p>	<p>Inconsistent: The hotel will be primarily serviced by car, ride share and shuttle for visitors. The restaurant may serve some patrons that can more easily ride their bike, walk or ride a bus. However, restaurant patrons, employees of the hotel and the guests of the hotel will likely drive or use automotive transport, leading to greater motor vehicle pollution.</p>
<p>4-P-9: Require a percentage of parking spaces in large parking lots or garages to provide electrical vehicle charging facilities.</p>	<p>Consistent / Not applicable</p>	<p>Consistent</p>
<p>4-P-16: To reduce combustion emissions during construction and demolition phases, the contractor of future individual</p>	<p>Consistent</p>	<p>Consistent</p>

<p>projects shall encourage the inclusion in construction contracts of the following requirements or measures shown to be equally effective:</p> <ul style="list-style-type: none"> • Maintain construction equipment engines in good condition and in proper tune per manufacturer’s specification for the duration of construction; • Minimize idling time of construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment; • Use alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline); • Use add-on control devices such as diesel oxidation catalysts or particulate filters; • Use diesel equipment that meets the ARB’s 2000 or newer certification standard for offroad heavy-duty diesel engines; • Phase construction of the project; • Limit the hours of operation of heavy-duty equipment. 		
<p>4-P-21: Reduce solid waste and increase reduction, reuse and/or recycling, in compliance with the Countywide Integrated Waste Management Plan (CoIWMP).</p>	<p>Not applicable: Too general, all projects would ostensibly comply and there are no specific incentives or requirements for reduction within the overlay</p>	<p>Consistent</p>
<p>4-P-24: Comply with AB 32 and its governing regulations to the full extent of the City’s jurisdictional authority.</p>	<p>Inconsistent: See inconsistency description in 4-P-7</p>	<p>Inconsistent: See inconsistency description in 4-P-7</p>
<p>Chapter 5: Mobility</p>		
<p>5-P-4: New development and/or major expansion or</p>	<p>Not applicable</p>	<p>Consistent</p>

<p>change of use may require construction of offsite mobility improvements to complete appropriate links in the network necessary for connecting the proposed development with existing neighborhoods and land uses.</p>		
<p>5-P-5: Consider impacts on overall mobility and travel by multiple travel modes when evaluating transportation impacts.</p>	<p>Inconsistent: See inconsistency description in 4-P-7</p>	<p>Inconsistent: See inconsistency description in 4-P-7</p>
<p>Goal 5-G-5: Create and maintain a safe, comprehensive, and integrated bicycle and pedestrian system throughout Petaluma that encourages bicycling and walking and is accessible to all.</p>	<p>Not applicable: Doesn't contribute to said network or further this goal, merely exists within its context as a downtown project that is served by bicycle and pedestrian infrastructure.</p>	<p>Not applicable: Doesn't contribute to said network or further this goal, merely exists within its context as a downtown project that is served by bicycle and pedestrian infrastructure.</p>
<p>5-P-22: Preserve and enhance pedestrian connectivity in existing neighborhoods and require a well-connected pedestrian network linking new and existing developments to adjacent land uses.</p>	<p>Not applicable: See not applicable description in 5-G-5.</p>	<p>Not applicable: See not applicable description in 5-G-5</p>
<p>5-P-23: Require the provision of pedestrian site access for all new development.</p>	<p>Consistent</p>	<p>Consistent</p>
<p>5-P-43: Support efforts for transit-oriented development around the Petaluma Depot and along the Washington Street, Petaluma Boulevard, McDowell Boulevard, Lakeville Street, and other transit corridors.</p>	<p>Consistent</p>	<p>Consistent</p>
<p>Chapter 6: Recreation, Music, Parks & the Arts</p>		
<p>6-P-6: Achieve and maintain a park standard of 5 acres per 1,000 residents (community park land at 3 acres per 1,000 population and neighborhood</p>	<p>Not applicable: Overlay does not increase residential density and does not affect the City's parkland standard</p>	<p>Not applicable: Hotel is not a residential project and does not affect the City's parkland standard</p>

<p>park land at 2 acres per 1,000 population) and an open space/urban separator standard of 10 acres per 1,000 population, in order to enhance the physical environment of the City and to meet the recreation needs of the community.</p>		
<p>Chapter 7: Community Facilities, Service, and Education</p>		
<p>7-P-25: Reduce the potential for a catastrophic fire event in the historic Downtown and other areas.</p>	<p>Consistent</p>	<p>Consistent</p>
<p>Chapter 8: Water Resources</p>		
<p>8-P-38: All development activities shall be constructed and maintained in accordance with Phase 2 National Pollutant Discharge Elimination System (NPDES) permit requirements.</p>	<p>Consistent</p>	<p>Compliant</p>

This analysis calls into question many areas of General Plan consistency used as the basis for this DEIR.

2.2.5 Legal Precedent

In **Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors** (<https://casetext.com/case/families-unafraid-to-uphold-v-bd-supervisors>), the court ruled that when a project is inconsistent with the General Plan, it can undermine the validity of the EIR. The ruling emphasizes that General Plan consistency is essential for upholding the legal defensibility of a zoning change or new development.

2.3 ALTERNATIVES ANALYSIS

Under CEQA Guidelines Section 15126.6, an EIR is required to consider a reasonable range of alternatives to the proposed project that could feasibly attain most of the project’s objectives while avoiding or substantially lessening significant environmental impacts. This analysis is critical because it allows decision-makers and the public to consider less harmful ways to achieve the project’s goals.

This Draft EIR fails to adequately explore feasible alternatives that would have reduced environmental impacts, including the possibility of lower-intensity development in terms of height **and** FAR or an alternative site.

2.3.1 Expanding Analysis of Alternatives

While the No Project Alternative, Reduce Height Alternative and Reduced Area C Alternative are considered, the EIR excludes options that could achieve more benefit, be more consistent with the General Plan and avoid potentially significant impacts. Two such alternatives that are missing are:

- A reduced height and reduced FAR alternative for the hotel that stays within the General Plan's height and FAR limits of 45 feet and 2.5 FAR. The alternative to reduce height to 45' **and** FAR to 2.5 may result in a project that is more consistent with the General Plan 2025 guidance on massing and scale and avoid or lessen potentially significant impacts to aesthetics and historical resources. It would realize most of the benefits of the hotel and obviate the need for the overlay.
- An alternative location outside the sensitive downtown core, where greater height and density would be more compatible with the surrounding context. Analyzing an alternative to relocate the project to a less sensitive area and/or an area more clearly supported by the General Plan 2025 (ie. within the CPSP) may result in a project that is more consistent with the General Plan 2025 and avoid or lessen potentially significant impacts to aesthetics and historical resources

2.3.2 Legal Precedent:

In **Citizens of Goleta Valley v. Board of Supervisors** (<https://casetext.com/case/citizens-of-goleta-valley-v-bd-of-supervisors>), the California Supreme Court ruled that an EIR must consider alternatives that are not only feasible but also serve to reduce significant impacts. The Draft EIR's failure to fully explore an alternative location that is better suited to the hotel project's size and/or an alternative that adheres to FAR standards to be consistent with the General Plan's goals could be viewed as a violation of CEQA.

2.4 DEFERRED MITIGATION - MM Overlay CUL-1e

Future discretionary review alone is not considered sufficient mitigation for aesthetic and cultural impacts identified in an EIR. CEQA requires that mitigation measures be specific, enforceable, and implemented at the time the project is approved, rather than deferred to future processes.

CEQA discourages the deferral of mitigation measures to future actions unless those future actions meet certain strict conditions. Specifically, CEQA Guidelines Section 15126.4(a)(1)(B) states that mitigation measures should not be deferred unless:

- The agency commits to specific performance standards that will mitigate the impacts.
- The agency provides a clear plan or criteria for how the mitigation will be implemented at a later time.

Mitigation Measure CUL-1e does not meet CEQA's requirements for specific, enforceable mitigation and instead represents deferred mitigation, which fails to adequately address the project's significant cultural and aesthetic impacts at the time of project approval.

MM Overlay CUL-1e requires a Conditional Use Permit (CUP) for developments within the overlay zone that exceed 45 feet in height or cover more than 80% of a lot. However, the measure defers critical decisions regarding design compatibility, height impacts, and community benefits to future discretionary review, rather than providing specific, enforceable mitigation actions at the time of project approval.

2.4.1 Reliance on Future Studies

CEQA prohibits deferring mitigation without clearly defined performance standards. CUL-1e relies heavily on subjective future assessments, such as visual studies and line-of-sight drawings, which lack specific mitigation actions.

2.4.2 Subjectivity and Lack of Specificity

The criteria for the CUP process—terms like "positive contribution to the overall character" and "exceptional architecture/design"—are vague and subjective. Without objective performance standards, this introduces uncertainty and inconsistency, violating CEQA's requirement for clear and enforceable mitigation.

2.4.3 Deferred Decision-Making and Uncertain Effectiveness

CUL-1e defers important decisions about whether increased height and lot coverage will negatively impact cultural and historic resources to a future review by the Planning Commission. This uncertainty risks that impacts may not be mitigated adequately, as the criteria are left open to interpretation, without clear guarantees that impacts will be reduced.

2.4.5 Direct Mitigations at the Programmatic Level

CEQA allows for tiering of environmental reviews from a programmatic EIR to subsequent project-level EIRs or mitigated negative declarations, it still requires that a programmatic EIR contain specific, enforceable mitigation measures when significant impacts are identified.

There are feasible, non-deferred mitigation measures that could have been included in CUL-1e at the programmatic stage. For example, the city could have set a maximum building height in sensitive areas, required more specific design compatibility standards based on the existing architectural character of downtown Petaluma, or imposed stricter preservation requirements for historical buildings and viewsheds. These measures could have been incorporated directly into the overlay's zoning regulations or the EIR itself, rather than deferring the mitigation to future discretionary review.

2.4.6 Legal Precedent

In the cases **Communities for a Better Environment v. City of Richmond** (<https://casetext.com/case/comm-for-a-btr-envir-v-city>) and **California Native Plant Society v. City of Rancho Cordova** (<https://casetext.com/case/ca-nat-plant-soc-v-city-of-rancho-cordova>), it was established that deferred mitigation is only permissible when specific performance standards are included to ensure future mitigation effectiveness.

3.0 OVERLAY AS SPOT ZONING

3.1 Spot Zoning

Spot zoning occurs when a specific parcel or area is subject to zoning changes that benefit a particular property owner or development, often at the expense of the surrounding community. Under California law, zoning amendments must promote the general welfare and align with the comprehensive zoning plan of a municipality. Spot zoning is generally viewed as illegal when it favors individual property owners or developers over the interests of the broader community.

The EKN Appellation Hotel is at the heart of this overlay. The proposed project is closely tied to the increase in Floor Area Ratio (FAR) from 2.5 to 6.0, an increase in building height from 45 feet to 75 feet, and lot coverage allowances above what is typical in Petaluma's downtown. These changes are not broadly applied to the entire downtown but are focused on specific areas (particularly Area A where the hotel is located), strongly suggesting that the primary goal of the overlay is to allow the hotel project to bypass existing zoning regulations.

3.2 Public Economic Benefit of the Overlay

The EIR should provide substantial evidence that the overlay serves a legitimate public purpose or addresses significant issues beyond benefiting the specific hotel project. As constructed, the overlay does not increase growth rates significantly for non-residential uses, does not further any affordable housing goals, and does not incentivize increased residential densities in Petaluma's downtown core that could lead to greater economic activity.

The overlay does not increase residential access to downtown as residential densities are not increased, as the EIR states multiple times:

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 and what was already evaluated and disclosed in the General Plan Final EIR.

The allowance of ground-floor residential use in Mixed Use zoning would seem to incentivize housing creation, but that is tempered by parcel-dependent limitations including street-activation requirements and new review historical review requirements. The overlay's combination of proposed changes and mitigation measures leaves a zoning environment that **does not incentivize the creation of housing downtown or increased residential activity that could drive economic benefit**. It could be interpreted that the overlay incentivizes more luxury housing (larger buildings, same density) compared to affordable or affordable-by-design housing.

The economic inducement for commercial or other non-residential uses also seems weak/immaterial. In the Draft EIR, the growth rate of non-residential development within the overlay area is estimated based on CPSP current growth rates:

"For comparison, the Central Petaluma Specific Plan (CPSP)...Since the time of its adoption, a total of 303,640 square feet of nonresidential development has been approved within the CPSP, representing 15 percent of the CPSP buildout potential over 11 years. As

such, estimating a 25 percent buildout over 20 years is a reasonable estimate.” (DEIR Page 2-29)

Using existing city growth rates to estimate non-residential growth from the overlay is an indication that we don’t anticipate a significant increase in growth compared to what is possible with current zoning.

There are also significant barriers for non-residential projects to be able to take advantage of any “building flexibility” benefits. These include discretionary review and additional permitting required for increases in height and FAR above current zoning. The overlay also introduces additional historical analyses required for future development projects. These discretionary reviews and additional studies combine to create a barrier preventing many property owners from taking advantage of the building form flexibility, and thereby limiting the economic inducement offered by the overlay. **The overlay does not convey significant public economic benefit in terms of non-residential infill development downtown.**

Overall, this overlay fails to incentivize investment that supports local businesses and the community. It also fails to effectively preserve the historic character of our city’s downtown and advocates for building types that are inconsistent with our adopted General Plan.

3.3 Inconsistent with General Plan

The overlay is inconsistent with the City of Petaluma’s General Plan, further suggesting spot zoning. See Section 2.2 of this document for details on how the overlay and hotel are not consistent with Petaluma’s General Plan 2025. As one example, it can lead to potentially significant impacts on aesthetics and historical character by bypassing core FAR restrictions in the General Plan.

The lack of stronger justification for these inconsistencies with the General Plan suggests that the overlay is designed more to benefit a particular developer than to serve citywide planning goals. Spot zoning, by its nature, undermines comprehensive planning because it privileges one project over the city’s overall development strategy.

3.4 Transportation

Section 2.1 of this document describes how both primary and secondary parking impacts of the overlay and hotel project within the Draft EIR are not assessed and may be potentially significant. These effects would have impacts on VMT, GHG, traffic and public safety and would be in direct conflict with the public interest.

3.5 Public Outcry

Public outcry can be a bellwether in determining if a project serves the public good. If most of our community strongly opposes the project and its impacts (e.g., cultural, aesthetic, or environmental), that opposition can be cited as evidence that the project does not align with the community’s broader interests or the principles of smart growth, historic preservation, or sustainable development. It is also an indicator that a project fails to address community concerns or meet broader community needs.

3.5 Public Interest/Benefit vs. Private Gain

The changes proposed under the overlay—such as increasing density, height, and FAR—appear designed to facilitate a single large-scale development that could fundamentally alter the character of downtown Petaluma. The public interest appears secondary to the private interests of the developer.

Sections 3.2, 3.3, 3.4 and 3.5 above outline how the overlay: 1. does not provide public economic benefit outside of the hotel, 2. is not consistent with the General Plan and 3. can be broadly determined to go against the public interest. While an EIR does not examine economic or social impacts, it could be argued that the overlay leads to further negative impacts like the displacement of businesses or residents, gentrification, or the creation of uncharacteristic commercial spaces.

The EIR does not convincingly demonstrate why the hotel cannot be developed within the existing zoning standards or why the existing zoning is inadequate for promoting economic development or housing opportunities. The overlay does not provide sufficient evidence that the broader community will benefit in a way proportional to the concessions made for the hotel.

3.6 Legal Precedent

California courts have ruled against spot zoning when it does not serve the general welfare or is inconsistent with a city's comprehensive planning goals. For example, in **Foothill Communities Coalition v. County of Orange** (<https://caselaw.findlaw.com/court/ca-court-of-appeal/1654702.html>), the court invalidated a zoning change that exclusively benefited a particular project and contradicted the general plan. Similarly, Petaluma's zoning amendments under this overlay could be seen as an unlawful departure from established planning principles to serve a specific interest rather than the community as a whole.