

Resolution No. 2024-XXX N.C.S.
of the City of Petaluma, California

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETALUMA
AUTHORIZING STAFF TO PREPARE A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
DOWNTOWN HOUSING AND ECONOMIC OPPORTUNITY OVERLAY AND EKN APPELLATION
HOTEL PROJECT**

WHEREAS, on April 11, 2022, Mike Jolly of EKN Development Group submitted a Site Plan and Architectural Review application proposing the development of a 93-room hotel with ancillary food service, parking, and event space at 2 Petaluma Blvd. South; and

WHEREAS, the height, floor area ratio, and lot coverage proposed by EKN exceeded development maximums established by the Implementing Zoning Ordinance (IZO), and the floor area ratio also exceeded the maximum set for the land use classification by the 2025 General Plan (General Plan); and

WHEREAS, the City advised the applicant that the hotel project must be revised to comply with current applicable IZO and General Plan standards and regulations, or amendments to the IZO and General Plan must be requested to allow for Planning review to proceed, and EKN elected to apply for amendments; and

WHEREAS, following a preliminary review of the applicant's preferred alternatives and in discussion with the City, the applicant submitted applications to create a zoning overlay, formally referred to as the Downtown Housing & Economic Opportunity Overlay (Overlay), and this Overlay was first presented to the community at a public hearing study session held by the Planning Commission and the Historic Cultural Preservation Committee (HCPC) on June 13, 2023, and then later at the Planning Commission on August 8, the HCPC on October 3; and

WHEREAS, in response to Planning Commission, HCPC, and community feedback, the scope of the Overlay was refined to become the Overlay, consisting of Subareas A, B, and C;

WHEREAS, on November 14, 2023, a public hearing was held by the Planning Commission and HCPC to consider a Draft Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Hotel and Overlay, and the Planning Commission was asked to make a recommendation to the City Council to approve the General Plan, Zoning Map, and Zoning Text Amendments required to adopt and implement the proposed Overlay; and

WHEREAS, on November 14, 2023, the HCPC was asked to adopt a resolution to recommend that the Planning Commission recommend that the City Council adopt an Ordinance to amend the General Plan, Zoning Map, and Zoning Text Amendments, but the motion to adopt the resolution was not approved; and

WHEREAS, on November 14, 2023, the Planning Commission considered the proposed IS/MND in accordance with Section 15074 of the CEQA Guidelines and adopted a resolution to recommend that the Council approve the General Plan, Zoning Map, and Zoning Text Amendments required to adopt and implement the proposed Downtown Housing & Economic Opportunity Overlay; and

WHEREAS, in November 2023, the City commenced preparation of an Environmental Impact Report (EIR) for the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel (the Project) to provide greater analysis on the potential impacts of the Project and to provide additional information for the public and reviewing bodies; and

WHEREAS, on April 12, 2024, the City released an Initial Study and Notice of Preparation (IS/NOP) to provide notice to public agencies and the public that the City of Petaluma, as the Lead Agency, would prepare an EIR for the Project in accordance with the California Environmental Quality Act (CEQA); and

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

WHEREAS, the IS/NOP comment period began on April 12, 2024, and ended on May 13, 2024; and

WHEREAS, the City held a public scoping meeting on May 1, 2024, at the Petaluma Community Center to solicit public input on the scope of the EIR; and

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

WHEREAS, on August 23, 2024, the City released a Notice of Completion/Notice of Availability (NOC/NOA) that a Draft EIR was prepared, provided the Draft EIR to the State Clearing House, posted the Draft EIR on the City's Website, and provided hard copies of the Draft EIR in City Hall and at the Petaluma Community Center; and

WHEREAS, public notice of the NOC/NOA was published in the Argus-Courier on August 23, 2024, and mailed to all property owners and occupants within 1,000 feet of the Overlay Study area, which includes the site of the Hotel; and on September 13, 2024, public notice of a joint Planning Commission and HCPC public hearing on the Draft EIR, scheduled for September 24, 2024, was published in the Argus-Courier and mailed to all property owners and occupants within 1,000 feet of the Overlay study area, which includes the site of the Hotel; and on September 12, 2024, two public notice signs were installed at 2 Petaluma Boulevard South to provide notice of the joint Planning Commission & HCPC hearings on the Draft EIR; and

WHEREAS, the distribution of public noticing of the NOC/NOA and the availability of the Draft EIR initiated a 45-day public comment period beginning on August 23, 2024, and ending on October 7, 2024; and

WHEREAS, the comment period on the Draft EIR was extended by two weeks to close on October 21, 2024, through which time, the City will continue to collect public comments; and

WHEREAS, a duly noticed public hearing was held on September 24, 2024, for the Planning Commission and the HCPC to consider information presented by staff and to receive public comment regarding the Draft EIR; and

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

WHEREAS, by a vote of 4-0, the HCPC recommended to the Planning Commission that the Commission recommend to the City Council preparation of a Final EIR for the Project, subject to recommendations; and

WHEREAS, after conducting a public hearing and considering staff and public comments, as well as comment and a motion from the HCPC, regarding the Draft EIR for the Project, the Planning Commission of the City of Petaluma, by a vote of 5-1, with Commissioner Newell absent, voted to recommend that the City Council direct staff to proceed with preparation of the Final Environmental Impact Report (Final EIR) for the Project with recommendations; and

WHEREAS, the Planning Commission recommendation included specific modifications for the Council’s consideration (Planning Commission Resolution 2024-12), which has been taken into account by Council prior to providing direction on the Final EIR; and

WHEREAS, on September 27, 2024, public notice of the City Council public hearing on the Draft EIR, scheduled for October 7, 2024, was published in the Argus-Courier and mailed to all property owners and occupants within 1,000 feet of the Overlay study area, which includes the site of the Hotel; and the two public notice signs installed at 2 Petaluma Boulevard South were updated to provide notice of the Council hearing on the Draft EIR; and

WHEREAS, a duly noticed public hearing was held on October 7, 2024 for the City Council to consider information presented by staff and to receive public comment regarding the Draft EIR; and

WHEREAS, at the October 7, 2024, public hearing, the City Council considered staff, public, and agency comments on the Project, the staff report, and the Draft EIR including all attachments, along with the recommendation received from the Planning Commission to direct preparation of the Final EIR; and

WHEREAS, the Draft EIR prepared for the Projects has been prepared in full compliance with the California Environmental Quality Act (“CEQA”) and local CEQA Guidelines; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Petaluma as follows:

1. The above recitals are hereby declared to be true and correct and are incorporated into the Resolution as findings of the City Council.
2. Staff are hereby authorized and directed to prepare the Final EIR for the Project in accordance with the City’s Environmental Review Guidelines and the requirements of CEQA.

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

REFERENCE:

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

Approved as to form:

City Attorney

AYES:

NOES:

ABSENT:
ABSTAIN:

ATTEST:

City Clerk

Mayor