

Resolution No. 2023-XXX N.C.S.
of the City of Petaluma, California

**RESOLUTION OF THE PETALUMA CITY COUNCIL TO CERTIFY AN
ENVIRONMENTAL IMPACT REPORT, MAKE FINDINGS OF FACT TO ADOPT A
STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPT A MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE SCOTT RANCH PROJECT,
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, in 2004 Davidon Homes submitted an application to the City of Petaluma for a 93-lot residential project located on two parcels (APN 019-120-040 and -041) and consisting of 58.66 acres at the corner of D Street and Windsor Drive and adjacent to the Helen Putnam Regional Park ("Prior Project"); and

WHEREAS, on July 27, 2004, a Notice of Preparation of a Draft Environmental Impact Report was prepared and circulated to all responsible and affected agencies for consultation on the scope of an Environmental Impact Report ("EIR") to be prepared for the project pursuant to Public Resources Code Section 21080.4 and California Environmental Quality Act ("CEQA") Guidelines Section 15082; and

WHEREAS, on July 27, 2004, the Notice of Preparation of a Draft Environmental Report was also posted at the Sonoma County Clerk's Office in accordance with Public Resources Code Section 21092.3; and

WHEREAS, on August 11, 2004, and August 25, 2004 scoping meetings were held to solicit public comment regarding the environmental analysis to be undertaken and the City initiated work on the Draft EIR (SCH No 2004072137) in accordance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15000 et seq; and

WHEREAS, work on the EIR was temporarily halted in 2008 during the recession, due in part to the environmental consultant going out of business, and during this period several large City-wide planning processes were underway including preparation of the City of Petaluma General Plan 2025 (completed in 2008); and

WHEREAS, on February 14, 2013, the City released a Draft Environmental Impact Report ("2013 DEIR") for a 60 day public comment period through April 15, 2013, during which time staff received approximately 300 comment letters as well as, both oral and written comments during a Planning Commission hearing on March 12, 2013 and a City Council hearing on April 15, 2013; and

WHEREAS, on March 12, 2013, the Planning Commission deferred recommendation on the environmental document until review of the Final EIR and requested clarification of certain topics analyzed in the 2013 DEIR, and on April 15, 2013, after deliberation and discussion the City Council directed staff to proceed with preparation of a FEIR and to provide additional information and clarification addressing comments on the 2013 DEIR and further analysis on the reduced project alternative; and

WHEREAS, in response to comments received on the 2013 DEIR, the applicant elected to submit a revised project with a reduced development proposal including 66-single family residential lots and including private and public open space, a public park with multi-use trail, a Class I trail along D Street, trailhead parking lots, and other infrastructure such as sidewalks, a roundabout, and sewer, water, and storm drainage infrastructure; and

WHEREAS, the City initiated a revised DEIR ("2017 RDEIR") and on March 2, 2017, released the 2017 RDEIR for a 60 day public comment period through May 1, 2017, during which time staff received approximately

157 comment letters, as well as oral comments during a Planning Commission hearing on April 4, 2017, and a City Council hearing on June 19, 2017; and

WHEREAS, at the April 4, 2017 hearing, the Planning Commission, by motion, recommended that the City Council authorize preparation of a Final EIR including an analysis of an alternative that excluded development south of Kelly Creek, and requested that the Final EIR return to the Planning Commission for consideration and recommendation to the City Council; and

WHEREAS, at the June 19, 2017 hearing, the City Council determined that the 2017 RDEIR was inadequate and that additional analysis was needed prior to preparation of a Final EIR, and the Council, by motion, directed staff to revise the 2017 RDEIR to address concerns raised by the Planning Commission and City Council including a more robust evaluation of the 28-lot “Environmentally Preferred” alternative that was included in the 2017 RDEIR; and

WHEREAS, in June 2018, the Kelly Creek Protection Project (KCPP) of Earth Island Institute announced that it had entered into an agreement with Davidon Homes in response to comments received on the 2017 RDEIR, and Davidon Homes and KCPP ("Applicants") submitted a revised application to the City of Petaluma for a 28-lot residential project on approximately 15 acres, along with dedicating approximately 44 acres of the project site to Sonoma County Regional Parks as an extension to the Helen Putnam Regional Park; and

WHEREAS, the City prepared and distributed copies of the RDEIR on the updated application, in conformance with CEQA, specifically CEQA Guidelines Section 15086, to those public agencies that have jurisdiction by law with respect to the project and to other interested persons and agencies, and sought the comments of such persons and agencies; and

WHEREAS, the Notice of Availability for the RDEIR was published in the Argus Courier on December 31, 2020, mailed to residents and occupants within 1,000 feet of the site, and a Notice of Completion was filed with the Sonoma County Clerk and the State Clearinghouse (exceeding CEQA's notice requirements) and in compliance with CEQA Guidelines Section 15085; and

WHEREAS, the RDEIR was circulated for more than the required 45-day public review period, pursuant to CEQA Guidelines Section 15087, from December 31, 2020 to March 8, 2021 and the City continued to accept public comments through the City Council hearing on March 15, 2021; and

WHEREAS, on January 19, 2021, pursuant to City Resolution No. 2018-107 N.C.S., onsite signage was posted informing residents of the RDEIR availability and the Planning Commission and City Council hearings on the RDEIR; and

WHEREAS, on February 4, 2021 the Applicants held a neighborhood meeting to create dialogue with community members, provide information and updates on the Project, and address concerns; and

WHEREAS, the Planning Commission held a public hearing on February 9, 2021 to consider the RDEIR, the purpose of the hearing being to inform the public about the contents of the RDEIR and to receive oral comments about the adequacy and accuracy of the RDEIR; and

WHEREAS, the City Council held a public hearing on March 15, 2021 to consider the RDEIR, the purpose of the hearings being to inform the public about the contents of the RDEIR and to receive oral comments about the adequacy and accuracy of the RDEIR; and

WHEREAS, as a result of these hearings, the Planning Commission recommended and City Council directed that a Final EIR be prepared addressing comments and concerns raised during public comment on RDEIR; and

WHEREAS, written and oral comments on the RDEIR have been received and responses to those comments have been prepared in the form of a Final Environmental Impact Report ("Final EIR"); and,

WHEREAS, in response to significant environmental conclusions reached in the Draft EIR and in response to public comments on the Draft EIR, including concerns raised during the public hearings on the RDEIR by City Planning Commissioners and City Council members, the Applicants submitted a revised concept site plan for evaluation in the Final EIR; and

WHEREAS, the Revised Project proposes a 28-lot single-family residential subdivision and approximately 47 acres of open space/parkland, including multi-use trails north and south of Kelly creek connecting the existing barn complex on the east of the site to the existing Helen Putnam Regional Park to the west. A roundabout on City right-of-way at the intersection of D Street and Windsor Drive is proposed as part of the residential project component. Also, as part of the project, an approximately 800-foot offsite sidewalk gap closure on the east side of D Street between Windsor Drive and Sunnyslope Avenue would be provided, as well as modifications and revisions to the original Project (now the "Revised Project") to reduce certain significant impacts that would have otherwise occurred pursuant to the original project including impacts to California Red Legged Frog habitat; and

WHEREAS, on October 6, 2021, the Pedestrian and Bicycle Advisory Committee (PBAC) considered and provided feedback on the pedestrian and bicycle facilities proposed by the project including sidewalks and pedestrian crossings, bicycle rack location, access and connectivity to Helen Putnam Regional Park, trail alignments and features, and the proposed amendment to General Plan Figure 5-2, Bicycle Facilities, and;

WHEREAS, on October 20, 2021, the Recreation Music and Park Commission (RMPC) considered and provided feedback on the Helen Putnam Regional Park expansion, Barn Center improvements, playground, amphitheater, picnic areas, multi-use trails, and other amenities proposed as part of the Putnam Park Extension component of the project, and;

WHEREAS, the Revised Project continues to provide for a planned future offsite trail segment connecting the Scott Ranch property with the existing trail within Helen Putnam Regional Park; and

WHEREAS, the Revised Project boundaries remain unchanged and refinements to the project are limited to reducing the building development footprint by further clustering lots, reducing setbacks, and building sizes; and

WHEREAS, the environmental effects of the Revised Project have been analyzed and compared to the environmental effects presented in the RDEIR, and that analysis has been included in the Final EIR, concluding that:

- a) no new significant environmental impacts not previously identified in the RDEIR would result from the Revised Project, and
- b) no substantial increase in the severity of a previously identified environmental impact has been identified as resulting from the Revised Project, and no additional mitigation measures are necessary to reduce such impacts to a level of insignificance, and
- c) there is no feasible alternative or mitigation measure considerably different from others previously analyzed in the RDEIR that would clearly lessen significant environmental impacts of the Revised Project and that the Project applicant declines to adopt; and

WHEREAS, on June 20, 2022, pursuant to Implementing Zoning Ordinance (IZO) 24.100.B, onsite signage was posted informing residents of the availability of the Final EIR and the Planning Commission and City Council hearings on the Final EIR and requested entitlements; and

WHEREAS, the Notice of Availability for the Final EIR was published in the Argus Courier on June 10, 2022, mailed to residents and occupants within 1,000 feet of the site, filed with the Sonoma County Clerk and State Clearinghouse (exceeding CEQA's notice requirements), published on the City's website, posted to the State's CEQA net portal, and made available for public review at City Hall; and

WHEREAS, the Final EIR was circulated for more than the required 10-day public review period beginning on June 10, 2022 and extending through City Council consideration, February 27, 2023; and

WHEREAS, the City distributed copies of the Final EIR in conformance with CEQA to those public agencies that have jurisdiction by law with respect to the project and to other interested persons and agencies, and sought the comments of such persons and agencies; and

WHEREAS, the Planning Commission held a duly noticed public meeting on July 12, 2022, at which time it considered the Final EIR and accepted public testimony; and

WHEREAS, Section 21081(a) of the Public Resources Code requires the City Council to make one or more findings with respect to each significant adverse environmental effect of the project and to evaluate alternatives to the Project; and

WHEREAS, the EIR identified several potentially significant impacts that will be reduced to a less than significant level with specified mitigation measures; therefore, approval of the Revised Project will require adoption of Findings on Impacts and Mitigations as set forth in attached **Exhibit A**; and

WHEREAS, Section 21081(a)(3) of the Public Resources Code requires the City Council to make one or more findings with respect to alternatives studies in the EIR if all significant effects of the Plan are not mitigated to insignificance; and

WHEREAS, general findings and findings regarding each significant adverse environmental effect of the Project are set forth in **Exhibit A**, attached hereto and incorporated herein by reference; and

WHEREAS, after all identification and inclusion of all feasible mitigation, certain impacts due to Vehicle Miles Traveled (VMT) will remain significant and unavoidable, even after the application of feasible mitigation measures to lessen those impacts, and as of the date of this action cannot be conclusively described as less than significant because of regulatory and technological uncertainty; and

WHEREAS, Public Resources Code Section 21081(b) requires that the City Council find that specific economic, legal, social, technological or other considerations outweigh any significant environmental effects of the Project which cannot be fully mitigated; and

WHEREAS, a Statement of Overriding Considerations consisting of the City's findings and determination regarding the Project's benefits as compared to its significant and unavoidable effects is contained in **Exhibit A**, Section 7, which is incorporated herein by reference; and

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

WHEREAS, the Revised Project is not located on a site listed on any Hazardous Waste Site List compiled by the State pursuant to Section 65962.5 of the California Government Code; and

WHEREAS, the EIR identified several potentially significant impacts that will be reduced to a less than significant level with specified mitigation measures, and pursuant to CEQA Guidelines Section 15091(d), a Mitigation Monitoring and Reporting Program has been prepared and set forth in **Exhibit B** to ensure that all mitigation measures which serve to reduce environmental impacts of the Project are fully implemented; and

WHEREAS, on August 9, 2022, the Final EIR was presented to the Planning Commission of the City of Petaluma and the Planning Commission reviewed and considered the information presented in the Final EIR prior to making recommendations to the City Council; and

WHEREAS, on August 9, 2022, Planning Commission adopted resolutions recommending that the City Council certify the EIR, and adopt resolution for the project entitlements consisting of General Plan Amendments, rezoning, and a Vesting Tentative Subdivision Map; and

WHEREAS, current entitlement requests submitted by the Applicants include (1) a General Plan Amendment to modify and clarify General Plan Policy 2-P-68, (2) Amendment of General Plan Figure 5-2, (3) a rezoning from Residential 1 (R1) to a Planned Unit District (PUD), (4) adoption of Planned Unit Development Plan and Guidelines; and (5) a Vesting Tentative Subdivision Map (VTSM) to subdivide the project parcels into residential, open space, public access, and parking lots; and

WHEREAS, subsequent review will enable the development of the Scott Ranch project including Site Plan and Architectural Review (SPAR) required for development of the single-family homes, associated landscaping, and lighting in the residential component, and for public improvements proposed as part of the Putnam Park Extension Project component, as well as an administrative Tentative Parcel Map¹ to divide Parcel B as shown in the VTSM for dedication to the Sonoma County Regional Parks, and for designation of a historic landmark to designate the barn complex as a local historic resource; and

WHEREAS, on February 16, 2023, pursuant to Implementing Zoning Ordinance (IZO) 24.100.B, onsite signage was updated informing residents of the availability of the Final EIR and the February 27, 2023 City Council hearings on the Final EIR and requested entitlements; and

WHEREAS, the Notice of Public Hearing to certify the Final EIR and act on project entitlements was published in the Argus Courier on February 17, 2023, mailed to residents and occupants within 1,000 feet of the site, emailed to commenters, and published on the City's website; and

WHEREAS, on February 27, 2027, the Final EIR and recommendations from the Planning Commission were presented to the Petaluma City Council and that City Council reviewed and considered the information presented in the Final EIR and received public comment prior to certifying the EIR and taking action on the Revised Scott Ranch Project; and

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

¹ As the tentative parcel map proposes to create two parcels, its approval would be conducted administratively, anticipated to occur following approval of the Vesting Tentative Subdivision Map.

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

1. Certifies that the Scott Ranch Final EIR (SCH# 2004072137) contains all the requirements of CEQA Guidelines Section 15132, inclusive of the RDEIR, references, appendices, and all attachments thereto, have been completed in compliance with CEQA;
2. Adopts, as required by CEQA and based on substantial evidence in the record, the Findings regarding potentially significant effects of the Revised Project **Exhibit A**, and statement of overriding considerations, Section 7 to Exhibit 1, which are incorporated herein by reference.
3. Adopts the Mitigation Monitoring and Reporting Program set forth in the attached **Exhibit B**, which is incorporated herein by reference, to ensure that all mitigation measures relied on in the Findings are fully implemented. Compliance with the MMRP set forth therein shall be a condition of any subsequent Project approval.
4. Finds that for each identified mitigation measure that requires the cooperation or action of another agency, adoption and implementation of each such mitigation measure is within the responsibility and jurisdiction of the public agency identified, and the measures can and should be adopted and/or implemented by said agency.

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

REFERENCE:

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

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor

EXHIBIT A

TITLE

Text/Chart/Image

