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**Sent:** Tuesday, May 09, 2023 12:46 PM

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**Subject:** Re: OYSTER COVE MIXED USE NEIGHBORHOOD - Public comments received through May 8, 2023

Good afternoon Chair, Vice Mayor Cader Thompson, and Commissioners:

Staff was asked by the Commission what level of CEQA review was completed for other nearby river-adjacent developments. Below, staff summarizes CEQA review for four adjacent developments: the approved River Row Apartments, Haystack Pacifica project, and Riverfront development, and the proposed Scannell and Hines Downtown Petaluma Station projects.

- **River Row Apartments (approved)** – In 2003, the City prepared a Mitigated Negative Declaration for the 111-unit riverfront apartment complex (2003). The project staff report states that potential environmental impacts related to traffic/circulation and cultural resources were identified, and mitigation measures agreed to by the applicant would reduce potential impacts to less than significant. Additionally, no substantial evidence supports a fair argument that the project, as mitigated, would have a significant effect on the environment.
- **Haystack Pacifica (approved)** – The City prepared a California Environmental Quality Act (CEQA) Analysis that evaluated potential environmental impacts from the proposed Haystack Mixed-Use Project. The CEQA Analysis was prepared pursuant to California Public Resources Code Section 21083.3 (Community Plan Exemption (15183)), Government Code Section 65457(0), and with CEQA Guidelines Sections 15168 (Consistency with Program EIRs) and 15332 (Infill Development Projects) and found the project exempt from further CEQA review.
- **Riverfront development (approved)** – The City Council certified the Final Environmental Impact Report and adopted the Mitigation Monitoring and Reporting Program for the Riverfront project on July 21, 2014. The Initial Study prepared for the project concluded that the project could result in potentially significant impacts, and the City decided to prepare an EIR consistent with Section 15063 of the CEQA Guidelines (see below). No significant impacts were identified in the EIR for this project.
- **Scannell project (proposed)** – An Administrative Draft EIR (ADEIR) was prepared for the Scannell project when the project included the office campus for Amy's Kitchen. Work on the EIR stopped when the office component was dropped. The ADEIR identified significant unavoidable impacts on VMT for the residential component of the project. Impacts were also identified for aesthetics, air quality, biology, cultural resources,

geology, hazards/hazardous materials, and noise. With mitigation, all these impacts would be reduced to less than significant. After a revised application is submitted and we have a new project description, work on the EIR will resume.

- **Hines Downtown Petaluma Station project (proposed)** - An Initial Study/Mitigated Negative Declaration was prepared for the Hines Downtown Petaluma Station Project and is [available via CEQAnet](#). Although the project's CEQA document was published for review, the project did not move forward to public review by the Planning Commission.

**Staff Analysis:** As set forth in CEQA Guidelines (Section 15060), during the initial 30-day completeness review of an application, the Lead Agency also reviews the project for any potential environmental issues that may require an EIR or that may require additional explanation by the applicant. During the initial review of the Oyster Cove project, the City, as the Lead Agency, determined that there were potential environmental issues that could result from the project, and therefore requested certain technical studies to evaluate such impacts (see the Appendices to the IS/MND). Consistent with Section 15063 (Initial Study) of the CEQA Guidelines, if the results of an Initial Study conclude that there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the Lead Agency shall do one of the following: (A) Prepare an EIR, or (B) Use a previously prepared EIR that the Lead Agency determines would adequately analyze the project at hand, or (C) Determine, pursuant to a program EIR, tiering, or another appropriate process, which of a project's effects were adequately examined by an earlier EIR or negative declaration [which includes mitigated negative declaration]. The lead agency shall then ascertain which effects, if any, should be analyzed in a later EIR or negative declaration.

Oyster Cove: Following the review of project-specific technical studies, along with existing policy documents (e.g. General Plan, CPSP, Housing Element, etc.) and associated program-level environmental documents, the City concluded, as part of the Initial Study process, that a Mitigated Negative Declaration was the appropriate level of environmental review. Consistent with 15063(C), above, the project's IS/MND tiers off of the City's General Plan EIR and CPSP EIR, both of which anticipate residential development on ± 4.27 acres of the project site. Further, the City recently adopted the CEQA analysis prepared for the General Plan Housing Element Update, which specifically included the proposed residential development at the Oyster Cove site.

Best,  
Andrew

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Curious about what is happening  
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**Subject:** OYSTER COVE MIXED USE NEIGHBORHOOD - Public comments received through May 8, 2023

Good afternoon,

In addition to the public comment from Mr. Bohner on May 7, 2023, please consider the attached public comments from Friends of the Petaluma River and Ms. Stuart received on May 8, 2023. All comments received as of this email have been published to the agenda meeting item.

Mr. Bohner's comments concern the adequacy of the draft IS/MND presented for the Commission's review, and Ms. Stuart's comments reference similar concerns. Mr. Bohner asserts that "substantial evidence" supports a "fair argument" that the project may result in potentially significant impacts, requiring the preparation of an EIR to comply with CEQA. The commenter states that the project may result in significant impacts due to wastewater discharge and flooding. "Substantial evidence" includes facts, fact-related reasonable assumptions, and expert opinions based on facts. It does not include arguments, speculation, unsubstantiated opinion or narrative, clearly inaccurate or erroneous evidence, or socioeconomic impacts unrelated to the physical environment. (Pub. Res. Code Secs. 21080(e), 21082.2(c); Guidelines § 15384).

City staff, including CEQA Principal Planner Olivia Ervin and Senior Planner Krystle Rizzi, City Engineer Jeff Stutsman and Public Works Deputy Director of Operations Dan Herrera, Assistant City Attorney Dylan Brady, and I are reviewing the comments and will be prepared to respond to the comments at tomorrow evening's public hearing.

Please don't hesitate to reach out to us with questions you might have about the draft IS/MND.

Best,

Andrew

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