

RESOLUTION 2020-06

CITY OF PETALUMA PLANNING COMMISSION

**ADOPTING A MITIGATED NEGATIVE DECLARATION
AND MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE RIVERBEND PROJECT
LOCATED AT 529 MADISON STREET
APN: 007-041-006
FILE NO. PLMA-19-0003**

WHEREAS, Steven J. Lafranchi of Steven J. Lafranchi Associates submitted an application for the Riverbend Project, including a Zoning Map Amendment, Zoning Text Amendment, Vesting Tentative Subdivision Map, and Site Plan and Architectural Review for a 30- unit residential project within the Residential 3 (R3) and Floodway zones, located on a 3.36-acre site at 529 Madison Street (APN 007-041-006) (the "Project"); and

WHEREAS, the Project is subject to the Petaluma General Plan 2025, adopted by the City on May 19, 2008; and

WHEREAS, in evaluating certain potential environmental effects of the Project in the Initial Study, including but not limited to effects of the project on climate change, water supply, and traffic, the City relied on the Program EIR for the City of Petaluma General Plan 2025, certified on April 7, 2008 (General Plan EIR) by the adoption of Resolution No. 2008-058 N.C.S., which is incorporated herein by reference; and

WHEREAS, the General Plan EIR identified potentially significant environmental impacts and related mitigation measures and the City also adopted a Statement of Overriding Considerations for significant impacts that could not be avoided; and

WHEREAS, the City prepared an Initial Study for the proposed Project consistent with CEQA Guidelines §15162 and 15163 and determined that a Mitigated Negative Declaration (MND) was required in order to analyze the potential for new or additional significant environmental impacts of the Project beyond those identified in the General Plan EIR; and

WHEREAS, on May 21, 2020, the City's Notice of Intent to Adopt a Mitigated Negative Declaration based on the Initial Study, providing for a 30-day public comment period commencing May 21, 2020 and ending June 21, 2020, and a Notice of Public Hearing to be held on June 23, 2020, before the City of Petaluma Planning Commission were published in the *Petaluma Argus-Courier* and mailed to all residents and property owners within 1,000 feet of the Project as well as all persons having requested special notice of said proceedings; and

WHEREAS, the duly noticed Planning Commission public hearing was continued to a date-certain agenda of July 14, 2020; and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 14, 2020, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission considered the Project, the MND, the supporting Initial Study, the staff report, and received and considered all written and oral public comments on environmental effects of the Project which were submitted up to and at the time of the public hearings; and

WHEREAS, the Initial Study applies the BAAQMD's California Environmental Quality Act - Air Quality Guidelines including the BAAQMD thresholds of significance, and as lead agency under CEQA, the City of Petaluma has the discretion to rely upon the BAAQMD CEQA Guidelines and thresholds of significance, since they include the best available scientific data and most conservative thresholds available for comparison of the Project's emissions, and comparison of the Project's emissions against these thresholds provides a conservative assessment as the basis for a determination of significance; and

WHEREAS, pursuant to further analysis in the Initial Study, including evaluation using the BAAQMD CEQA Guidelines and thresholds of significance, the Project does not make a considerable contribution to cumulative impacts from air quality or greenhouse gas emissions identified as significant and unavoidable in the General Plan 2025 EIR, because the Project's emissions are below the significance thresholds identified; and

WHEREAS, the MND reflects the City's independent judgment and analysis of the potential for environmental impacts from the Project; and

WHEREAS, the MND, Initial Study and related project and environmental documents, including the General Plan 2025 EIR and all documents incorporated herein by reference, are available for review in the City Community Development Department at Petaluma City Hall, during normal business hours and the City of Petaluma website and the custodian of the documents and other materials which constitute the record of proceedings for the proposed project is the City of Petaluma Community Development Department, 11 English St. Petaluma, CA 94952; and

WHEREAS, while the Initial Study for the Project identified potentially significant impacts, all potentially significant impacts are mitigated to a less than significant level and therefore the Project as mitigated would not result in any significant impacts to the environment; and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 14, 2020, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission considered the Project, the MND, the supporting Initial Study, Response to Comments, the staff report, and received and considered all written and oral public comments on environmental effects of the Project which were submitted up to and at the time of the public hearings;

NOW THEREFORE, BE IT RESOLVED BY THE PETALUMA PLANNING COMMISSION AS FOLLOWS:

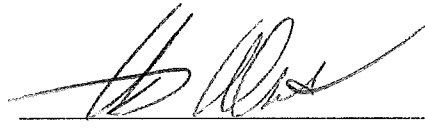
1. The foregoing recitals are true and correct and incorporated herein by reference as findings of the Planning Commission.
2. Based on its review of the entire record herein, the Planning Commission makes the following additional findings:
 - a. The Project is consistent with the General Plan 2025 Diverse Low Density Residential land use designation in that the residential project provides a dwelling unit density between 6.1 and 12.0 units per net acre.
 - b. The Project is, for the reasons discussed in the June 23, 2020 Planning Commission staff report and staff memo dated July 14, 2020, consistent with the General Plan, and more specifically, with the following General Plan goals and policies: 1-P-2 (Efficient Land Use), Goal 1-G-5 (Development Adjacent to the River), Policy 1-P-43 (River Design Focus), Policy 1-P-44 (Petaluma River Access), Goal 2-G-6 (Payran-McKinley Subarea Goals), Policy 2-P-33 (Petaluma River Access), 2-P-34 (River Design Focus), Policy 2-P-37 (Petaluma River Enhancement), Policy 4-P-2 (Wildlife Conservation), Policy 4-P-6 (Air Quality Improvement) Policy 4-P-6.A (Tree Removal and Planting) Policy 4-P-7

(Motor Vehicle Pollution Reduction), Policy 4-P-7.A (Automobile Transportation Alternatives) Policy 4-P-17 (Buffer Zones) Policy 5-P-15 (Bikeway System Implementation), 5-P-20 (Bikeway Connection), Policy 5-P-22 (Pedestrian Connectivity), Policy 5-P-22.A (Pedestrian Experience), Policy 5-P-22.B (Street Crossings), Policy 5-P-23 (Pedestrian Site Access), Policy 5-P-26 (Creek and River Trail Connections), Policy 5-P-30 (Trail Connections), Policy 5-P-31 (Bicycling and Walking Desirability), Policy 5-P-31.B (Install Drinking Fountains), Policy 5-P-31.D (Public Benches), Policy 5-9-31.E (Path Lighting), Policy 6-P-1 (Parkland Development), Policy 6-P-1.F (Trail Widths), Policy 6-P-2.A (Petaluma River Access), Policy 6-P-20 (Tree Removal/Replacement), Policy 10-P-3 (Noise Mitigation), Policy 10-P-3.B (Noise Sensitive Uses) and Housing Element Policy 1.1 (Encourage Residential Development), Policy 1.2 (Optimize Development Potential), Policy 2.2 (Flexibility), Policy 4.2 (Affordable Housing Production), and Program 4.3 (Onsite Inclusionary).

- c. As outlined in the Planning Commission Staff Report dated June 23, 2020, and the staff memo dated July 14, 2020, the proposed zoning regulations of the Riverbend Planned Unit District can be supported. The Project is consistent with all other zoning and development provisions of the Implementing Zoning Ordinance not contained in the Riverbend Planned Unit District document.
 - d. Pursuant to the analysis in the Initial Study, the Project does not make a cumulatively considerable contribution to the significant and unavoidable cumulative traffic or noise impacts identified in the General Plan 2025 EIR.
 - e. With regard to traffic, although the Project would contribute vehicle trips to an intersection identified in the General Plan EIR as operating at an unacceptable LOS at build-out, the affected intersection has already been determined to acceptably operate at an LOS E or LOS F due to overriding considerations and conflicts with other General Plan policies.
 - f. With regard to noise, the Project will result in a less than cumulatively considerable impact to noise because the project excludes new stationary noise sources and its incremental contribution through vehicular trips is insufficient to result in a perceptible change in noise.
3. Based on its review of the entire record herein, including the MND, the Initial Study, all supporting, referenced and incorporated documents and all comments received, the Planning Commission finds that there is no substantial evidence that the Project as mitigated will have a significant effect on the environment, that the MND reflects the City's independent judgment and analysis, and that the MND, Initial Study and supporting documents provide an adequate description of the impacts of the Project and comply with CEQA, the State CEQA Guidelines and the City of Petaluma Environmental Guidelines.
 4. The MND, Initial Study and related project and environmental documents, including the General Plan 2025 EIR and all documents incorporated herein by reference, are available for review in the City Community Development Department at Petaluma City Hall, during normal business hours and on the City's website. The custodian of the documents and other materials which constitute the record of proceedings for the proposed project is the City of Petaluma Community Development Department, 11 English St. Petaluma, CA 94952.
 5. Based on its review of the entire record herein, including the June 23, 2020 Planning Commission staff report, the July 14, 2020 Planning Commission staff memo, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby adopts the Mitigated Negative Declaration (Exhibit 1) and associated Mitigation Monitoring and Reporting Plan (Exhibit 2) prepared for the Project

ADOPTED this 14th day of July, 2020, by the following vote:

Commission Member	Aye	No	Absent	Abstain
Councilmember McDonnell				X
Chair Alonso	X			
Vice Chair Bauer	X			
Hooper	X			
Marzo	X			
Potter	X			
Streeter	X			



Scott Alonso, Chair

ATTEST:



Heather Hines, Commission Secretary

APPROVED AS TO FORM:



Eric Danly, City Attorney