

Resolution No. 2014-125 N.C.S.
of the City of Petaluma, California

**CERTIFYING AN ENVIRONMENTAL
IMPACT REPORT FOR THE RIVERFRONT MIXED-USE DEVELOPMENT,
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, Basin Street Properties (“Applicant”) proposes a mixed-use development consisting of up to 273 residential units, up to 90,000 sf of commercial uses, a 120-room hotel, approximately 4 acres of parks and an approximately 3.8-acre offsite riverfront park on adjacent state-owned property along the Petaluma River; and,

WHEREAS, the project applications submitted by the Applicant include a zoning map amendment and a tentative subdivision map to create 144 lots on 35.7 acres, and the applications collectively comprise the “Project”; and,

WHEREAS, an Initial Study and Notice of Preparation of the Draft Environmental Impact Report for the Riverfront Mixed Use Development was prepared and circulated to all responsible and affected agencies for consultation on the scope of the EIR, pursuant to Public Resources Code Section 21080.4 and California Environmental Quality Act (“CEQA”) Guidelines Section 15082; and,

WHEREAS, based on the Initial Study, the Scoping Meeting, and responses to the Notice of Preparation, the City prepared a Draft EIR dated December 2013 (SCH No. 2013062004) which reflected the independent judgment of the City as to the potential environmental effects of the Project; and,

WHEREAS, the Notice of Availability for the Draft EIR was published in the Argus Courier on December 12, 2013 and mailed to residents and occupants within 1,000 feet of the site, exceeding CEQA’s notice requirements, and the Draft EIR was circulated for the required 45 day public review period, from December 19, 2013 to February 6, 2014; and,

WHEREAS, the Draft EIR relies on the EIR for the City of Petaluma General Plan 2025, certified by City Council Resolution 2008-058 N.C.S. on April 7, 2008, and the Central Petaluma Specific Plan (CPSP) adopted June 2, 2003 and amended July 1, 2013, for information and analysis relating to certain cumulative impacts and incorporates said analysis and conclusions to the extent applicable, as identified in the Draft EIR; and,

WHEREAS, the City has committed to implementing mitigation measures contained in the Implementation Plan and Mitigation Monitoring and Reporting Program adopted by the City as Exhibit B to Resolution 2008-084 N.C.S., Resolution of the City Council of the City of Petaluma Making Findings of Fact, Adopting a Statement of Overriding Considerations and Adopting an Implementation and Mitigation Monitoring and Reporting Program in support of the General Plan 2025, Pursuant to the California Environmental Quality Act; and,

WHEREAS, the City distributed copies of the Draft EIR in conformance with CEQA to the public agencies which 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 reviewed the staff report and the Draft EIR at a noticed public hearing on January 14, 2014 at which time all interested parties had the opportunity to be heard, and following the public hearing, the Planning Commission provided comments on the Draft EIR and provided recommendation and feedback to the City Council for preparation of the Final EIR; and,

WHEREAS, the City Council reviewed the staff report and the Draft EIR at a noticed public hearing on February 3, 2014 at which time all interested parties had the opportunity to be heard, and following the public hearing, the City Council provided comments on the Draft EIR and directed staff to prepare a Final EIR; and,

WHEREAS, City staff prepared a Final EIR dated June 2014 containing written responses to all comments received on the Draft EIR during the public review period, which responses provide the City's good faith, reasoned analysis of the environmental issues raised by the comments; and,

WHEREAS, the City carefully reviewed the comments on the Draft EIR, the responses and information developed in preparing the responses and determined that none of the comments, responses or information required recirculation of the Draft EIR under CEQA Guidelines section 15088.5; and,

WHEREAS, a staff report, dated June 24, 2014 and incorporated herein by reference, described and analyzed the Final EIR for the Planning Commission; and,

WHEREAS, the Planning Commission held a duly noticed public meeting on June 24, 2014, at which time it considered the Final EIR, accepted public testimony, and adopted Resolution 2014-15 incorporated herein by reference recommending certification of the EIR; and,

WHEREAS, staff identified two (2) minor corrections to the EIR: 1) page 3-7, Table 4.5-1B - the last two words of the Table title reads *Deep Soils*, and should read *Shallow Soils*; and 2) page 3-9, second reference to Page 4.6-7, first paragraph at end reads *between 2000 and 2010* and should read *between 2000 and 2100*; and,

WHEREAS, staff identified two (2) minor corrections to the MMRP: 1) page 4 of the MMRP – reporting requirements for BIO-1 should be replaced with the following language “applicant shall provide proof of purchase of credits” and 2) page 13 of the MMRP – NOISE-2d should replace “noise-generally” with “noise-generating”; and,

WHEREAS, the City Council held a duly noticed public meeting on July 21, 2014, at which time it considered the Final EIR and accepted public testimony; and,

WHEREAS, the Final EIR does not identify any impacts that remain significant and unavoidable after application of feasible project mitigation measures; and,

WHEREAS, the 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, pursuant to CEQA Guidelines Section 15091(d), a Mitigation Monitoring and Reporting Program has been prepared and presented with the Final EIR to ensure that all mitigation measures relied on to reduce environmental impacts of the Project are fully implemented.

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitals are true and correct and made a part of this resolution.

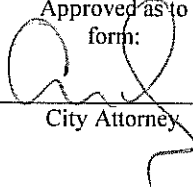
BE IT FURTHER RESOLVED that the Petaluma City Council hereby certifies the Final Environmental Impact Report and finds as follows:

1. The Final Environmental Impact Report for the Project has been completed in compliance with CEQA, the CEQA Guidelines, and the City of Petaluma Environmental Review Guidelines.
2. The Final Environmental Impact Report was presented to the City Council which reviewed and considered it prior to making a decision on the Project.
3. The Final Environmental Impact Report reflects the City's independent judgment and analysis of the potential for environmental impacts of the Project.
4. The Final Environmental Impact Report consists of the Draft and Final EIR, including the Mitigation Monitoring and Reporting Program, documents on file at City Hall and incorporated herein by reference.

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 21st day of July, 2014, by the following vote:

Approved as to form:


City Attorney

AYES: Albertson, Harris, Healy, Vice Mayor Kearney, Miller

NOES: Barrett, Mayor Glass

ABSENT: None

ABSTAIN: None

ATTEST: 
City Clerk


Mayor