
I. INTRODUCTION

A. INTRODUCTION

The subject of this Draft Environmental Impact Report (“EIR” or “Draft EIR”) is the proposed Deer Creek Village Project (“proposed project”). The Lead Agency for this project is the City of Petaluma Community Development Department, located at 11 English Street, Petaluma California, 94952. The applicant for the proposed project is Merlone Geier Partners, 425 California Street, 11th Floor, San Francisco, California 94104. A detailed description of the proposed project is contained in Section III (Project Description) of this report.

Because the proposed project will require approval of certain discretionary actions by the City of Petaluma (the “City”), the proposed project is subject to the California Environmental Quality Act (CEQA). The City of Petaluma Community Development Department Planning administers the process by which environmental documents for private projects are prepared and reviewed. On the basis of these procedures, it was determined that the proposed project may have a significant effect on the environment, and that an EIR should be prepared.

B. PURPOSE OF THE EIR

The City of Petaluma has commissioned this EIR on the proposed project for the following purposes:

- To satisfy CEQA requirements.
- To inform the general public; the local community; and responsible, trustee, and state and federal agencies of the nature of the proposed project, its potentially significant environmental effects, feasible mitigation measures to mitigate those effects, and its reasonable and feasible alternatives.
- To enable the City to consider the environmental consequences of approving the proposed project.
- For consideration by responsible agencies in issuing permits and approvals for the proposed project.

As described in CEQA and the CEQA Guidelines, public agencies are charged with the duty to avoid or substantially lessen significant environmental impacts, where feasible. In discharging this duty, a public agency has an obligation to balance the project’s significant impacts on the environment with other conditions, including economic, social, technological, legal and other benefits. This Draft EIR is an informational document, the purpose of which is to identify the potentially significant impacts of the proposed project on the environment and to indicate the manner in which those significant impacts can be avoided or significantly lessened; to identify any significant and unavoidable adverse impacts that cannot be mitigated; and to identify

reasonable and feasible alternatives to the proposed project that would eliminate any significant adverse environmental impacts or reduce the impacts to a less-than-significant level.

The lead agency is required to consider the information in the EIR, along with any other relevant information, in making its decision on the proposed project. Although the EIR does not determine the ultimate decision that will be made regarding implementation of the project, CEQA requires the City of Petaluma to consider the information in the EIR and make findings regarding each significant effect in the EIR.

This Draft EIR was prepared in accordance with Section 15151 of the CEQA Guidelines which defines the standards for EIR adequacy:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR would summarize the main points of disagreement among the experts. The courts have looked not for perfection; but for adequacy, completeness, and a good faith effort at full disclosure.

This Draft EIR is a second tier EIR, pursuant to CEQA Guidelines Section 15152, and will tier off of the Program EIR for the City of Petaluma General Plan 2025, SCH# 2004082065, which was certified by the City on April 7, 2008. Per CEQA Guidelines Section 15152(d), a second tier EIR is limited to significant environmental effects that were: (1) not examined in the prior EIR, or (2) previously examined and are susceptible to substantial reduction or avoidance through project revisions, mitigation measures, or other means. A further EIR must be prepared when the Lead Agency determines, based on an initial study or other analysis, that the later project may cause significant environmental effects that were not adequately addressed in the prior EIR. Additionally, in accordance with Section 15152(a) of the CEQA Guidelines, "when a later EIR is prepared to examine environmental effects that were not adequately addressed in the prior EIR, the discussion and analysis in the later EIR should focus solely on those impacts." Thus, based on this information and the Initial Study prepared for the proposed project, this Draft EIR will focus on air quality, greenhouse gas emissions, transportation and traffic impacts, and urban decay.

C. PROPOSED PROJECT

The proposed project would develop a currently vacant site with a mixture of retail, recreational, and office uses. The proposed project includes the development of the following: 343,998 square feet (sf) of commercial land uses,¹ a 1,267-space parking lot and on-site circulation. The proposed project would set aside approximately 5.44 acres for the future Rainier Avenue off-ramp, and approximately 2.66 acres for the Deer Creek swale enhancement area.² Until the construction of the Rainier Avenue off-ramp, the 5.44 acres set aside would include open space, wetlands, exercise stations and bike and jogging trails. The proposed development would be designed to interlink the commercial uses with the parking lot, plazas, and passive recreation areas. A more detailed description of the proposed project is contained in Section III (Project Description) of this report.

D. EIR REVIEW PROCESS

NOTICE OF PREPARATION

In accordance with Section 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation (NOP) for this EIR (Appendix A). The NOP was circulated on March 9, 2010 to local, State and Federal agencies, and potentially affected property owners for a 30-day review period, later extended to June 18, 2010. The NOP provided a general description of the proposed project and a summary of the main regulations and permit conditions applicable to the development and operation of the proposed project. The agency and public comments received on the proposed project in response to the NOP are included in Appendix B.

ENVIRONMENTAL ISSUES TO BE ANALYZED IN DRAFT EIR

The Initial Study discussed all environmental issue areas in order to determine levels of potential significance for project-related impacts. Based upon the conclusions in the Initial Study, two environmental issue areas were found to include potentially significant impacts: **Air Quality, Greenhouse Gas Emissions** and **Transportation and Traffic**. Refer to Section IV.A of this Draft EIR for a discussion of issues found to be less than significant. Additionally, an analysis of potential urban decay impacts associated with the proposed project is provided in Section V of this Draft EIR.

ENVIRONMENTAL REVIEW PROCESS

The Draft EIR will be circulated for review by the public and other interested parties, agencies, and organizations for 45 days. Comments of the adequacy of the Draft EIR will be accepted

¹ Includes a 31,384-square foot Garden Center as a part of Major 1.

² The Rainier Avenue Cross-Town Connector and Highway Interchange is not part of the proposed Deer Creek Village project. However, these projects are included in Table III-1, Related Projects, and are addressed in the Cumulative Impacts Analysis of the Draft EIR.

during this 45-day period. All comments or questions about the Draft EIR should be addressed to:

City of Petaluma
Community Development Department
Attn: Heather Hines, Deputy Planning Manager
11 English Street
Petaluma, CA 94952-2610
hhines@ci.petaluma.ca.us

FINAL EIR AND PROJECT APPROVALS

Following the close of the public and agency comment period, the Final EIR will include the Draft EIR, comments received during the comment period, and responses to comments. The Final EIR will be prepared as a separate document from the Draft EIR and will be considered at public hearings and certified by the City Council if it is determined to comply with CEQA. The Final EIR will be available for public review prior to its certification by the City of Petaluma. Upon certification of the EIR, the Planning Commission will consider the proposed project for approval.

Section 15204(a) (Focus of Review) of the CEQA Guidelines helps the public and public agencies to focus their review of environmental documents and their comments to lead agencies. Case law has held that the lead agency is not obligated to undertake every suggestion given them, provided that the agency responds to significant environmental issues and makes a good faith effort at disclosure. Section 15204.5(a) of the CEQA Guidelines clarifies this for reviewers by stating:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

This guideline encourages reviewers to examine the sufficiency of the environmental document, particularly in regard to significant effects, and to suggest specific mitigation measures and project alternatives. Given that an effect is not considered significant in the absence of substantial evidence, subsection (c) advises reviewers that comments should be accompanied by factual support. Section 15204(c) states:

Reviewers should explain the basis for their comments, and, should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA FINDINGS AND MITIGATION MONITORING

CEQA and the CEQA Guidelines require lead agencies to “adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment” (CEQA Guidelines Article 7, Sections 15091(d) and 15097). Proposed mitigation measures have been identified in the EIR, presented in language that will facilitate establishment of a monitoring program. The monitoring program must be designed to ensure compliance during project implementation. The Mitigation Monitoring and Reporting Program (MMRP) for the project will be prepared as part of the Final EIR.

E. LEVELS OF SIGNIFICANCE

This EIR uses a variety of terms to describe the levels of significance of adverse impacts identified during the course of the environmental analysis. The following are definitions of terms that may be used in this EIR:

- **Less-than-significant impact:** Impacts that are adverse, but that do not exceed the specified standards of significance.
- **Significant impact:** Impacts that exceed the defined standards of significance and that can be eliminated or reduced to a less-than-significant level through the implementation of feasible mitigation measures.
- **Significant and unavoidable impact:** Impacts that exceed the defined standards of significance and that cannot be eliminated or reduced to a less-than-significant level through the implementation of feasible mitigation measures.

F. ORGANIZATION OF THE DRAFT EIR

This Draft EIR is organized into seven sections as follows:

Section I (Introduction): This section provides an introduction and a description of the intended uses of the EIR and the review and certification process.

Section II (Summary): This section provides a summary of the project description, environmental impacts that would result from implementation of the proposed project, proposed mitigation measures, and the level of significance of the impact before and after mitigation.

Section III (Project Description): An overview of the study area's environmental setting is provided including a description of existing and surrounding land uses, and a list of related projects proposed in the project area. This section also includes a complete description of the proposed project including project location, project characteristics, project objectives, required discretionary actions and other agency approvals.

Section IV (Environmental Impact Analysis): The Environmental Impact Analysis section is the primary focus of this Draft EIR. Each environmental issue contains a discussion of existing conditions for the project area, an assessment and discussion of the significance of impacts associated with the proposed project, proposed mitigation measures, cumulative impacts, and level of impact significance after mitigation. A discussion of Impacts Found to be Less than Significant based on the Initial Study is also provided in this section.

Section V (General Impact Categories): This section provides a summary of significant and unavoidable impacts associated with the proposed project, a summary of the conclusions of the economic impact study prepared for the proposed project, and a discussion of the potential growth inducement of the proposed project.

Section VI (Alternatives to the Proposed Project): This section includes an analysis of a range of reasonable alternatives to the proposed project. The range of alternatives selected is based on their ability to feasibly attain most of the basic objectives of the project and that would avoid or substantially lessen any of the significant effects of the project.

Section VII (Preparers of the EIR and Persons Consulted): This section presents a list of lead agency, City, other agencies and consultant team members that contributed to the preparation of the Draft EIR. This section also identifies persons consulted during the preparation of the Draft EIR.

Section VIII (References): All of the sources of information used in the preparation of the Draft EIR are listed in this section.