
I. INTRODUCTION

In accordance with Sections 15088, 15089, and 15132 of the California Environmental Quality Act (CEQA) Guidelines, the City of Petaluma has prepared this Final Environmental Impact Report (FEIR) for the proposed Deer Creek Village project. This FEIR includes the following chapters: 1) Introduction; 2) Responses to Comments; and 3) Corrections and Additions to the Draft EIR. Comment letters on the Draft Environmental Impact Report (DEIR) are provided in Appendix A. The Mitigation Monitoring Program for the proposed project is included in a separate exhibit.

A. LOCATION

The project site is located on the southwestern side of the North McDowell/Rainier Avenue intersection. The approximately 36.55-acre site is rectangular in shape and consists of two parcels, a 26.20-acre lot (Assessor's Parcel Number [APN] 007-380-027) on the north end, and a 10.35-acre lot (APN 007-380-005) on the south.

B. SUMMARY OF THE 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, 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. 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 the DEIR.

C. ENVIRONMENTAL REVIEW PROCESS

Pursuant to CEQA Guidelines Section 15082, the City prepared and circulated a Notice of Preparation (NOP) of a DEIR for the proposed project to the State Clearinghouse and interested agencies and persons on March 9, 2010 for a 30-day review period. Comments received on the NOP and comments received at the public scoping meeting were both considered in the preparation of the DEIR.

The DEIR was made available to various public agencies, citizen groups, and interested individuals for a 45-day public review period from March 3, 2011 through April 18, 2011. The City of Petaluma Planning Commission and City Council held two public hearings to accept written and verbal comments on the DEIR on March 22, 2011 and April 25, 2011, respectively. The 45-day

public review period was extended by one week to April 25, 2011 to accommodate the City Council public hearing on the DEIR.

The DEIR was circulated to state agencies for review through the State Clearinghouse of the Governor's Office of Planning and Research. Copies of a Notice of Completion (NOC) form of the DEIR were also sent to businesses and residents within a 1,000-foot radius of the project site, other interested groups and agencies, the County Clerk, and to individuals who commented on the NOP. In addition, on March 3, 2011 the *Argus Courier* included a notice regarding the availability of the DEIR. Copies of the DEIR were available for review at the City of Petaluma Community Development Department (CDD), the Petaluma Regional Library, the Petaluma Community Center, and online at the CDD website, <http://www.cityofpetaluma.net/cdd/deer-creek.html>.

The purpose of the review period is to provide interested public agencies, groups and individuals the opportunity to comment on the adequacy of the DEIR and to submit testimony on the possible environmental effects of the proposed project.

This document, together with the DEIR, makes up the FEIR as defined in the CEQA Guidelines Section 15132 as follows:

The Final EIR shall consist of:

- (a) The Draft EIR or a revision of the draft.*
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.*
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.*
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.*
- (e) Any other information added by the Lead Agency.*

As Lead Agency under CEQA, the City must provide each public agency that commented on the DEIR with a copy of its responses to comments at least 10 days before certifying the FEIR. In addition, the Lead Agency may also provide an opportunity for members of the public to review the FEIR before certification, although this is not a requirement of CEQA.

D. USE OF THIS DOCUMENT

The FEIR allows the public and Lead Agency to review revisions to the DEIR, comments, and responses to comments before consideration of project approval. This FEIR (which includes the DEIR, incorporated by reference) will serve as the environmental document used by the City when considering approval of the project. After completing the FEIR and before approving the

project, the Lead Agency must make the following three certifications (CEQA Guidelines Section 15090).

- The FEIR has been completed in compliance with CEQA.
- The FEIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the FEIR prior to approving the project.
- The FEIR reflects the Lead Agency's independent judgment and analysis.

In addition, if an EIR that has been certified for a project identifies one or more significant environmental impacts, the Lead Agency must adopt findings of fact (CEQA Guidelines Section 15091[a]). For each significant impact, the Lead Agency must make one of the following findings.

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

Each finding must be accompanied by a brief explanation of the rationale for the finding. In addition, the Lead Agency must adopt, in conjunction with the findings, a program for reporting or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen impacts (CEQA Guidelines Section 15091[d]). These measures must be fully enforceable through permit conditions, agreements, or other measures. This program is referred to as the Mitigation Monitoring Program (MMP) and is provided in a separate exhibit.

In addition, when a Lead Agency approves a project that would result in significant and unavoidable impacts that are disclosed in the FEIR, the agency must state in writing its reasons for supporting the approved action (CEQA Guidelines Section 15093[b]). This statement of overriding considerations must be supported by substantial information in the record, including the FEIR. Because the proposed project would result in significant and unavoidable impacts related to air quality, greenhouse gas emissions, noise (cumulative traffic noise levels), and traffic, the City would be required to adopt a statement of overriding considerations if it approves the project. The statement of overriding considerations is not a substitute for the findings of fact described above.

These certifications, the findings of fact, and the statement of overriding considerations are included in a separate findings document prepared by the City. The DEIR (incorporated by reference) and FEIR are submitted to the Lead Agency for consideration of the proposed project.