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City Council allows Lowe's study to proceed

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The Petaluma City Council late Monday night agreed, with some reservations, to move forward with a final environmental impact report on the controversial Lowe's-anchored Deer Creek Village shopping center.

After more than four hours of public comment and council discussion, the council directed staff to begin working on the final version of the report.

This summer, the council will be asked to decide whether that study adequately details the various impacts of the 344,000-square-foot retail, commercial and office complex on North McDowell Boulevard. The outcome of that vote could determine whether the project moves forward or is halted.

Councilmembers Teresa Barrett, Tiffany Renee and David Glass had concerns about the traffic, greenhouse gases and noise the project may bring to an already congested northeast section of Petaluma.

While other councilmembers had apprehensions about the completeness of certain aspects of the draft environmental report, Barrett expressed the most unease.

"I'm not sure this is an adequate DEIR," she said. Parts of the report, including a section on plant and animal species that may be displaced by the project, are "almost silly," she said.

On Monday, the council was set to consider the adequacy of the draft report and either send it back to staff for more work — or possibly to start over and recirculate the document — or have city planners and consultants begin finalizing the report taking into account their concerns.

Glass and Barrett worried that if Lowe's failed, perhaps Walmart or a Super Target grocery store could move in. City planners said any use other than what was studied in the draft EIR would have to seek separate approval.

Barrett and Renee wanted San Francisco developer Merlone Geier to bring back designs that included more environmentally friendly buildings, landscaping, pedestrian features and sound protection for neighbors across North McDowell.

Glass and Barrett suggested that one of the alternatives identified in the draft EIR would be a more appropriate project for Petaluma. That alternative reduced the retail, restaurant and office space by half, leaving Lowe's as planned, and would include a 50-bed residential care facility.

Developers say their project, with a gym, restaurants, and possibly an electronics store, will bring about 300 construction and another 500 permanent jobs to Petaluma, along with the city's only home improvement warehouse.

They say the center would bring in about \$1 million annually in sales-tax and property-tax revenue to Petaluma, which is in the midst of making \$4 million in cuts in an attempt to balance its \$32.5 million general fund budget.

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The project would also pay about \$5 million in traffic-impact fees toward the Rainier Avenue project and another \$4 million in other city fees.

Late in the meeting, Councilman Mike Healy referenced a 29-page letter the city received Friday from lawyers representing the Petaluma Neighborhood Association, who are opponents of the center.

The group, whose two leaders took \$150,000 last year from developers to drop its opposition to a Target shopping center, is now challenging the legality of the Deer Creek report.

The letter argues the draft EIR is “wholly inadequate under” state environmental laws, contending it contains insufficient analyses of traffic and air quality, and that the project is inconsistent with the city's 2008 general plan.

“It must be thoroughly revised to provide analysis of, and mitigation for, all of the project's impacts,” the letter states. “This revision will necessarily require that the EIR be recirculated for further public review. Until this EIR has been revised and recirculated, the project may not lawfully be approved.”

Merlone Geier spokesman Marko Mlikotin said the city shouldn't be dissuaded from moving forward.

“There are too many jobs at stake not to take the steps necessary to defend themselves from a frivolous lawsuit,” Mlikotin said.