

## 3.0 MASTER RESPONSES TO FREQUENT COMMENTS ON THE RDEIR

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### 3.1 INTRODUCTION

This Chapter of the Response to Comments document contains master responses to comments on the Draft EIR to those issues that were frequently raised in comment letters and at oral comments at public hearings. These frequently raised issues include:

- Adequacy of biological resource studies conducted onsite
- Loss of critical habitat and open space
- Greenhouse gas emissions and climate change
- Increased traffic levels
- Public Transit
- Parking impacts
- Wildfire evacuation risk
- Project merit and alternatives
- Construction schedule

### 3.2 MASTER RESPONSE 1 – NEED FOR UPDATED BIOLOGICAL SURVEYS

Concerns have been expressed over the dates and thoroughness of surveys conducted as part of the assessment of potential impacts on biological resources in the RDEIR of the Scott Ranch project. Comments contend that:

- surveys for vertebrate wildlife are outdated, incomplete and flawed;
- the analysis in the RDEIR does not provide the most basic information that reviewers need to know about the surveys, who performed them and how much credibility should be assigned to them by decision-makers; and
- most of the surveys were reportedly performed in 2003-2005, that wildlife populations tend to shift locations and given the changes to landscape, status, and survey protocols, that surveys performed nearly two decades ago are out of date.

As indicated on **page 7.0-1 in Chapter 7.0, Report Preparation, of the RDEIR**, the Biological Resources section of the RDEIR was prepared by James Martin, Principal of Environmental Collaborative. Mr. Martin was a subconsultant to Impact Sciences, the lead CEQA consulting firm under contract with the

City to prepare the RDEIR. In this capacity Mr. Martin served as an independent biological consultant to the City, providing a peer review of studies prepared by the applicant's consulting specialists, conducting the field reconnaissance surveys to verify conditions described in studies and mapping prepared by the applicant's consultants, assessing potential impacts of the proposed project, and developing adequate mitigation measures where significant impacts were identified. Mr. Martin is intimately familiar with conditions on the site having served as the City's independent biological consultant since the original project application and having conducted field reconnaissance surveys of the site between 2004 and 2019, as indicated on **page 4.5-6 of the RDEIR**.

Mr. Martin has over 40 years of experience as a consulting biologist, including serving as adjunct to staff for both Sonoma and Marin Counties in their General Plan Updates where he prepared inventories of the biological and wetland resources throughout both counties, developed draft policies and programs for use in their current General Plans to ensure protection of sensitive resources, and assessed potential impacts in the EIRs on the General Plan Updates. He has been involved in the assessment of hundreds of development applications throughout the Bay Area in his decades long career, consulted with resource agencies and secured regulatory authorizations for a wide variety of projects, and participated in the preparation of open space, natural resource management, and habitat restoration plans. Mr. Martin's primary role as part of the Impact Sciences team in preparing the RDEIR has been to 1) provide an independent environmental review and assessment that allows the public and decision-makers with an objective understanding of the significance of the potential impacts of the proposed project on biological and wetland resources; 2) ensure that the potential impacts of the project on biological resources have been adequately analyzed in accordance with *CEQA Guidelines*; and 3) identify appropriate and reasonable mitigation measures to avoid, reduce, or offset the project's potential significant impacts to biological resources.

As described on **page 4.3-2 of the RDEIR**, the biological resources analysis was developed through the compilation and review of available information and reconnaissance-level field surveys by the City's biological consultant to provide an independent peer review of studies prepared by the applicant's consulting specialists, assess potential impacts of the proposed project, and develop adequate mitigation measures to reduce significant impacts, as needed. Information reviewed included records from the California Natural Diversity Data Base (CNDDB) maintained by the California Department of Fish and Wildlife (CDFW), the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California, among other available background information, together with detailed surveys and mapping of resources at the project site. Contrary to the assertions stated in the comments, biological surveys conducted by the applicant's consulting biologists were not only performed in 2003–2005, but have spanned the past two decades as the various iterations of the project have been submitted to the City for

review. As described in **Section 4.3.2.2, Biological Resources, on page 4.3-2 of the RDEIR**, the detailed surveys and mapping prepared for the project site extend over the past 18 years. They provide far more documentation on conditions associated with the project site than is typically available during the environmental review process. The City's independent consulting biologist conducted site reconnaissance surveys to confirm field conditions described in the applicant's studies and mapping, and to assess potential impacts of the proposed project in 2004, 2009, 2011, 2015, and 2019, as listed on **page 4.3-6 of the RDEIR**.

Collectively, the reconnaissance-level field surveys conducted by the City's independent biological consultant served to confirm existing conditions; verify conclusions regarding the possible presence of special-status species, sensitive natural communities, and regulated waters; determine whether any additional detailed surveys were necessary; and allow for an assessment of potential impacts and need for any mitigation measures. The results of the background review and field reconnaissance surveys were incorporated directly into the description of site conditions and impact analysis contained in **Section 4.3, Biological Resources, of the RDEIR**. This includes summaries of vegetation and wildlife habitat present on the project site as described on **pages 4.3-6 through 4.3-13**; summary of the potential for presence of special-status species on **pages 4.3-13 through 4.3-21**; summary of sensitive natural communities on **pages 4.3-21 and 4.3-22**; summary of regulated waters on **pages 4.3-22 and 4.3-23**; and wildlife movement corridors and movement opportunities on **pages 4.3-23 through 4.3-25 of the RDEIR**. The descriptions of vegetative cover and wildlife habitat in the RDEIR include listings of characteristic plant species and wildlife observed on the project site. While some of the information stated in the RDEIR is based on surveys conducted as long ago as 2002, this information is still useful in characterizing conditions encountered on the project site and reinforcing the results of more recent surveys through 2021.

The purpose of **Section 4.3.2, Environmental Setting, of the RDEIR** is to provide sufficient information to adequately characterize existing conditions. Detailed lists of species observed or suspected to occur at the project site are presented in the surveys prepared for the project site and included in **Appendix 4.3 of the RDEIR** and are part of the administrative record of the project. These include species lists in the 2016 Native Grassland Survey by Zentner and Zentner, the 2013 Burrowing Owl, Badger, and *Fossorial Mammal Survey Results* by Zentner and Zentner (Appendix A), the 2013 Special Status Plan Species Assessment by Zentner and Zentner (Appendix B), the 2004 Focused Special-status Plant Survey by Zander Associates (attached to the letter report), the 2003 Special Status Plant Surveys for the Petaluma UP Project by Kelly Biological Consulting (Appendix A), and the 2003 Biological Resources, Existing Conditions by Zander Associates (Table 2). While not all wildlife commonly associated with the various habitat types at the project site have been identified in the summary descriptions contained in **Section 4.3.2.3 of the RDEIR**, these descriptions are adequate to characterize existing conditions and fully assess

the potential impacts of the proposed project on common wildlife species found or suspected to occur at the project site. There is no requirement in the *CEQA Guidelines* to provide exhaustive lists of every species of wildlife observed or suspected to occur at a project site. The focus is to adequately describe existing conditions that would allow for an assessment of the significance criteria as listed in **Section 4.3.4.1 on pages 4.3-33 and 4.3-34 of the RDEIR**, pursuant to Appendix G of the *CEQA Guidelines*.

In response to comments received on the RDEIR and claims that field conditions may have changed, the City's independent biological consultant conducted updated detailed surveys and mapping of the project site in the spring and summer of 2021. This included systematic surveys for special-status plant species, refinement of the mapping of native grasslands, and an update of the wildlife habitat assessment to determine whether conditions described in the RDEIR are still accurate. The surveys for special-status plants were performed in accordance with the latest *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*<sup>1</sup> and were conducted on April 2 and 8, May 13, and July 1, 2021. All plant species encountered were identified to the degree necessary to determine possible rarity, and a list of species encountered during the surveys was prepared. The extent of native grasslands that were mapped in 2015 was also evaluated during surveys conducted on April 2 and 19, and May 10, 2021, with adjustments made to define current boundaries where changes were noted or new stands of native grassland were observed. The accuracy of previous mapping of regulated waters and riparian habitat was also confirmed during the spring surveys in 2021. In addition, assessment of wildlife habitat conditions and species use of the site was performed during surveys conducted on April 2 and 19, May 10, July 6, and August 9, 2021. All wildlife species observed were noted, including individuals or signs of presence, and the ground surface was inspected for openings of ground dwelling birds and mammals as well as signs of digging by American badger, none of which were observed. A list of wildlife observed on the site during the surveys was prepared. The report documenting findings of the 2021 surveys is contained in **Appendix RTC-A** of this document, including lists of plant and animal species observed on the site.

The following provides a summary of the results of the 2021 updated surveys on special-status plants, native grasslands, and wildlife habitat of the site.

**Special-Status Plants.** No occurrences of any plant species considered to be of special-status were observed during the systematic field surveys of the site conducted in 2021. Over 240 plant species were observed on the site but none have any special-status. These negative results are consistent with the

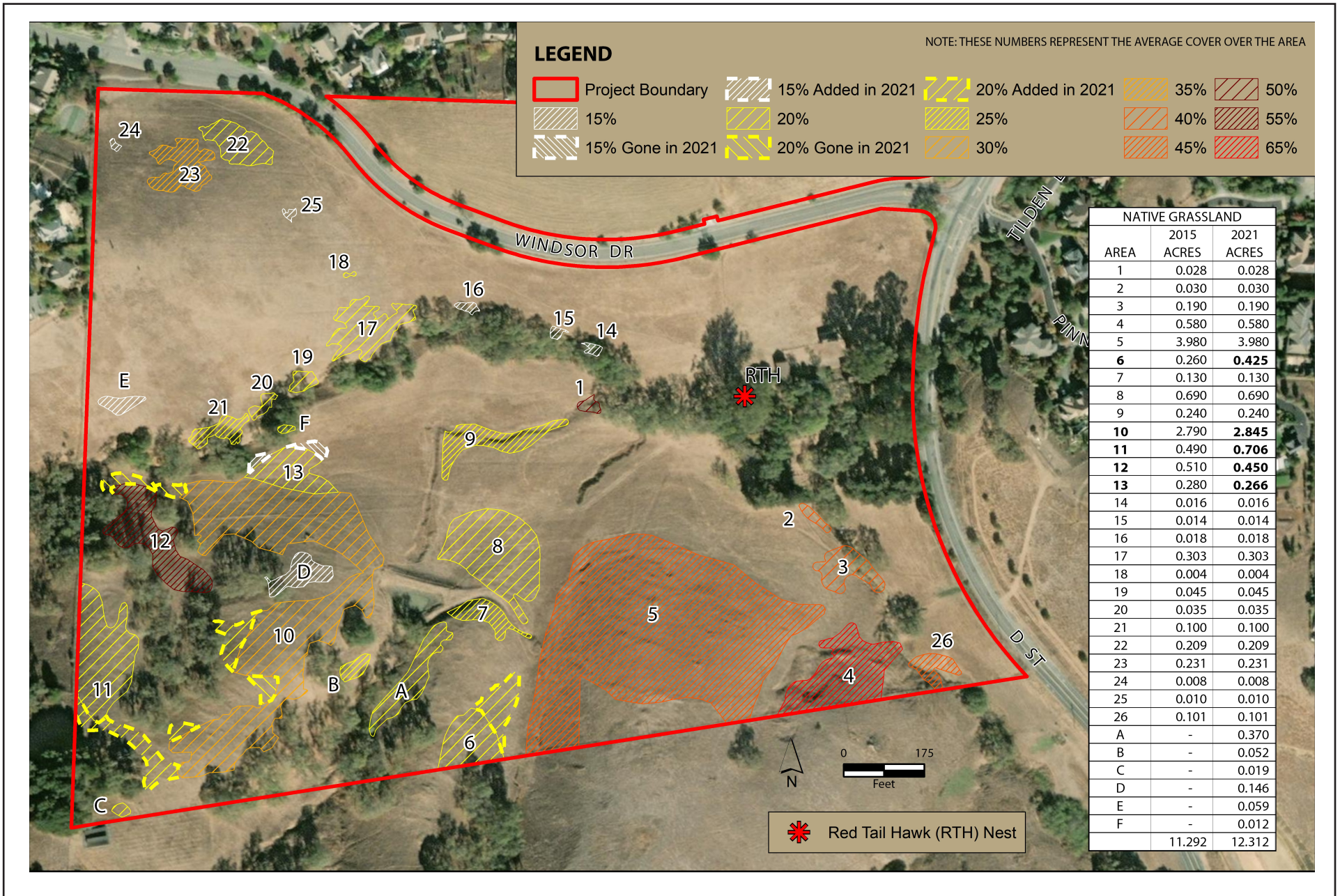
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<sup>1</sup> California Department of Fish and Wildlife. 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. March 20. Minor editorial revisions made on February 3, 2021. Available at <https://files.resources.ca.gov/ceqa/>. Accessed October 31, 2021.



negative results of previous survey efforts conducted in 2003/2004 and 2013. Special-status plant species are not expected to occur on the site given the negative findings from the systematic surveys conducted at three different time periods over the past 18 years.

**Native Grasslands.** Minor shifts in the extent of native grasslands were observed during the updated mapping effort in 2021, the results of which are indicated in the **Updated Figure 4.3-2, Native Grasslands, from the RDEIR** presented below in this document. Stands of native grasslands receded in a few locations in the southwestern portion of the site (see stands 10, 12, and 13). However, for the most part native grassland cover expanded somewhat since mapping was done in 2015. These include expansion of several original polygons (see stands 6, 10, 11, and 13) and several new stands (see stands A through F). Between 2015 and 2021, the total acreage of native grasslands increased from 11.29 acres to 12.31 acres, a net increase of 1.02 acres. Most of these stands are located in the vicinity of other native grasslands in the southwestern portion of the site. The one exception to this was a sparse stand of native grassland (stand E) occupying about 0.06 acre on the south-facing hillside above Kelly Creek near the western edge of the site. For the most part the extent of native grasslands remained relatively stable over the past six years, although stands have expanded on the north-facing slopes in the southern portion of the site. This portion of the site where grasslands are dominant would be preserved under the proposed project as part of the 47-acre preserved open space.



SOURCE: Zentner and Zentner, 2016A; Environmental Collaborative 2021

UPDATED FIGURE 4.3-2

**Wildlife Habitat.** Observations made during the 2021 updated surveys of wildlife use and habitat on the site was consistent with characterizations documented in the RDEIR and past biological assessments. A total of 101 different species were observed during the updated assessment, consisting of 60 bird species, 12 mammals, one marsupial, 4 reptiles, 5 amphibians, and 19 insects. Although this is not a comprehensive list of every animal species that likely occurs on or frequents the site, it does provide a reasonable representation of wildlife use of the site, and is consistent with the findings of the numerous studies conducted for the site in the past, where birds are the most abundant and diverse animal species. While all native birds are protected under the federal Migratory Bird Treaty Act and State Fish and Game Code, including nests when in active use, no new species were encountered during the 2021 updated surveys that are considered to be of special-status under the CEQA criteria described in the RDEIR. In addition, preconstruction surveys required under **Mitigation Measures BIO-1a through BIO-1d and RPT-BIO-1a through RPT BIO-1d of the RDEIR** would serve to locate and protect any active nests of native birds, any roosting bats, and California red-legged frog (CRLF) individuals present on the site during construction and as part of long-term management activities on the site.

**California Red-legged Frog and Western Pond Turtle.** During the 2021 updated surveys, tadpoles of CRLF were observed in the stock pond where breeding activity by this species has been observed in the past. No CRLF individuals were observed along Kelly Creek, the tributary drainage, or other locations on the site. Numerous CRLF and western toad tadpoles were observed in the stock pond during surveys conducted on April 2 and 19, 2021. However, by the time of the inspection on May 10, 2021, the pond had completely dried. Young western toads were observed moving on the surface of the dried pond near large cracks that had opened up as the underlying sediments continued to dry. However, no CRLF individuals were observed, and it seems unlikely they could have completed metamorphosis within such a short period of time. The City contacted the U.S. Fish and Wildlife Service (USFWS) in spring of 2021 about the drying condition of the stock pond on the site. USFWS informed the City that drought conditions are part of a natural process to which CRLF has adapted to and no intervention was necessary. Adult CRLF are capable of surviving summer dry periods away from aquatic habitat, moving into dense duff, under logs, and into burrows and cracks where moisture levels allow them to escape desiccation. The occasional drying out of the pond likely precludes establishment and occupation by predatory introduced bull frog, which otherwise put predatory pressure on this population of RLF. The findings in the 2021 updated surveys were consistent with conditions observed in previous surveys as described on **pages 4.3-15 and 4.3-19 of the RDEIR.**

Of note in the 2021 updated surveys was the absence of western pond turtle and other aquatic special-status species. The stock pond represents the only feature on the site that typically retains water long enough to provide critical escape refugia for western pond turtle. Kelly Creek and the tributary drainage

lack deep pools or ponds necessary to provide escape refugia for western pond turtle. Therefore, the observed drying of the stock pond in spring of 2021 reinforces the conclusion that conditions suitable for occurrence of western pond turtles are absent from the site.

**American Badger and Western Burrowing Owl.** Also of note was the absence of any sign of American badger or burrowing owl presence on the site during the 2021 updated surveys. No signs of diggings characteristic of American badger were observed, and all of the fossorial mammal burrow openings were too small to be used by either of these species. The absence of California ground squirrel on the site is likely a critical limitation to suitability of the grasslands on the site for either of these species. These findings are consistent with the findings of the detailed surveys conducted in 2013 as part of the *Burrowing Owl, Badger and Fossorial Mammal Survey Results*.<sup>2</sup> The 2013 survey noted signs of possible digging on the south side of Kelly Creek, near the western edge of the project site, suspected to be a fox or possibly badger. This area was inspected carefully and no signs of any large mammal den or digging were observed here or elsewhere on the site, other than the small openings of gopher and trails and openings of vole. While the likelihood presence of American badger or western burrowing owl on the site is highly unlikely based on the results of past studies and the 2021 updated surveys, there remains a remote possibility that American badger and western burrowing owl could occupy the site in the future before construction proceeds. **Mitigation Measure BIO-1b** on **page 4.3-42 of the RDEIR** has been revised as follows to require that preconstruction surveys address the remote potential impact on American badger dens, burrows of western burrowing owl, and individual foothill yellow-legged frog if individuals from these species were to occupy the site in the future in advance of construction.

The following revisions have been made to **Mitigation Measure BIO-1b** on **page 4.3-42 of the RDEIR**, with deletions shown as ~~overstrike~~ and addition as underlined text.

#### **Preconstruction and Construction Avoidance Provision**

a. Preconstruction surveys shall be conducted by a Service-approved biologist prior to any grading or major vegetation clearance to ensure that no individual CRLF are lost during construction. These preconstruction surveys shall also verify the presence or absence of occupied dens of American badger, burrows of western burrowing owl, and individuals of foothill yellow-legged frog in the remote instance individuals were to disperse onto the site in advance of construction-related disturbance. The Final CRLFMP shall: 1) describe in detail the survey approach and methodology, and 2) specify that grading or vegetation clearance may not occur in

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<sup>2</sup> Zentner and Zentner. 2013. Burrowing Owl, Badger and Fossorial Mammal Survey Results. Prepared for Davidon Homes. October.

any area where individual CRLF, American badger, western burrowing owl, and/or foothill yellow-legged frog are located until such time as the individual has either moved out of the disturbance zone or has been physically relocated by a Service-approved biologist legally authorized to handle the species. Any relocation effort for CRLF, American badger, western burrowing owl, and/or foothill yellow-legged frog shall be formulated in consultation with and approved by CDFW and USFWS, and shall be implemented by a qualified biologist.

**Red-tailed Hawk Nest and Other Bird Nesting.** A previously unreported red-tailed hawk nest was observed in a large eucalyptus on the north side of Kelly Creek (see **Updated Figure 4.3-2**). This sizable stick nest was occupied by an adult red-tailed hawk during site surveys in April and May 2021. Young red-tailed hawk were presumably present at that time; However, they were undetectable because of the height and location of the nest in the tree. Young red-tailed hawk had presumably fledged by the time of the survey of the site on July 9, 2021, as the adult was no longer present and did not return to the nest for the duration of the survey period. Red-tailed hawk is a common raptor species found throughout North and Central America. It has no special-status because of its population numbers and range. However, individuals and nests in active use are protected under the federal Migratory Bird Treaty Act and State Fish and Game Code.

No other raptor nests were encountered during the surveys, though numerous nests of passerines were found in various locations on the site. **Mitigation Measure BIO-1c** in the **RDEIR** would serve to protect any nests of raptors or other birds when in active use, ensuring compliance with federal and state regulations. Because red-tailed hawk and the other observed common passerine bird species nesting on the site have no legal protective status, permanent protection of these nest locations is not warranted. Based on a review of the revised project's footprints (**Chapter 2.0, Revised Project Description**), the red-tailed hawk nest would not be directly affected by the proposed project. The blue gum eucalyptus is not slated for removal and construction-related disturbance would be limited to the restoration of the barn complex to the east and construction of the infiltration basin along Windsor Drive where grading would be restricted over 200 feet to the northeast of the nest location. If the nest is occupied before construction, appropriate restrictions would be developed as called for in **Mitigation Measure BIO-1c** to prevent abandonment when in active use. This could include restrictions on timing of grading for the infiltration basin and rehabilitation of the barn complex.

**Conclusions.** As concluded in the RDEIR and confirmed during the 2021 updated surveys, no further detailed surveys for sensitive biological resources were considered necessary by the City's independent biological consultant in completing the CEQA review of the proposed project because the site conditions observed during the 2021 survey were consistent with those of the prior surveys conducted on the site. Only slight changes in the extent of native grasslands were observed, and the mapping of riparian, oak



woodland, and regulated waters remains accurate based on the review of previous studies and mapping efforts. No additional protocol surveys to confirm presence or absence of special-status animal species on the project site were considered necessary based on the results of the 2021 updated surveys, beyond the preconstruction clearance surveys identified to implement avoidance measures or incidental take of CRLF (**Mitigation Measure BIO-1b**), nesting raptors and other native birds (**Mitigation Measure BIO-1c**), and roosting bats (**Mitigation Measure BIO-1d**). As noted above, **Mitigation Measure BIO-1b** has been revised to clarify that preconstruction surveys specifically include American badger, western burrowing owl, pond turtle, and foothill yellow-legged frog.

In addition, **Mitigation Measure BIO-1a** on **page 4.3-42 of the RDEIR** requires the project Applicants to obtain all required permits from the USFWS, CDFW, the California Regional Water Quality Control Board (RWQCB), and the U.S. Army Corps of Engineers (USACE) and comply with all conditions and measures as required by federal and state law to avoid, minimize, or offset impacts to any species listed under either the state or federal Endangered Species Acts or protected under any other state or federal law. To ensure compliance with all applicable state and federal laws before any habitat on the site is altered as part of project implementation, evidence that the project Applicants have secured all required authorizations from these agencies must be submitted to the Community Development Department of the City of Petaluma prior to issuance of any grading or building permits.

### 3.3 MASTER RESPONSE 2 – CALIFORNIA RED-LEGGED FROG SURVEYS

Comments expressed concerns with protocol surveys conducted for California red-legged frog and needed update, including that:

- the latest guidance by the USFWS was not followed and because the surveys were conducted back in 2003 before the most recent USFWS guidance for assessments and surveys was issued in 2005<sup>3</sup> indicating that the data is outdated
- based on the latest USFWS guidance, survey results are considered valid for two years, unless determined otherwise on a case-by-case basis.

To address these concerns and whether updated surveys for CRLF was necessary, clarification was obtained directly from the USFWS. The Chief of the Coast Bay Division of the USFWS concluded that the age of the surveys conducted on the site is acceptable for this project since CRLF was detected and the

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<sup>3</sup> U.S. Fish and Wildlife Service. 2005. Revised Guidance on Site Assessments and Field Surveys for the California Red-Legged Frog. August.

USFWS therefore considers the site to be occupied habitat for this species.<sup>4</sup> This conclusion is consistent with the previous and current USFWS guidance, that once individual CRLF are encountered during protocol surveys, no additional surveys are to be conducted in an area to minimize the potential of harassment or harm, unless the surveying effort is part of a USFWS-approved project to determine actual numbers of frogs at that location.

A detailed assessment of potential impacts on CRLF is provided on **pages 4.3-36 through 4.3-41 of the RDEIR**. This includes a discussion of impacts on foraging and estivation habitat on **pages 4.3-37 and 4.3-38**, and a summary of compensatory mitigation based on preliminary estimates of permanent and temporary impacts on **page 4.3-40 of the RDEIR**. In addition, the RDEIR describes on **page 4.3-15** the USFWS survey protocols, which typically specify four separate site surveys. However, only two surveys were conducted (one during daytime and one during nighttime) as CRLF were found in the stock pond on the site during those surveys. This species was since assumed to be present, and no additional surveys were considered necessary for CEQA assessment or agency permitting purposes, as has now been confirmed by representatives of the USFWS. As discussed on **page 4.3-37 of the RDEIR**, given the presence of the stock pond breeding location, the entire site is considered to provide suitable foraging and estivation habitat for this species. Where proposed development would impact suitable habitat for this species, compensatory mitigation has been recommended as discussed in detail on **page 4.3-40 and 4.3-41 of the RDEIR** and defined in **Mitigation Measure BIO-1b**.

Based on the latest revisions to the Davidon (28-Lot) Residential Project component of the proposed project (described in **Chapter 2.0, Revised Project Description**), the acreage of impacts to existing habitat for CRLF has been further reduced from estimates contained in the RDEIR. Based on an Updated Biological Assessment (UBA) prepared by the Applicant's consulting biologist<sup>5</sup> and verified through independent review by Mr. Martin, the City's independent consulting biologist, the permanent impacts associated with the Davidon (28 Lot) Residential Project component would decrease from approximately 11.7 to 7.09<sup>6</sup> acres and the temporary impacts would decrease from approximately 5.9 to 5.76 acres. A copy of the UBA is contained in **Appendix RTC-A** of this document for review. Potential impacts from grading and other disturbance from the Putnam Park Extension Project component would remain

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<sup>4</sup> U.S. Fish and Wildlife Service. 2021. Email from Ryan Olah, Coast Bay Division Chief, to Olivia Ervin, Environmental Planner, M-Group Consulting Planner, Serving the City of Petaluma. March 2.

<sup>5</sup> Zentner Planning & Ecology. 2021. Scott Ranch, Revised 28-Lot Layout, Updated Biological Analysis. Letter to Steve Abbs, Davidon Homes, from Sean Micallef, Partner/Chief Ecologist. September 16.

<sup>6</sup> Permanent impacts associated with the residential component include 6.4 acres for the residences and streets, 0.48 acre for the infiltration basin located south of Windsor Drive, 0.15 acre for the upper parking lot, and 0.06 acre for fragments of the proposed trail that would be located near the upper parking lot.

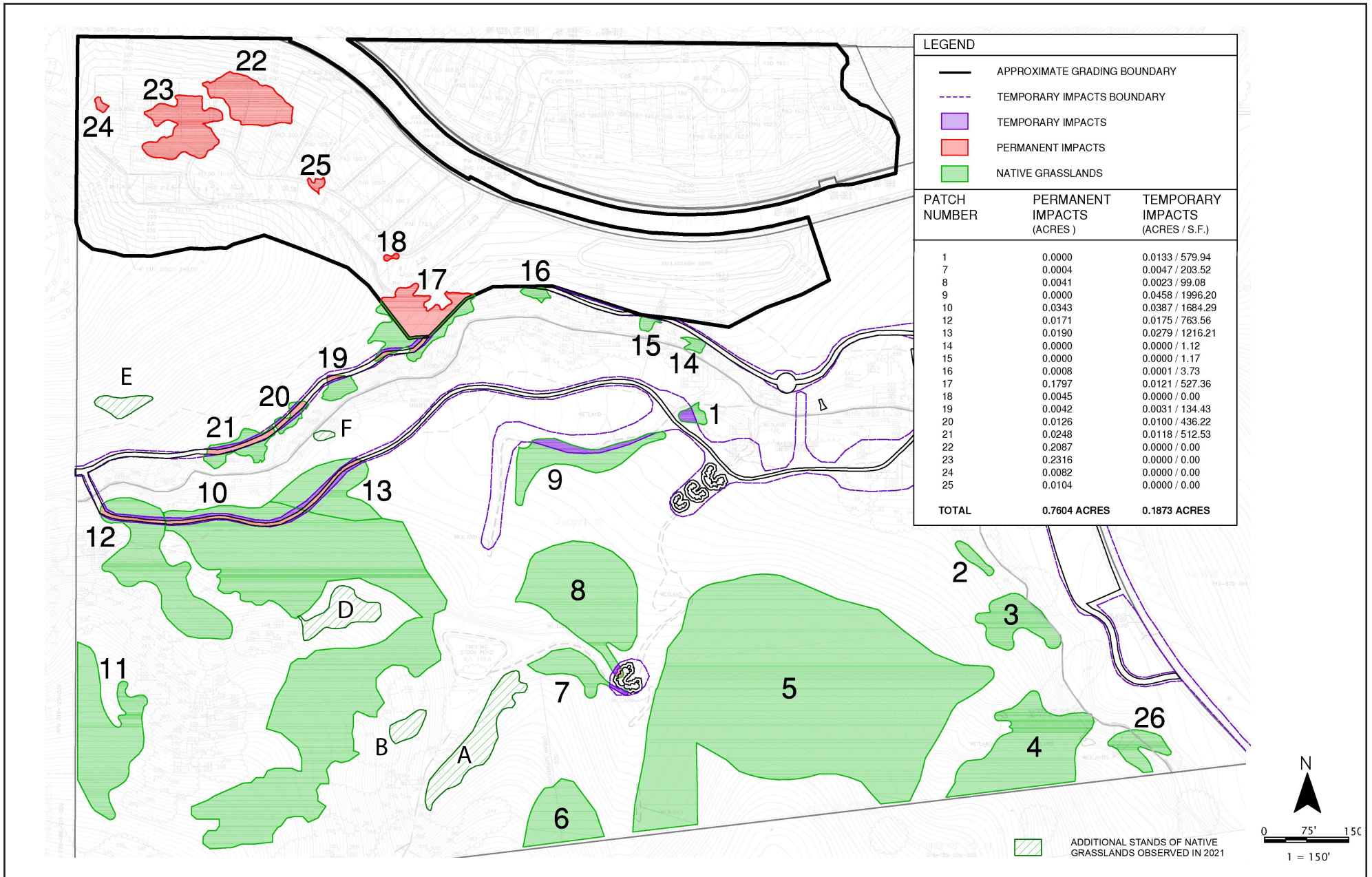
unchanged, with an estimated 2.069 acres of permanent impacts and 2.443 acres of temporary impacts. The UBA indicates that based on the revised acreage of potential impacts that the approximately 36 acres of the site south of Kelly Creek would be undisturbed and retained, as part of the approximately 47-acre park extension, should be sufficient to achieve the required compensatory mitigation. However, this conclusion in the UBA doesn't address the temporary impacts from the combined project components, estimated at 8.204 acres under the revised plans, or the loss of existing habitat through physical isolation as a result of development. Some areas that are shown as temporary impacts in the UBA (see **Figure 3-1, Native Grassland Impacts**) would be permanently isolated from any possible future access by individual California red-legged frogs and even if restored to grassland and suitable cover would no longer function as habitat. These include areas on the north sides of the residential development footprint and areas along Windsor Drive adjacent to the new residences which would be routinely managed to reduce fire fuel levels and likely heavily landscaped as part of the proposed project, making it unlikely they would be suitable as foraging habitat for CRLF. Therefore, although areas of temporary impact would be restored with native cover, there remains a possibility that the USFWS would determine that isolated locations may not qualify as a temporary impact and would require compensatory mitigation as a permanent impact. This would occur as part of the Section 7 consultation process with the USACE, as discussed on **page 4.3-40 of the RDEIR. Mitigation Measures BIO-1a and BIO-1b on page 4.3-42 to 4.3-44 of the RDEIR** include performance standards that would capture any refinements to the compensatory mitigation requirements of the USFWS and would ensure that potential impacts on CRLF are reduced to a less-than-significant level. **Mitigation Measures BIO-1a** has been refined as follows to clarify the City's identified compensatory mitigation ratios for impacts to CRLF habitat.

**Mitigation Measure BIO-1a:** Mitigation for impacts on regulated waters shall be provided at a minimum 2:1 ratio as detailed in Mitigation Measure BIO-3. Mitigation for impacts on habitat for CRLF shall be provided at a minimum 3:1 ratio for permanent impacts and 1:1 ratio for temporary impacts, as detailed in Mitigation Measure BIO-1b. In addition, ~~The~~ the project Applicants shall obtain all required permits from the USFWS, CDFW, RWQCB, and USACE (e.g., 1600 series permits, 404 and 401 permits), incidental take permits and any others. The project Applicants will submit with the permit application a Wetland Mitigation Program for review and approval by the regulatory agencies. The project Applicants shall implement mitigation measures, as required by federal and state law and included in the permits, to avoid, minimize, or offset impacts to any species listed under either the state or federal Endangered Species Acts or protected under any other state or federal law. Evidence that the project Applicants have secured all required authorization from these agencies shall be submitted to the Community Development Department of the City of Petaluma prior to issuance of any grading or building permits for the project.



The changes in acreage of potential impacts of the revised Davidon (28 Lot) Residential Project component (see **Chapter 2.0, Revised Project Description**) on suitable habitat for CRLF would correspondingly reduce the acreage required to fulfill the compensatory mitigation ratios used by the USFWS. As indicated on **page 4.3-40 of the RDEIR**, the compensatory mitigation under the previous proposed project was estimated to be 48.6 acres, which would decrease under the revised Davidon (28 Lot) Residential Project component given the reduction in acreage affected by the proposed project. Implementation of **Mitigation Measures BIO-1a** and **1b** would ensure the project complies with applicable resource agency permitting conditions and that adequate compensatory mitigation be provided based on acreages verified as part of the consultation process.

**Mitigation Measure BIO-1a** on **page 4.3-42 of the RDEIR** requires the project Applicants to obtain all required permits from the USFWS, CDFW, RWQCB, and USACE and comply with all conditions and measures as required by federal and state law to avoid, minimize, or offset impacts to any species listed under either the state or federal Endangered Species Acts or protected under any other state or federal law. This includes the federally-threatened CRLF. In addition to the compensatory mitigation ratios now called for in **Mitigation Measure BIO-1a**, evidence that the project Applicants have secured all required authorizations from these agencies must be submitted to the Community Development Department of the City of Petaluma prior to issuance of any grading or building permits for the project, to ensure compliance with all applicable state and federal laws before any CRLF habitat on the site is altered as part of project implementation.



SOURCE: Zentner Planning & Ecology, 2022; and Environmental Collaborative, 2021.

FIGURE 3-1

Native Grassland Impact

**Mitigation Measure BIO-1b** calls for preparation of a Final California Red-Legged Frog Mitigation Plan and includes minimum performance standards to ensure its adequacy in fully addressing potential adverse impacts of the proposed project on this species. This includes specific controls related to preconstruction and construction avoidance provisions, habitat avoidance and mitigation provisions, habitat connectivity, and on-site management provisions.

Some commentors have questioned why a Final California Red-legged Frog Mitigation Plan (identified as a condition of approval under **Mitigation Measure BIO-1b**) was not prepared and available for review as part of the RDEIR. As discussed on **page 4.3-41 of the RDEIR**, as part of **Mitigation Measure BIO-1a**, the 2009 Scott Ranch Wetland Mitigation Program Including California Red-Legged Frog<sup>7</sup> prepared for the previously proposed development plans, under which the residential component extended over a much larger portion of the project site, would be finalized to reflect reduced impacts to CRLF habitat of the current proposal. This Scott Ranch Wetland Mitigation Program was listed on **page 4.3-4 of the RDEIR** as one of the documents relevant to the analysis and was available for review at the City upon request and included measures to address potential impacts on CRLF. As noted on **page 4.3-41 of the RDEIR**, based on email correspondence summarizing meetings held on December 10, 2018 with Ryan Olah of the USFWS and on January 9, 2019 with James Hansen of the CDFW,<sup>8</sup> the agency representatives appear to be in agreement with the proposed approach to mitigation outlined in the Scott Ranch Wetland Mitigation Program. Thus, this overall approach to mitigation for potential impacts on CRLF appears to be acceptable to representatives of the resource agencies, although further refinement and detail must be provided as part of a Final California Red-legged Frog Mitigation Plan. Additionally, as noted above, **Mitigation Measures BIO-1a** has been refined as follows to clarify the City's identified compensatory mitigation ratios for impacts to CRLF habitat.

The point of requiring a Final California Red-Legged Frog Mitigation Plan as a condition of approval for the project Tentative Map, as called for in **Mitigation Measure BIO-1b** in the RDEIR, is to ensure that it addresses and reflects any refinements to the proposed project plans. The Final California Red-Legged Frog Mitigation Plan must be prepared in consultation with and be approved by the USFWS, CDFW, USACE, and the City, and would provide for the protection, replacement, and management of habitat for CRLF affected by proposed residential development and public open space use on the project site. **Mitigation Measure BIO-1b** contains detailed provisions related to preconstruction and construction avoidance, habitat avoidance and mitigation, habitat connectivity, and on-site management that would be

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<sup>7</sup> Zentner and Zentner. 2009. Scott Ranch Wetland Mitigation Program, Including California Red-Legged Frog Mitigation.

<sup>8</sup> USFWS. 2018. Email between the Davidon Applicant and Ryan Olah. December 18; CDFW. 2019. Email between the Davidon Applicant and James Hansen. January 16.

incorporated into the Final California Red-Legged Frog Mitigation Plan and would serve as performance standards to ensure adequacy and feasibility in fulfillment of the City's CEQA review.

**Conclusion:** Based on the extensive record, consultation with resource agencies, and requirements for compliance with state and federal regulations, the studies and analysis presented in the RDEIR are adequate and no further protocol surveys for CRLF are considered necessary. Identified mitigation measures would serve to address potential impacts through a combination of avoidance, minimization and compensatory mitigation where a potential for incidental take or adverse effects on suitable habitat are anticipated.

### **3.4 MASTER RESPONSE 3 – AMERICAN BADGER AND WESTERN BURROWING OWL**

Concerns have been expressed over the possible presence of American badger and western burrowing owl on the site, which some commentors believe hasn't been adequately investigated. Both of these species are considered Species of Special Concern by the CDFW and are known to occur from the presence of grassland habitat as indicated in **Table 4.3-1 on page 4.3-18 of the RDEIR**. The presence of either of these species on the site was considered "unlikely" as documented in **Table 4.4-1 of the RDEIR** given that they have not been observed in past survey efforts or the reconnaissance surveys conducted by the City's independent biological consultant. As discussed on **page 4.3-20 of the RDEIR**, much of the project site and surrounding undeveloped grasslands provide suitable foraging habitat and potential nesting locations for loggerhead shrike, California horned lark, and burrowing owl. However, ground squirrel burrows necessary for nesting by burrowing owl were absent from the project site and there are no occurrences of burrowing owl reported in the project site vicinity by the CNDDDB, which does monitor known nesting colonies.

As noted on **page 4.3-20 of the RDEIR**, neither American badger or burrowing owl were observed during detailed surveys conducted in 2013 as part of the *Burrowing Owl, Badger and Fossorial Mammal Survey Results*.<sup>9</sup> And no individuals or their signs of presence were observed during the 2021 updated surveys (see also **Master Response 1 – Need for Updated Biological Surveys**). No signs of diggings characteristic of American badger were observed, and all of the fossorial mammal burrow openings were too small to be used by either of these species. The absence of California ground squirrel on the site is likely a critical limitation to suitability of the grasslands on the site for either of these species. The 2013 survey noted signs of possible digging on the south side of Kelly Creek near the western edge of the site suspected to

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<sup>9</sup> Zentner and Zentner. 2013. *Burrowing Owl, Badger and Fossorial Mammal Survey Results*. Prepared for Davidon Homes. October.

be a fox or possibly badger. This area was inspected carefully during the 2021 updated surveys; no signs of any large mammal den or digging were observed here or elsewhere on the site other than the small openings of gopher and trails and openings of meadow vole. It should be noted that both badger and burrowing owl would be rather conspicuous in the grazed grasslands characteristic of the site and would have been relatively visible if present on the site for an extended period of time. However, as noted above, no records of their presence have been reported in the occurrence records of the CNDDDB.

While individual American badger or burrowing owl could occasionally forage through the remaining grassland habitat in the site vicinity, the absence of ground squirrels may be a limiting factor in the occupation of the site by either of these species. Over 47 acres of the site would be retained as open space under the revised project, the majority of which would remain as grassland and open savannah habitat and would continue to provide suitable foraging opportunities for both American badger and western burrowing owl if individuals were to disperse through the site vicinity. No significant adverse impacts on either of these species was identified in the RDEIR or are anticipated based on the negative findings of the 2021 updated surveys. Regardless, **Mitigation Measure BIO-1c of the RDEIR** would serve to ensure avoidance of nesting raptors such as burrowing owl in the remote instance that new nests are established in advance of construction. While the likelihood of presence of American badger or western burrowing owl on the site is highly unlikely based on the results of past studies and the 2021 updated surveys, there remains a remote possibility that American badger and western burrowing owl could occupy the site in the future before construction proceeds. In response to concerns over the potential for future occupation by these species, **Mitigation Measure BIO-1b on page 4.3-42 of the RDEIR** has been revised to require that preconstruction surveys for these species be conducted in advance of construction (see **Chapter 5.0, Revisions to the RDEIR**).

### **3.5 MASTER RESPONSE 4 – SPECIAL-STATUS SPECIES PRESENT AT THE PROJECT SITE**

Comments received assert that the determinations in the RDEIR on the likelihood of presence of special-status species at the project site do not comport with information sources such as eBird and iNaturalist records, or with the observations made by the ecologist Dr. Shawn Smallwood during a three-hour site visit on February 11, 2021. Dr. Smallwood states that he observed six “special-status species” during his site visit and claimed in his survey report that a total of 66 “special-status” wildlife species have some likelihood for presence at the project site as listed in Table 2 of his comments, which are relisted in **Table 3-1** below. These consist of three amphibian species, one reptile species, 45 bird species, and 17 mammal species. Dr. Smallwood further asserts that the RDEIR fails to fully disclose the possible presence of special-status wildlife species on the site or address the potential impacts of the proposed project. These

assertions require clarifying the relevant CEQA Guidelines and the potential occurrence of these species in the site vicinity.

**Section 4.3, Biological Resources, of the RDEIR** includes a description of existing habitat conditions and a thorough review of special-status species known or suspected to occur at the project site, as described in detail on **pages 4.3-13 - 4.3-21 of the RDEIR**. As explained under **Master Response 1 – Need for Updated Biological Surveys**, no further detailed surveys were considered necessary by the City’s independent consulting biologist during his review to confirm presence or absence of special-status species on the project site, beyond the preconstruction clearance surveys recommended to ensure avoidance or incidental take of CRLF (**Mitigation Measure BIO-1b**), nesting raptors and other native birds (**Mitigation Measure BIO-1c**), and roosting bats (**Mitigation Measure BIO-1d**). As concluded in the RDEIR and the 2021 updated survey report (see **Appendix RTC-A**), no other special-status species have been reported or are suspected to occur on the project site that wouldn’t be adequately protected and avoided with implementation of these mitigation measures.

The primary information source on the distribution of special-status species in California is the CNDDDB program, which is maintained under the Biogeographic Data Branch of the CDFW. Occurrence data entered into the inventory is obtained from a variety of scientific, academic, and professional organizations, public agencies, private consulting firms, and knowledgeable individuals. As described on **page 4.3-2 of the RDEIR**, the biological resources analysis, including consideration of the potential occurrence of special-status species in the vicinity of the project site, was developed through the compilation and review of available information and reconnaissance-level field surveys by the City’s independent biological consultant, considered occurrence data from the CNDDDB along with the CNPS Inventory of Rare and Endangered Plants, data from CDFW and USFWS, studies prepared by the Applicant’s consulting specialists and verified by the City’s consultant, and other information sources.

In responding to claims of Dr. Smallwood and others regarding the possible presence of special-status species on the project site, it is important first to understand what qualifies as a special-status species. Dr. Smallwood uses a very broad definition of a special-status species, which is not consistent with CEQA biological review practices. Special-status species are plants and animals that are legally protected under the state and/or federal Endangered Species Acts or other regulations, as well as other species that are considered rare enough by the scientific community and trustee agencies to rank special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitats. As specified on **page 4.3-13 of the RDEIR**, special-status species include species, subspecies, or varieties that fall into one or more of the following categories:

- designated rare, threatened, or endangered and candidate species for listing by the CDFW;

- designated threatened or endangered and candidate species for listing by the USFWS and the NOAA Fisheries;
- species considered rare or endangered under the conditions of Section 15380 of the CEQA Guidelines, such as those plant species with a rank of 1A, 1B or 2 in the Inventory of Rare and Endangered Plants of California of the CNPS; and
- possibly other species which are considered sensitive or of special concern due to limited distribution or lack of adequate information to permit listing or rejection for state or federal status, such as those with a rank of 3 in the CNPS Inventory or identified as "California Species of Special Concern" (SSC) by the CDFW.

**Table 3-1**, presented below, is based on Table 2 from Dr. Smallwood's comment letter (see **Comment Letter I-Smallwood**). The table lists each of the species common and scientific names, together with their status. However, the "occurrence likelihood" reported by Dr. Smallwood in Table 2 of the comment letter is substituted with a summary of habitat suitability on the project site and how the species was addressed in the RDEIR. Dr. Smallwood incorrectly asserts that a total of 66 "special-status" animal species have a potential for presence at the project site (see **Table 3-1**, below) and that the conclusions in the RDEIR regarding the potential occurrence of special-status wildlife species is "flawed and misleading." It should be noted that 33 of the 66 species listed in Table 2 of Dr. Smallwood's comment letter are not considered to be special-status species for the purposes of analyzing adverse effects in the context of CEQA as defined in the RDEIR. As indicated in **Table 3-1**, these include 11 of the bat species and 22 of the bird species that Dr. Smallwood asserted were special-status species in Table 2. Many of these species are identified in the RDEIR text as known or suspected to be present at the site, such as great horned owl, red-tailed hawk, American kestrel, barn owl, prairie falcon, as well as other raptors and native birds (see **page 4.3-9 of RDEIR**). Some of these species have been identified on lists of the USFWS as Bird Species of Conservation Concern (BBC), as a Taxa to Watch List (TWL), have varied conservation priority status by the Western Bat Working Group (WBWG), or are protected from take as raptors under Section 3503.5 of the California Fish and Game Code. However, most of these species are so common that they do not qualify as a special-status species under CEQA and relevant definitions presented in the RDEIR, as indicated in **Table 3-1** and discussed further below.

As described on **page 4.3-41 of the RDEIR**, during active use, nests of raptors and other native birds are protected from destruction under the Migratory Bird Treaty Act and provisions in the California Fish and Game Code. The RDEIR addresses potential impacts on nesting birds through implementation of **Mitigation Measure BIO-1c**, which requires avoidance of nests for raptors and other native birds in compliance with the applicable laws. However, many of the birds included in Table 2 of Dr. Smallwood's



comment letter are so common and widespread in California that it is erroneous to identify them as having a special-species status under CEQA. All native birds and their nests when in active use are protected under state and federal law. However, this fact does not make them a special-status species under CEQA. These include turkey vulture, red-tailed hawk, rough-legged hawk, red-shouldered hawk, American kestrel, great-horned owl, barn owl, western screech-owl, Allen's hummingbird, rufous hummingbird, Nuttall's woodpecker, Lewis's woodpecker, and oak titmouse, among others, that Dr. Smallwood erroneously asserts are special-status species. Other species listed in Table 2 of Dr. Smallwood's comment letter have little to no potential for occurrence at the project site, such as Caspian tern and California gull, which are known to occur in open water habitat and shorelines of the coast, and Swainson's hawk, yellow-billed magpie, Oregon vesper sparrow, Vaux's swift, common yellowthroat, and yellow-headed blackbird which aren't typically known to occur in Sonoma County or suitable habitat is absent at the project site (see habitat suitability summary in **Table 3-1**).

Dr. Smallwood mischaracterizes the information summarized in **Table 4.3-1 on page 4.3-18 of the RDEIR** with regard to habitat characteristics and likelihood for occupation of the project site by these species. The detailed discussion of special-status species on **pages 4.3-19 through 4.3-21 of the RDEIR** provides additional information on possible occurrence on the site and conclusions for why essential habitat features were considered absent or the occurrence of some special-status species was considered unlikely. These species include California tiger salamander, western pond turtle, foothill yellow-legged frog, American badger, golden eagle, burrowing owl, northern harrier, California horned lark, prairie falcon, peregrine falcon, pallid bat, and Townsend western big-eared bat, among others. These conclusions are reinforced in **Table 3-1** with regard to absence of suitable habitat for these species on the site. Refer to the **Master Response 1 – Need for Updated Biological Surveys** for additional information on many of these species and conclusions regarding presence or absence as a result of the 2021 updated surveys.

With regard to the possible presence of special-status bird species in the site vicinity, the discussion on **page 4.3-20 of the RDEIR** states that most of these species may in fact forage in the grasslands and open woodlands of the project site, contrary to the misrepresentation in comments by Dr. Smallwood that they were not addressed in the RDEIR. These include loggerhead shrike, California horned lark, burrowing owl, prairie falcon, peregrine falcon, and golden eagle, among others. However, active nests for any of these species have not been encountered during the numerous surveys performed on the site over the past 18 years, and the suitability for nesting is very limited for many of these special-status bird species. These factors were all considered as part of the habitat assessment performed by the City's independent consulting biologist in determining the likelihood of occurrence and nesting on the site. There does remain some potential for future occupation of the site for nesting by special-status bird species given the presence or suitable foraging habitat. However, **Mitigation Measure BIO-1c** in the RDEIR would serve to



ensure avoidance of any nesting special-status bird species in the instance that new nests are established in advance of construction. **Mitigation Measure BIO-1c** would also serve to ensure avoidance of any nests of common bird species not considered to be of special-status under CEQA, including those listed in **Table 3-1**; therefore, ensuring compliance with state and federal regulations and fully addressing potential impacts on nesting birds as concluded in the RDEIR.

Over 47 acres of public park and 5 acres of private open space would be retained under the revised project (see **Chapter 2.0, Revised Project Description**), the majority of which would remain as grassland and open savannah habitat which would continue to provide suitable foraging opportunities for both special-status and more common bird species. Dr. Smallwood's comment letter incorrectly states that only 22.1 acres of the site would be retained as a public park, and presumably the remaining 36.56 acres of the 58.66-acre site would be impacted by the proposed project in some way. As presented in the RDEIR the project would have retained 44 acres of public park and 3 acres of private open space, which is substantially greater than noted by Dr. Smallwood's comment. In addition, the revised project, presented in **Chapter 2.0, Updated Project Description**, would retain approximately 47 acres as public park and approximately 4.8 acres as private open space. Under the proposed project, permanent impacts, as revised, would affect an estimated 9.2 acres of the site (see **Master Response 5 – Changes to Proposed Project and Reduction in Impacts to Biological Resources**) that would include the grading for the proposed houses and roads, water retention facilities, sidewalk and trail improvements, and parking lots. Temporary impacts, associated with the project construction, are estimated at 8.2 acres comprised of grading to accommodate proposed development, roadways, utility installation, and trails. The temporarily disturbed areas would be restored with grassland, oaks, and other native vegetation. No significant adverse impacts due to the limited loss of suitable foraging habitat for special-status bird species was identified in the RDEIR or is anticipated based on the negative findings of the 2021 updated surveys. As noted above, the revised project further reduces the area of disturbance and expands the area of open space to be retained. Furthermore, **Mitigation Measure BIO-1c** provides for preconstruction surveys that would ensure avoidance of any bird nests when in active use, including those for any special-status bird species that could establish nests on the site in the future. Therefore, consistent with the conclusion of the RDEIR, the revised project would result in a less-than-significant impact to special status bird species.

Similarly, many of the bat species, included in Table 2 of Dr. Smallwood's comments, have low or medium priority status in the WBWG ranking system, are not considered an SSC by CDFW, and have no other ranking which would qualify them as a special-status species. However, **Mitigation Measure BIO-1d**, identified in the RDEIR, would require avoidance of any maternity roosting bats and careful removal of trees to prevent inadvertent loss of all bat species, including those considered to be of special-status.

Implementation of this mitigation measure would serve to address any potential impacts of the proposed project on possible roosting habitat for both special-status and more common bat species. Given that suitable foraging and potential roosting habitat would remain over the majority of the project site to be retained and enhanced as permanent open space as part of the proposed project, no significant impacts on potential habitat for both special-status and more common bat species is anticipated as a result of the proposed Scott Ranch project. Therefore, claims presented in Dr. Smallwood's comments over the number of "special-status" animal species that have the potential to occur at the site is an inaccurate characterization of their status and distorts the significance of potential impacts of the proposed project.

It should also be noted that resources such as eBird and iNaturalist, used by Dr. Smallwood in determining the "occurrence likelihood" in Table 2 of his comments, are citizen-science projects that often include unverified accounts and unreliable locational information from non-professional contributors. The use of these resources has not been accepted by the regulatory agencies to determine the potential for occurrence of special-status species or analysis of adverse effects pursuant to *CEQA Guidelines*. While they can be useful as a source of background information, they are not comparable to the CNDDDB records and other information that was used in preparing **Table 4.3-1 on page 4.3-18 of the RDEIR**, as explained in detail in **Master Response 1 - Need for Updated Biological Surveys**. The use of the CNDDDB records in determining the distribution of special-status species in the vicinity of a project site is an accepted practice by professional biologists evaluating the likelihood of occurrence and assessing potential impacts of a proposed development as part of CEQA review. According to the eBird and iNaturalist records listed by Dr. Smallwood, none of the species listed in Table 2 of his comments have actually been reported at the project site. Just because a species has been reported by these two data sources for occurring "in region" should not be assumed to mean that they have a potential for presence at the project site, which would depend on whether suitable habitat is present.

Dr. Smallwood's claim that "the number of species detected is a function of survey effort" doesn't consider the larger factors in the number of species detected at a particular location, including the size of the study area and the habitat quality and complexity as well as the presence or absence of critical features such as available water, food source and conditions necessary for successful reproduction. Where vegetative cover and complexity are limited and water and other essential habitat characteristics are absent, such as an urbanized area with paved surfaces and structures, the species diversity and density of wildlife will be comparatively less than locations with natural habitat, available water, food and protective cover necessary for survival and reproduction. The purpose of reconnaissance-level surveys is to assess and document habitat conditions and to determine whether or not further detailed studies are necessary to provide confirmation on presence or absence of sensitive resources. This is part of standard practice in conducting biological assessments as part of CEQA review, as was performed by

the City's independent consulting biologist during preparation of the biological resources section in the RDEIR.

Dr. Smallwood's assertion that a "...greater survey effort increases the likelihood that listed species will be detected..." oversimplifies the purpose and need of habitat assessments and detailed surveys. If suitable habitat is not present as necessary to support occupation by a special-status species, no amount of detailed survey effort will increase the likelihood of detection. If suitable habitat isn't present, then the special-status species cannot survive in that location. Any observation of a listed species in an area of unsuitable habitat is likely because the individual is passing through or dispersing for some reason not related to habitat conditions in that location. Dr. Smallwood's confidence in forecasting the number of species that could be detected with longer surveys or the likelihood of detecting a listed species is noted. However, this is not based on common practices or consideration of habitat suitability. Dr. Smallwood reports that listed species were not detected during the site visit in February 2021. Assessing the potential for habitat suitability of a special-status species requires more than spending additional time on a particular site or assigning some probability based on the total number of species observed. It requires consideration of habitat suitability of a particular location in combination with known distribution, connectivity, and other factors. All of which were considered as part of the habitat suitability assessment conducted during preparation of the RDEIR by the City's independent consulting biologist.

Finally, it is important to acknowledge that no formal comments regarding the adequacy of the RDEIR were received by the CDFW nor USFWS, who are responsible agencies and received the RDEIR from the City for review and comment. These agencies are responsible for overseeing implementation of the California Endangered Species Act and the federal Endangered Species Act, respectively, and for the protection and management of listed special-status species. CDFW is also a Trustee Agency pursuant to Section 15386 of CEQA, as a State agency that has jurisdiction by law over natural resources held in trust for the people of California for projects such as fish and wildlife resources that could be affected by a proposed project. Recent correspondence between the City and CDFW served to confirm that earlier concerns and comments raised by CDFW in their letter (dated April 15, 2013), regarding the Draft EIR on the previous 93-lot development application for the project site, have been addressed as a result of the major revisions to the project components as proposed in the Scott Ranch Project, the updated studies, and information provided in the RDEIR (see **Response A-CDFW-2**). The USFWS has also confirmed in their correspondence with the City that additional surveys for CRLF are not necessary given that this species has already been detected and that the site is considered occupied habitat for permitting purposes (see **Response A-USFWS**).

Further review and authorizations will be necessary from the USFWS, CDFW and other regulatory agencies, as discussed on **pages 4.3-41 and 4.3-56 of the RDEIR**. As called for in **Mitigation Measure**

**BIO-1a**, the project applicants must obtain all required permits from the USFWS, CDFW, RWQCB, and USACE (e.g., 1600 series permits, 404 and 401 permits, incidental take permits, and any others) in advance of any proposed development or improvements. **Mitigation Measure BIO-1a** also requires the Applicants to comply with all conditions associated with these agency authorizations to avoid, minimize, or offset impacts to any species listed under either the state or federal Endangered Species Acts or protected under any other state or federal law. Evidence that the project Applicants have secured all required authorization from these agencies must be submitted to the City prior to issuance of any grading or building permits for the project, which provides assurance that any concerns of these agencies have been fully addressed in advance of any disturbance to existing habitat on the site.

It should be noted that on March 10, 2020 the CDFW issued a Notice of Findings for the candidate status of foothill yellow-legged frog. It found that the Northwest/North Coast clade,<sup>10</sup> which extends over the Petaluma, Sonoma County and North Coast area, does not warranted listing as endangered or threatened at this time. The Northwest/North Coast clade continues to be recognized as a California Species of Special Concern (SSC) by CDFW. As noted in **Table 4.3-1 of the RDEIR**, it is highly unlikely that this species could be present on the site due to the absence of permanent streams essential for breeding and occupation by foothill yellow-legged frog. Kelly creek is an intermittent drainage that does not convey year-round flows and routinely lacks water during the dry season.

In response to this determination by the CDFW, the status reference to foothill-yellow legged frog in **Table 4.3-1 on page 4.3-18 of the RDEIR** has been revised as follows with deletions in ~~overstrike~~ text. This updated status of foothill yellow-legged frog is reflected in **Table 3-1 as well**.

Foothill yellow-legged frog	<del>/C</del> , SSC	Permanent streams with riffles
and cobble bottom (unlikely)		

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<sup>10</sup> As explained in the CDFW Notice of Findings, genetic divergence is often depicted as a phylogenetic tree, which visually summarizes the evolutionary relationships among populations and taxa. A branch on a phylogenetic tree that contains a group of lineages comprised of an ancestor and all its descendants is referred to as a monophyletic group, or a clade. Clades are nested hierarchically in a phylogenetic tree, and effective conservation strategies often identify the “major” clades, which represent populations from the most divergent lineages in that tree, as key management units. These major clades may be sufficiently differentiated into diagnosable species or subspecies, or they may diverge to that point if the evolutionary process continues.

**Table 3-1**  
**Update to Table 2 on Special-Status Animal Species from Dr. Smallwood's Comments**

Species	Scientific Name	Status <sup>1</sup>	Habitat Suitability on Site	How Addressed in RDEIR
California tiger salamander	<i>Ambystoma californiense</i>	FT, CT	Outside occupied range and unlikely to be present.	Special-status species listed in Table 4.3-1 and discussed in text of RDEIR. Assumed absent and no impacts anticipated.
California red-legged frog	<i>Rana draytonii</i>	FT, SSC	Known presence with most of site designated as Critical Habitat by USFWS.	Special-status species listed in Table 4.3-1 and discussed in text of RDEIR. Significant impact requiring detailed mitigation.
Foothill yellow-legged frog	<i>Rana boylei</i>	SSC	Suitable habitat absent due to lack of perennial stream.	Special-status species listed in Table 4.3-1 but assumed absent and no impacts anticipated. Mitigation Measure BIO-1b(a) revised to provide preconstruction surveys to confirm absence.
Western pond turtle	<i>Emys marmorata</i>	SSC	Suitable habitat absent due to lack of perennial stream or pools/pond and deep pool refugia.	Special-status species listed in Table 4.3-1 but assumed absent and no impacts anticipated. Mitigation Measure BIO-1b(a) revised to provide preconstruction surveys to confirm absence.
Caspian tern	<i>Hydroprogne caspia</i>	BCC	Suitable nesting and foraging habitat absent and not expected to occur in site vicinity.	Not considered a special-status species under CEQA review, not expected to occur on site and therefore not addressed in RDEIR.
California gull	<i>Larus californicus</i>	TWL	Suitable nesting and foraging habitat absent and not expected to occur in site vicinity. Possible occasional flyover.	Not considered a special-status species under CEQA review, not expected to occur on site and therefore not addressed in RDEIR.
Turkey vulture	<i>Cathartes aura</i>	FGC 3503.5	Suitable nesting and foraging habitat present, known to forage and could nest on site.	Not considered a special-status species under CEQA review, but protection of active native bird nests provided under Mitigation Measure BIO-1c would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Osprey	<i>Pandion haliaetus</i>	TWL, FGC 3503.5	Suitable nesting and foraging habitat absent and not expected to occur in site vicinity. Possible occasional flyover.	Not considered a special-status species under CEQA review, not expected to occur on site and therefore not listed in Table 4.3-1. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity.

3.0 Master Responses to Frequent Comments on the RDEIR

Species	Scientific Name	Status <sup>1</sup>	Habitat Suitability on Site	How Addressed in RDEIR
Bald eagle	<i>Haliaeetus leucocephalus</i>	BGEPA, BCC, CE, CFP	Suitable nesting and foraging habitat absent and not expected to occur in site vicinity. Possible occasional flyover.	Special-status species but not expected to occur on site so not listed in Table 4.3-1. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity.
Golden eagle	<i>Aquila chrysaetos</i>	BGEPA, BCC, CFP	Suitable nesting habitat absent on site but known to forage in vicinity.	Special-status species listed in Table 4.3-1 but considered unlikely to nest on site. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Red-tailed hawk	<i>Buteo jamaicensis</i>	FGC 3503.5	Suitable nesting and foraging habitat present, known to forage and nest on site. Nest observed during 2021 updated surveys, but location and surrounding area would be preserved and retained as permanent open space.	Not considered a special-status species under CEQA review, but protection of active native bird nests provided under Mitigation Measure BIO-1c would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Ferruginous hawk	<i>Buteo regalis</i>	BCC, TWL, FGC 3503.5	Suitable nesting habitat absent in region but uncommon winter migrant and may seasonally forage in vicinity.	Not considered a special-status species under CEQA review. No potential for nesting on site. The majority of the project site would remain as undeveloped open space and continue to provide seasonal foraging habitat.
Swainson's hawk	<i>Buteo swainsoni</i>	BCC, CT	Suitable nesting habitat absent in region. Seasonally known to nest through the Central Valley and periphery, but not expected to occur in vicinity.	Special-status species but not expected to occur in region so not listed in Table 4.3-1. No potential for nesting on site.
Rough-legged hawk	<i>Buteo regalis</i>	FGC 3503.5	Suitable nesting habitat absent in region but uncommon winter migrant and may seasonally forage in vicinity.	Not considered a special-status species under CEQA review. No potential for nesting on site. The majority of the project site would remain as undeveloped open space and continue to provide seasonal foraging habitat.
Red-shouldered hawk	<i>Buteo lineatus</i>	FGC 3503.5	Suitable nesting and foraging habitat present, known to forage and could nest on site.	Not considered a special-status species under CEQA review, but protection of active native bird nests provided under Mitigation Measure BIO-1c would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.

3.0 Master Responses to Frequent Comments on the RDEIR

Species	Scientific Name	Status <sup>1</sup>	Habitat Suitability on Site	How Addressed in RDEIR
Sharp-shinned hawk	<i>Accipiter striatus</i>	TWL, FGC 3503.5	Suitable nesting and foraging habitat present, known to forage and could nest on site.	Not considered a special-status species under CEQA review, but included in Table 4.3-1 as previously recognized as a SSC by CDFW. Protection of active native bird nests provided under Mitigation Measure BIO-1c would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Cooper's hawk	<i>Accipiter cooperi</i>	TWL, FGC 3503.5	Suitable nesting and foraging habitat present, known to forage and could nest on site.	Not considered a special-status species under CEQA review, but included in Table 4.3-1 as previously recognized as a SSC by CDFW. Protection of active native bird nests provided under Mitigation Measure BIO-1c would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Northern harrier	<i>Circus cyaneus</i>	SSC3, FGC 3503.5	Suitable nesting and foraging habitat present. Heavy grazing limits suitability for nesting.	Special-status species listed in Table 4.3-1 but considered unlikely to nest on site. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
White-tailed kite	<i>Elanus leucurus</i>	CFP, FGC 3503.5	Suitable nesting and foraging habitat present.	Special-status species listed in Table 4.3-1 with moderate potential to nest on site. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
American kestrel	<i>Falco sparverius</i>	FGC 3503.5	Suitable nesting and foraging habitat present.	Not considered a special-status species under CEQA review, but protection of active native bird nests provided under Mitigation Measure BIO-1c would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Merlin	<i>Falco columbarius</i>	TWL, FGC 3503.5	Suitable nesting habitat absent in region but uncommon winter migrant and may seasonally forage in vicinity.	Not considered a special-status species under CEQA review. No potential for nesting on site. The majority of the project site would remain as undeveloped open space and continue to provide seasonal foraging habitat.

3.0 Master Responses to Frequent Comments on the RDEIR

Species	Scientific Name	Status <sup>1</sup>	Habitat Suitability on Site	How Addressed in RDEIR
Prairie falcon	<i>Falco mexicanus</i>	BCC, TWL, FGC 3503.5	Suitable nesting habitat absent on site but known to forage in vicinity.	Not considered a special-status species under CEQA review, but included in Table 4.3-1 as previously recognized as a SSC by CDFW. No potential for nesting on site. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity. The majority of the project site would remain as undeveloped open space and continue to provide habitat
Peregrine falcon	<i>Falco peregrinus</i>	BCC, CFP	Suitable nesting habitat absent on site but known to forage in vicinity.	Special-status species listed in Table 4.3-1 but considered unlikely to nest on site. No potential for nesting on site. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Burrowing owl	<i>Athene cunicularia</i>	BCC, SSC2	Suitable nesting habitat absent on site but known to forage in vicinity.	Special-status species listed in Table 4.3-1 but considered unlikely to nest on site. Low potential for nesting on site. Mitigation Measure BIO-1b(a) revised to provide preconstruction surveys to confirm absence. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Great-horned owl	<i>Bubo virginianus</i>	FGC 3503.5	Suitable nesting and foraging habitat present, known to forage and could nest on site.	Not considered a special-status species under CEQA review, but protection of active native bird nests acknowledged and provided under Mitigation Measure BIO-1c, addressing any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Long-eared owl	<i>Asio otus</i>	SSC3, FGC 3503.5	Suitable nesting habitat absent in region but uncommon winter migrant and may seasonally forage in vicinity.	Special-status species but not expected to occur in region except as possible uncommon winter migrant so not listed in Table 4.3-1. No potential for nesting on site.



3.0 Master Responses to Frequent Comments on the RDEIR

Species	Scientific Name	Status <sup>1</sup>	Habitat Suitability on Site	How Addressed in RDEIR
Short-eared owl	<i>Asio flammeus</i>	SSC3, FGC 3503.5	Suitable nesting habitat absent due to intensity of grazing but may forage in vicinity.	Special-status species but not expected to occur on site so not listed in Table 4.3-1. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity.
Barn owl	<i>Tyto alba</i>	FGC 3503.5	Suitable nesting and foraging habitat present, known to forage, roost and nest on site. Evidence of roosting and nesting observed in main barn.	Not considered a special-status species under CEQA review, but protection of active native bird nests provided under Mitigation Measure BIO-1c, addressing any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Western screech-owl	<i>Megascops kennicottii</i>	FGC 3503.5	Suitable nesting and foraging habitat present.	Not considered a special-status species under CEQA review, but protection of active native bird nests provided under Mitigation Measure BIO-1c, addressing any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Allen's hummingbird	<i>Selasphorus sasin</i>	BCC	Suitable nesting and foraging habitat present.	Not considered a special-status species under CEQA review, but protection of active native bird nests provided under Mitigation Measure BIO-1c, addressing any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Rufous hummingbird	<i>Selasphorus rufus</i>	BCC	Suitable nesting and foraging habitat present.	Not considered a special-status species under CEQA review, but protection of active native bird nests provided under Mitigation Measure BIO-1c, addressing any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Nuttall's woodpecker	<i>Picoides nuttallii</i>	BCC	Suitable nesting and foraging habitat present.	Not considered a special-status species under CEQA review, but protection of active native bird nests provided under Mitigation Measure BIO-1c, addressing any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Lewis's woodpecker	<i>Melanerpes lewis</i>	BCC	Suitable nesting and foraging habitat present.	Not considered a special-status species under CEQA review, but protection of active native bird nests provided under Mitigation Measure BIO-1c, addressing any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.

3.0 Master Responses to Frequent Comments on the RDEIR

Species	Scientific Name	Status <sup>1</sup>	Habitat Suitability on Site	How Addressed in RDEIR
Vaux's swift	<i>Chaetura vauxi</i>	SSC2	Suitable nesting habitat absent in region. Seasonally known to nest along coast of California in forest habitat, but not expected to occur in vicinity	Special-status species but not expected to occur in region so not listed in Table 4.3-1. No potential for nesting on site.
Willow flycatcher	<i>Epidomax trailii</i>	CE, BCC	Suitable nesting and foraging habitat absent and not expected to occur in site vicinity.	Special-status species but not expected to occur on site so not listed in Table 4.3-1. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity.
Olive-sided flycatcher	<i>Contopus cooperi</i>	BCC, SSC2	Suitable nesting and foraging habitat absent and not expected to occur in site vicinity.	Special-status species but not expected to occur on site so not listed in Table 4.3-1. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity.
Oak titmouse	<i>Baeolophus inornatus</i>	BCC	Suitable nesting and foraging habitat present.	Not considered a special-status species under CEQA review, but protection of active native bird nests provided under Mitigation Measure BIO-1c, addressing any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Horned lark	<i>Eremophila alpestris</i>	TWL	Suitable nesting and foraging habitat present.	Not considered a special-status species under CEQA review, but protection of active native bird nests provided under Mitigation Measure BIO-1c, addressing any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Loggerhead shrike	<i>Lanius ludovicianus</i>	BCC, SSC2	Suitable nesting and foraging habitat present.	Special-status species listed in Table 4.3-1 with moderate potential to nest on site. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Yellow-billed magpie	<i>Pica nuttalli</i>	BCC	Suitable nesting habitat absent in region. Seasonally known to nest through the Central Valley and South Central Coast, but not expected to occur in vicinity	Special-status species but not expected to occur on site so not listed in Table 4.3-1. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity.

3.0 Master Responses to Frequent Comments on the RDEIR

Species	Scientific Name	Status <sup>1</sup>	Habitat Suitability on Site	How Addressed in RDEIR
Common yellowthroat	<i>Geothlypis trichas sinuosa</i>	SSC3	Suitable nesting and foraging habitat absent and not expected to occur in site vicinity.	Special-status species but not expected to occur on site so not listed in Table 4.3-1. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity.
Yellow warbler	<i>Setophaga petechia</i>	BCC, SSC2	Suitable nesting and foraging habitat absent and not expected to occur in site vicinity.	Special-status species but not expected to occur on site so not listed in Table 4.3-1. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity.
Yellow-breasted chat	<i>Icteria virens</i>	SSC3	Suitable nesting and foraging habitat absent and not expected to occur in site vicinity.	Special-status species but not expected to occur on site so not listed in Table 4.3-1. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity.
Oregon vesper sparrow	<i>Poocetes gramineus affinis</i>	SSC2	Suitable nesting habitat absent in region but uncommon winter migrant and may seasonally forage in vicinity.	Special-status species but not expected to occur in region except as possible uncommon winter migrant so not listed in Table 4.3-1. No potential for nesting on site.
Grasshopper sparrow	<i>Ammodramus savannarum</i>	SSC2	Suitable nesting habitat absent due to intensity of grazing but may forage in vicinity.	Special-status species but not expected to nest on site so not listed in Table 4.3-1. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity.
Summer tanager	<i>Piranga rubra</i>	SSC1	Suitable nesting habitat absent in region. Seasonally known to nest in southeastern part of California.	Special-status species but not expected to occur in region so not listed in Table 4.3-1. No potential for nesting on site.
Tricolored blackbird	<i>Agelaius tricolor</i>	CT, BCC	Suitable nesting and foraging habitat absent and not expected to occur in site vicinity.	Special-status species but not expected to nest on site so not listed in Table 4.3-1. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity.
Yellow-headed blackbird	<i>X. xanthocephalus</i>	SSC3	Suitable nesting and foraging habitat absent and not expected to occur in site vicinity.	Special-status species but not expected to nest on site so not listed in Table 4.3-1. Mitigation Measure BIO-1c would ensure avoidance of any active nests in the remote instance one was established in the site vicinity.

3.0 Master Responses to Frequent Comments on the RDEIR

Species	Scientific Name	Status <sup>1</sup>	Habitat Suitability on Site	How Addressed in RDEIR
Lawrence's goldfinch	<i>Spinus lawrencei</i>	BCC	Suitable nesting and foraging habitat present.	Not considered a special-status species under CEQA review, but protection of active native bird nests provided under Mitigation Measure BIO-1c would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Pallid bat	<i>Antrozous pallidus</i>	SSC, WBWG H	Suitable roosting and foraging habitat present, but not detected during surveys conducted in 2004 and 2014.	Special-status species listed in Table 4.3-1 but considered unlikely to have a maternity roost on site. Mitigation Measure BIO-1d would ensure avoidance of possible loss of bats during construction. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Townsend's big-eared bat	<i>Plecotus t. townsendii</i>	SSC, WBWG H	Suitable roosting and foraging habitat present, but not detected during surveys conducted in 2004 and 2014.	Special-status species listed in Table 4.3-1 but considered unlikely to have a maternity roost on site. Mitigation Measure BIO-1d would ensure avoidance of possible loss of bats during construction. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Western mastiff bat	<i>Eumops perotis</i>	SSC, WBWG H	Suitable roosting habitat absent and not known from region.	Special-status species but not expected to roost on site so not listed in Table 4.3-1. Mitigation Measure BIO-1d would ensure avoidance of possible loss of bats during construction. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Silver-haired bat	<i>Lasiorycteris noctivagans</i>	WBWG:M	Suitable forest habitat absent but may roost and forage in trees.	Not considered a special-status species under CEQA review, but protection of bats provided under Mitigation Measure BIO-1d would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Western red bat	<i>Lasiurus blossevillii</i>	SSC, WBWG H	Suitable roosting and foraging habitat present.	Special-status species listed in Table 4.3-1 with moderate potential for tree roosting on site. Mitigation Measure BIO-1d would ensure avoidance of possible loss of bats during construction. The majority of the project site would remain as undeveloped open space and continue to provide habitat.

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Species	Scientific Name	Status <sup>1</sup>	Habitat Suitability on Site	How Addressed in RDEIR
Little brown bat	<i>Myotis lucifugus</i>	WBWG:M	Suitable roosting and foraging habitat present.	Not considered a special-status species under CEQA review, but included in Table 4.3-1 as previously recognized as federal Special Concern species before this designation was eliminated by the USFWS. Protection of bats provided under Mitigation Measure BIO-1d would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Big brown bat	<i>Episticus fuscus</i>	WBWG:L	Suitable roosting and foraging habitat present.	Not considered a special-status species under CEQA review, but protection of bats provided under Mitigation Measure BIO-1d would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
California myotis	<i>Myotis californicus</i>	WBWG:L	Suitable roosting and foraging habitat present.	Not considered a special-status species under CEQA review, but protection of bats provided under Mitigation Measure BIO-1d would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Canyon bat	<i>Parastrellus hesperus</i>	WBWG:M	Suitable rocky desert habitat absent but may forage and roost in region.	Not considered a special-status species under CEQA review, but protection of bats provided under Mitigation Measure BIO-1d would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Small-footed myotis	<i>Myotis cililabrum</i>	WBWG M	Suitable arid uplands absent and not known from region.	Not considered a special-status species under CEQA review, but protection of bats provided under Mitigation Measure BIO-1d would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Long-eared myotis	<i>Myotis evotis</i>	WBWG M	Suitable roosting and foraging habitat present.	Not considered a special-status species under CEQA review, but protection of bats provided under Mitigation Measure BIO-1d would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.

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Species	Scientific Name	Status <sup>1</sup>	Habitat Suitability on Site	How Addressed in RDEIR
Fringed myotis	<i>Myotis thysanodes</i>	WBWG H	Suitable roosting and foraging habitat present, but not detected during surveys conducted in 2004 and 2014.	Special-status species given high priority ranking by WBWG, but not observed during past surveys or expected to roost on site so not listed in Table 4.3-1. Mitigation Measure BIO-1d would ensure avoidance of possible loss of bats during construction. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Long-legged myotis	<i>Myotis volans</i>	WBWG H	Suitable forest habitat absent but may roost and forage in trees.	Special-status species given high priority ranking by WBWG, but not observed during past surveys or expected to roost on site so not listed in Table 4.3-1. Mitigation Measure BIO-1d would ensure avoidance of possible loss of bats during construction. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Yuma myotis	<i>Myotis yumanensis</i>	WBWG LM	Suitable roosting and foraging habitat present.	Not considered a special-status species under CEQA review, but included in Table 4.3-1 as previously recognized as a federal Special Concern species before this designation was eliminated by the USFWS. Protection of bats provided under Mitigation Measure BIO-1d would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Hoary bat	<i>Lasiurus cinereus</i>	WBWG LM	Suitable roosting and foraging habitat present.	Not considered a special-status species under CEQA review, but protection of bats provided under Mitigation Measure BIO-1d would address any potential impacts. The majority of the project site would remain as undeveloped open space and continue to provide habitat.
Ringtail	<i>Bassariscus astutus</i>	CFP	Suitable denning and foraging habitat absent and not expected to occur in site vicinity.	Special-status species but not expected to occur on site so not listed in Table 4.3-1. Over 70 percent of site would remain as undeveloped open space, including the Kelley Creek riparian corridor, and continue to provide habitat.

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Species	Scientific Name	Status <sup>1</sup>	Habitat Suitability on Site	How Addressed in RDEIR
American badger	<i>Taxidea taxus</i>	SSC	No evidence of denning on site but known to forage in vicinity.	Special-status species listed in Table 4.3-1 but considered unlikely to den on site. Mitigation Measure BIO-1b(a) revised to provide preconstruction surveys to confirm absence. The majority of the project site would remain as undeveloped open space and continue to provide habitat.

<sup>1</sup> Listed as FT or FE = federally Threatened or Endangered, BGEPA = Bald and Golden Eagle Protection Act, BCC = US Fish and Wildlife Service's Bird Species of Conservation Concern, CT or CE = California Threatened or Endangered, CFP = California Fully Protected (California Fish and Game Code §3511 – birds; §4700 – mammals), FGC 3503.5 = California Fish and Game Code 3503.5 (Birds of prey), and SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, TWL = Taxa to Watch List, WBWG = Western Bat Working Group with low, medium and high conservation priorities.

### 3.6 MASTER RESPONSE 5 – REVISIONS TO PROPOSED PROJECT AND ASSOCIATED REDUCTION OF IMPACTS ON BIOLOGICAL RESOURCES

In response to public, Planning Commission, and City Council comments made following the December 2020 release of the RDEIR, Davidon Homes made further revisions to the 28-Lot residential component of the proposed project. As described in **Chapter 2.0, Revised Project Description**, in this document, these revisions would reduce the acreage occupied by residential lots and associated streets from approximately 11.7 to approximately 7.09 acres, would provide approximately 4.83 acres of private open space, and would increase the acreage of the Putnam Park Extension Project component from approximately 44 to 47 acres. This would serve to further reduce potential impacts on biological resources, permanently protect additional habitat on the Scott Ranch site (including CRLF and native grasslands), and accommodate any compensatory mitigation requirements where potential impacts cannot be avoided or minimized. Based on the latest revisions to the Davidon (28-Lot) Residential Project component, the acreage of existing habitat affected by the permanent and temporary impacts of the proposed project would be reduced relative to the proposed project analyzed in the RDEIR. Changes to biological impacts under the revised project, as currently proposed, were estimated by the consulting biologist for Davidon Homes, summarized in the UBA,<sup>11</sup> and verified by the City’s independent biologist (see **Appendix RTC-A**).<sup>12</sup> Potential impacts from grading and other disturbance associated with the Putnam Park Extension Project component would remain largely unchanged from those presented in the RDEIR. A copy of the UBA is contained in **Appendix RTC-A** of this document.

Because of the reductions in grading and other disturbance associated with the revised Davidon (28-Lot) Residential Project component, estimated acreage of potential impacts on native grasslands and occupied habitat for CRLF has been reduced from that presented in the RDEIR. See **Master Response 2 - Regarding California Red-Legged Frog Survey Results** for additional discussion of the changes in potential impacts on this species. See **Master Response 1 – Need for Updated Biological Surveys** and the subsection on Native Grasslands for changes in the extent of native grasslands on the site observed during the 2021 updated surveys. **Figure 3-1** shows the anticipated limits of permanent and temporary impacts associated with the revised Davidon (28-Lot) Residential Project component, as determined in the UBA and verified through peer review by the City’s independent biologist.

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<sup>11</sup> Zentner Planning & Ecology. 2021. Scott Ranch, Revised 28-Lot Layout, Updated Biological Analysis. Letter to Steve Abbs, Davidon Homes, from Sean Micallef, Partner/Chief Ecologist. September 16.



As indicated in the UBA, refinement of plans associated with the Davidon (28-Lot) Residential Project component and the Putnam Park Extension Project component indicate that additional small areas of regulated waters would be affected to accommodate stormwater outfalls, drainage crossings, areas of wetland restoration, and other improvements, associated with the open space component, resulting in a slight increase in the total acreage of affected jurisdictional waters, relative to what was presented in the RDEIR. As indicated on **page 4.3-55 of the RDEIR** an estimated 0.07 acres of federally regulated waters would be impacted. Under the revised project, a total of 0.129 acres of state and federal regulated waters would be affected— an increase of an estimated 0.059 acre relative to the RDEIR (see revisions to RDEIR text below). Implementation of **Mitigation Measure BIO-3**, which requires the preparation and implementation of a Final Wetland Replacement and Enhancement Program (WREP) to compensate for the loss of jurisdictional waters on the project site, would ensure all potential impacts on regulated waters would be mitigated to a less-than-significant level, as concluded in the RDEIR. Therefore, increase in the total acreage of affected jurisdictional waters would not result in new or substantially more severe impacts under the revised project and would not change the analysis and determination presented in the RDEIR.

In response to these revisions to the revised Davidon (28-Lot) Residential Project component, the estimated acreages of impacts on habitat for CRLF are revised as follows on **pages 4.3-37, 4.3-38, and 4.3-40 of the RDEIR**, with deletions shown as ~~overstrike~~ and addition as underlined text.

Given the presence of the stock pond breeding location, the entire project site provides suitable foraging and estivation habitat for CRLF. The proposed project would develop approximately 7.0941-7 acres of CRLF suitable habitat on the project site with residences, roadways, parking and trail improvements, and two detention basins along Windsor Drive. An estimated additional ~~8.2010-4~~ acres would be temporarily disturbed by grading. The 8.20 ~~10.4~~ temporarily disturbed acres includes grading in the northwestern portion of the project site to accommodate the proposed Davidon (28-lot) Residential Project component, which would be inaccessible to CRLF during construction and would likely have reduced suitability as habitat due to loss of natural cover, possible poor revegetation success, inaccessibility, or proximity to future development and other factors. The 8.20~~10.4~~ acres to be temporarily disturbed also includes grading and other disturbance for the Putnam Park Extension Project component would include construction of the proposed parking lots and multi-use trails, three pedestrian bridges over Kelly Creek, habitat enhancement plantings, and installation of livestock fencing and piping to water troughs. This would leave

approximately ~~41.293656~~ acres (or about ~~7062~~ percent) of the project site undisturbed by residential development, open space improvements, and construction-related disturbance.

Mitigation for ~~potential~~ impacts on CRLF would ~~presumably~~ be achieved through ~~a combination of on-site and possibly off-site~~ habitat preservation and enhancement. Temporary impacts on CRLF habitat would be addressed through appropriate construction restrictions and controls, through adequate revegetation of temporarily disturbed areas, and by enhancing the existing creek corridors, stock pond, and uplands to be retained as permanent open space. Permanent habitat impacts (habitat lost as a result of development) would ~~presumably~~ be mitigated at a 3:1 ratio, consistent with USFWS practices for impacts on CRLF. Based on preliminary estimates of permanent impacts to ~~9.16462~~ acres of the project site for both the Davidon (28-lot) Residential Project component and the Putnam Park Extension Project component, protection of an estimated ~~27.48~~ ~~48.6~~ acres would be required at a minimum. A total of approximately 36 acres south of Kelly Creek would be left undisturbed by development which is sufficient for mitigation purposes in addressing permanent impacts to CRLF. Assuming all of the on-site open space lands south of Kelly Creek would qualify as conservation easement lands, ~~about 42.4 acres sufficient acreage~~ would be available for mitigation purposes onsite. ~~A minimum of 6.1 acres, at a yet to be identified off site location, would be required to meet the standard mitigation ratio for permanent impacts.~~ These estimates assume that the regulatory agencies would agree to a proposed mitigation program, which ~~presumably~~ would include permanent protection of on-site habitat by preserving the open space and mitigating the temporary impacts associated with grading and other construction-related disturbance on-site.

In response to these revisions to the revised Davidon (28-Lot) Residential component of the proposed project and adjustments in the acreage of native grasslands found on the site as a result of the updated surveys conducted in 2021 and analysis in the UBA, the estimated acreage of impacts on native grasslands is reduced as follows on **pages 4.3-46 and 4.3-49 of the RDEIR**, with deletions shown as ~~overstrike~~ and addition as underlined text.

Proposed grading would generally occur in areas dominated by non-native grassland and largely avoids the Kelly Creek and D Street tributary riparian corridors. However, an estimated ~~0.95424~~ acres of native grasslands and small

areas of riparian habitat and seasonal wetlands would be affected, which would represent significant impacts on sensitive natural communities, as detailed below...

Proposed grading and development would eliminate an estimated ~~0.764-24~~ acres of native grasslands on the site with approximately ~~0.640-85~~ acres to accommodate grading and development for the Davidon (28-lot) Residential Project component and the remaining ~~0.120-36~~ acres associated with improvements under the Putnam Park Extension Project component. Additionally, an estimated 0.19 acres of native grassland would be temporarily disturbed but restored as part of trail construction and other improvements in proposed open space areas. The total 0.95 acres represent roughly ~~84~~ percent of the mapped ~~-12.341-29~~ acres of native grasslands on the site.

In response to these revisions to the revised Davidon (28-Lot) Residential component of the proposed project and refinements to channel modifications associated with the Putnam Park Extension Project component, the estimated acreage of impacts on jurisdictional waters has been revised as follows on **pages 4.3-37 and 4.3-55 of the RDEIR**, with deletions shown as ~~overstrike~~ and addition as underlined text.

Modifications to scattered areas of freshwater seeps, seasonal wetlands, and riparian habitat would occur as a result of proposed grading and construction on the site. These consist of an estimated ~~0.130-07~~ acre of state and federally regulated waters, as well as construction related disturbance and shading, along with possible installation of abutments and revetment within state-regulated waters below the top-of-bank...The proposed project would require fills and modifications to scattered areas of freshwater seeps, seasonal wetlands, and riparian habitat as a result of proposed grading and construction on the site. This would comprise an estimated ~~0.130-07~~ acre of state and federal waters regulated by the USACE. State waters regulated by the CDFW and RWQCB would also be affected by construction-related disturbance, shading and possible installation of abutments and revetment below the top-of-bank [...]

### 3.7 MASTER RESPONSE 6 – GREENHOUSE GAS EMISSIONS AND COMPLIANCE WITH CLIMATE ACTION FRAMEWORK

Comments expressed concerns regarding greenhouse gas (GHG) emissions that would result from the proposed project and the project's compliance with the City's Climate Emergency Framework, which was released in January 2021.

As discussed in Section 4.7, Greenhouse Gas Emissions, the proposed project would generate 592 metric ton carbon equivalent per year (MT CO<sub>2</sub>e/year), which falls below BAAQMD's 2020 threshold (1,100 MT CO<sub>2</sub>e/year) and the calculated 2030 thresholds (717 MT CO<sub>2</sub>e/year). This is a conservative estimate because it utilizes CalEEMod default estimates to calculate emissions and does not include the project design features that would exceed Title 24 requirements, which would result in less GHG emissions than the reported CalEEMod estimates. The project would also implement a series of design features to reduce GHG emissions, including: dual-glazed energy efficient windows and doors with a U-factor and solar heat gain coefficient; south facing balconies; energy-efficient street lights throughout the project site; energy efficient lighting comprised of compact fluorescent lamps installed in public areas and homes; light colored roof materials that reflect heat; exterior walls with R-19 minimum insulation, which exceed the Title 24 requirements; high-efficiency toilets; high-efficiency urinals; faucet hardware in restrooms with a faucet flow rate of 1.5 gallons per minutes or less; showerheads with a flow rate of 2.0 gallons per minute or less; limit showers to one showerhead or shower stall; high efficiency clothes washers and dishwashers; irrigation systems with weather-based irrigation controls; and the installation of 240-Volt outlets within all residential garages for electric vehicle changing. Additionally, in compliance with the ordinance of an "All-Electric Construction in New Constructed Buildings" adopted by the City on May 3<sup>rd</sup>, 2021, to achieve carbon neutrality by the year 2030, the proposed project would not include natural gas and would not require the extension of natural gas infrastructure. Furthermore, the proposed project would also participate in active solar design by equipping each residence with solar panels consistent with the latest California building codes. Additionally, as described in the RDEIR in **Section 4.14, Utilities and Service System**, the Sonoma Clean Power utilizes the PG&E wiring and infrastructure in the project area to deliver energy from renewable sources.

In addition, the RDEIR estimates of GHG emissions associated with vehicle emissions are conservative as they are based on existing County averages by vehicle class (95.3% of single passenger vehicles are gas powered and only 3.5% are electric) and do not consider the March 2021 City's ban on new gasoline stations within its boundaries. The ban was established in an effort to encourage availability of electric and hydrogen charging stations, which would contribute to the reduction of petroleum-based vehicles within the City. Furthermore, although the RDEIR analysis provided a quantified estimate of the GHG emissions as discussed above, the proposed project falls below BAAQMD screening thresholds of 56

single-family homes and 600-acre parks. Pursuant to the BAAQMD's determination, projects of this size would not result in a significant GHG impact.

After the publication of the RDEIR, the residential component of the proposed project has been refined to remove natural gas fireplaces and reduce parking per home and property lot size. Reduced parking would encourage a mode shift from single-passenger cars to other forms of transportation. In addition to the conservative analysis of GHG emissions, revised project design would further reduce GHG emissions beyond what was calculated in the RDEIR.

The RDEIR was released in December 2020, prior to the release of the Climate Emergency Framework in January 2021. However, as demonstrated in the RDEIR, the proposed project would be consistent with the City's General Plan policies, many of which promote GHG reductions. The proposed project would also meet all city ordinances and requirements, including Petaluma Water Efficient Landscape Ordinance. The proposed project would contribute to reaching carbon neutrality by constructing homes with green features while placing residents near open spaces.

The proposed project would be consistent with the following measures of the Climate Emergency Framework:

- (1) Maximize opportunities for all residents to live in clean and healthy environments that protect against the impacts of climate change and environmental pollutants, including equitable access to parks and open space;

**The project proposes a public park with public amenities and preserved open space that would occupy a majority of the project site (approximately 47 acres), as well as an additional 5 acres of private open space. Although not being proposed jointly with the project, the Helen Putnam Regional Park Trail, considered a related project and addressed in the RDEIR, would provide a connection from proposed trails onsite north and south of Kelly Creek to existing offsite trails in Helen Putnam Regional Park.**

- (2) Eliminate transportation by encouragement of and support for non-combustion vehicles;

**The proposed project would include electric vehicle charger connections in each residence and would provide for four electric vehicle charging stalls in proposed parking lots. Furthermore, the project would install an off-site sidewalk gap closure on D Street between Windsor Drive and Sunnyslope Avenue, which would encourage walking. Additionally, the project would install multi-use trails, Class I facilities, and retain bike lanes at the project site frontage to Windsor Avenue and D Street.**

- (3) Support the Petaluma environment by such measures as open space and green space preservation, high use/low impact project designs, a healthy urban forest, wildlife corridor preservation and protected habitat areas, and nature-based stormwater management system that contributes to local ecosystem health and protects and enhances existing native habitat areas and natural systems;

As noted above, the project would preserve a majority of the project site (47 acres and additional 5 acres of private open space. The 47 acres open space would include a focused reuse and enhancement to the existing barn complex; restoration and enhancement of eroded gullies, riparian habitat, and stock pond; and the installation of public amenities. Proposed improvements would limit the existing cattle crossing on Kelly Creek to only one location, which would prevent erosion along the creek and protect the movement of wildlife species within the creek. Improvements to the stock pond would improve the habitat for CRLE. Restoration of the gullies would prevent further erosion, increase native plant diversity, and improve habitat conditions for wildlife. Restoration of Kelly Creek would improve water quality and provide food, cover and nesting habitat for wildlife. The infiltration basin would further improve water quality by filtering out pollutants from Windsor Drive stormwater runoff, which is currently untreated. The permanent protection of 47 acres from development, new tree plantings, and restoration would also sequester carbon, thus reducing GHGs. In addition, the proposed project would preserve the existing native grasslands and reseed any impacted grassland areas during construction. Native vegetation would be restored within the two ephemeral drainages on the project site and headcuts would be repaired to reduce sedimentation to Kelly Creek. The riparian corridor along Kelly Creek would be enhanced with native plantings such as oaks, bay, buckeye, and willow. In addition, the RDEIR identified Mitigation Measure BIO-4a through BIO-4d to prevent future obstruction of wildlife movement. The mitigation measure includes removal of the existing plywood barrier fence on the east side of D Street concrete box culvert undercrossing, as well as the existing fencing between the western boundary of the project site and Helen Putnam Regional Park, which would be replaced with wildlife-friendly fencing.

- (4) Facilitate development that minimizes and anticipates impacts from climate change and respects the ecological health of the Petaluma River, wetlands, wet meadows, grasslands, greenbelt, and open space ecosystems.

As noted above, the project proposes designating 47 acres of the project site as an extension to the Helen Putnam Regional Park with public amenities and preserved open space, as well as an additional 4.8 acres of private open space, for a total of approximately 52 acres of open

space to be retained. All or most of the Putnam Park Extension Project component portion of the project site would be protected by two conservation easements to ensure it remains protected in perpetuity. In addition, Mitigation Measures BIO-2a through BIO-2e identified in the RDEIR require preparation of a Landscape and Vegetation Management Plan, Tree Preservation Plan, Tree Replacement Program, and Native Grassland Avoidance and Replacement Program. These measures would serve to address project impacts on riparian corridors, seasonal wetlands, and native grassland sensitive natural community types, would provide for the replacement of native trees removed as part of proposed development, and would serve to control the spread of broom and other invasive species on the project site, which could further compromise the value of these natural community types.

Mitigation Measure BIO-3 identified in the RDEIR, together with the final mitigation plans prepared as part of the permit approval process with USACE, CDFW, and RWQCB would serve to fully address the potential impacts on riparian woodlands, native grasslands, and freshwater marsh and other wetlands through a combination of habitat protection, creation, and enhancement, all of which could be accomplished on-site in the proposed open space areas.

The proposed project would only be grading a portion (approximately 22 percent)<sup>13</sup> of the proposed project site. It would maintain grasslands and introduce native trees, shrubs, and groundcover. As described in **Section 2.0, Revised Project Description**, the proposed project as revised would plant 327 trees as replacement for the removal of approximately 30 trees. The net increase in 297 trees would result in a higher level of carbon sequestration on the site compared to existing conditions and a consequent reduction in net annual GHG emissions. In addition, natural grasslands occupy most of the southern portion of the project site and will be retained under the proposed project. Studies have demonstrated that the potential to sequester carbon by improving grassland practices is substantial – of the same order as that of agricultural and forestry sequestration.<sup>14</sup> **Mitigation Measure BIO-2e** identified in the RDEIR requires the development of a Native Grassland Avoidance and Replacement Program to ensure grasslands are successfully reestablished and existing and restored grasslands remain viable. Accordingly, the proposed project aligns with the City’s Climate Action Framework and as documented in the RDEIR, implementation of the proposed project as revised would not result in significant impact related to GHG.

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<sup>13</sup> Total area that would be disturbed is approximately 13 acres (562,525 square feet).

<sup>14</sup> Food and Agriculture Organization (FAO), 2010, Challenges and Opportunities for Carbon Sequestration in Grasslands Systems, A technical Report on Grassland Management, and Climate Change Methodology, Volume 9-2010.

### 3.8 MASTER RESPONSE 7 – TRIP GENERATION

Comments expressed concerns about new vehicle trips that would be generated by the Putnam Park Extension Project component.

As described under **Project Trip Generation** on **page 4.13-27 of the RDEIR**, vehicle trip generation associated with the Putnam Park Extension Project component was informed by a review of both local and national data sources. Local data sources included trip rates collected for the Taylor Mountain Regional Park and Tolay Lake Regional Park Master Plan studies. National data sources included the Institute of Transportation Engineers (ITE) Trip Generation Manual for parks of similar size and amenities. This included the County Park (land use 412 from the 9th Edition of the ITE Manual) and Public Park (land use 411 from the most recent 10th Edition of the ITE Manual) as they both have a mix of passive (e.g., hiking trails, open space) and active uses (e.g., boating, swimming, or picnic facilities, ball fields, campsites).

The data source with the highest peak hour trip generation (Public Park from the 10th Edition manual) was selected for use in the RDEIR's informational traffic operations analysis to present a conservative effect of the park extension on local roadways, the results of which are described in more detail under **Master Response 8 – Traffic Operations**. These trip generation estimates are for vehicles only, and do not include people walking or bicycling to the park. Additionally, park trip generation, presented in **Table 4.13-4 of the RDEIR**, only includes the additional vehicle trips that would be generated by the park extension, and does not include vehicle trips to the existing park that may shift their parking location to the new parking lots provided as part of the Putnam Park Extension Project component. As described on **page 4.13-28 of the RDEIR**, those visitors who shift to the proposed parking facilities would likely do so out of convenience and the availability of a parking location closer to the park than the existing parking lots and would not create additional vehicles on the roadway network.

Park trip generation, presented in **Table 4.13-4 of the RDEIR**, is for the peak hours of traffic on streets surrounding the park, for the purpose of presenting an informational assessment of traffic operations in a manner consistent with the City of Petaluma General Plan. The peak hour of traffic on the roadway network typically considers the AM or PM peak hour and may not correlate with peak hours of usage of the parks. The City of Petaluma requires an informational traffic operations analysis for peak hours of traffic to represent the worst-case conditions on surrounding roadways as new project-generated vehicle trips have less of an effect on traffic operations during other periods of the day when background traffic is lower. Therefore, the estimates of new vehicle trips generated by the Putnam Park Extension Project component presented in the RDEIR is adequate. As noted on **page 4.13-28 of the RDEIR**, the proposed



project would reduce driving distances for people already driving through the project area and would not increase traffic volumes at the study intersections.

### 3.9 MASTER RESPONSE 8 – TRAFFIC OPERATIONS

Comments expressed concerns about the effect of the proposed project on local traffic circulation during construction and after the project is built out.

**Traffic Impacts during Construction.** As presented in **Section 4.13-5** starting on **page 4.13-70 of the RDEIR**, construction would add heavy vehicle traffic to the street network in the vicinity of the project site. While most traffic generated by construction of the proposed project would occur primarily during off-peak times and large haul trips would not be required as the amount of excavation and grading of soils would balance and thus occur all on-site, some additional heavy vehicles would be required and would potentially result in significant temporary impacts on the transportation network during construction. This would include the effect of slow-moving trucks and lane closures on disrupting emergency access or accessibility for people traveling on the surrounding roadway network, or damage to road pavement from truck movement. **Mitigation Measure TRANS-5**, presented on **page 4.13-64 in the RDEIR**, is identified to reduce this potentially significant impact to a less-than-significant level, including traffic control measures and temporary flaggers when needed, communication with the City and nearby residents about construction activity, and requirements for truck routing to minimize impacts on other roadway users. Therefore, the RDEIR adequately describes the potential effects associated with construction and identifies the measures required to reduce the impact to a less-than-significant level.

**Traffic Impacts during Operations.** As described under **Existing Intersection Volumes and Lane Configurations** starting on **page 4.13-6 of the RDEIR**, vehicle traffic counts were collected in May 2019 at six study intersections during peak periods for traffic congestion (7:00 to 9:00 AM and 4:00 to 6:00 PM) and also for 72 hours on D Street between El Rose Drive/Sunnyslope Avenue and Windsor Drive. The intersection turning movement counts are presented in **Appendix 4.13 of the RDEIR**. The 72-hour counts, are part of the project's administrative records and are presented in **Appendix RTC-B, Transportation**, of this document, in response to a commenters request. The most substantial change in traffic volumes in recent years was in the northbound direction in the PM peak hour on D Street, which is likely due to some traffic exiting northbound U.S. 101 to use Novato Boulevard, Point Reyes-Petaluma Road, and D Street to bypass the highway congestion on northbound US-101. The 72-hour counts indicated that traffic on D Street during the Friday PM peak period was 25 percent higher than Thursday. This was likely associated with additional Sonoma County-bound weekend recreational traffic. To study "worst case" conditions that occur during the Friday PM peak hour, the northbound D Street PM peak hour traffic counts presented in the RDEIR were increased by 25 percent.

An informational assessment of existing traffic operations based on these traffic counts is presented under **Intersection Operations Analysis**, starting on **page 4.13-6 of the RDEIR**. As indicated in **Table 4.13-3 on page 4.13-12 of the RDEIR**, the intersections of D Street and Lakeville Street and D Street and Windsor Drive operate at unacceptable LOS E conditions during the PM peak hour due to the high northbound traffic volumes. Although other intersections operate acceptably based on the City of Petaluma's Policy 5-P-10, the extensive northbound vehicle queues observed along D Street in 2019 are reflected in the higher levels of delay on the northbound approaches to each study intersection, as presented in the detailed calculation work sheets in **Appendix 4.13 of the RDEIR**. Therefore, the existing traffic operations analysis adequately represents the existing conditions for this informational assessment and reflects the observations of existing traffic operations noted in several comments.

As presented in **Table 4.13-4 on page 4.13-28 of the RDEIR**, the proposed project would generate an additional 26 to 35 new vehicle trips on the roadway network during the AM or PM peak hours. The proposed project would also convert the intersection of D Street and Windsor Drive from a side-street stop-controlled intersection to a roundabout. The effect of these additional vehicle trips and roadway changes under existing, pipeline, and cumulative conditions are presented in **Tables 4.13-5, 4.13-8, and 4.13-10 on pages 4.13-34, 4.13-41, and 4.13-49 of the RDEIR**, respectively. This informational analysis indicates that the proposed project would not have a substantial effect on traffic operations surrounding the project site due to the relatively small number of vehicle trips generated by the proposed project. For perspective, the number of vehicle trips would represent approximately one new vehicle every two minutes on the surrounding roadway network during the peak hour. These new vehicle trips would represent a three percent change in traffic volumes at the intersection of D Street and Windsor Drive, or a one percent change in traffic volumes on northbound D Street, north of Windsor Drive, during the most congested period.

At the intersection of D Street and Windsor Drive, traffic operations would improve to acceptable levels under all scenarios with the proposed project due to the roundabout, which would allow drivers on Windsor Drive to turn left onto D Street with less delay compared to the existing side-street stop configuration where they must wait extended periods for gaps to traffic. As presented in the detailed calculation work sheets in **Appendix 4.13 of the RDEIR**, the roundabout would not cause substantial delay for northbound drivers that could result in extensive vehicle queues on D Street, as drivers would only experience 17 seconds of delay under the worst-case scenario for cumulative plus project PM peak hour conditions. As traffic operations would be acceptable under all scenarios with the proposed project, the RDEIR concluded that no mitigation measures are required at the roundabout. Further, as noted by Caltrans, roundabouts have proven safer than traditional intersections and reduce overall collisions,

including those with injuries and fatalities and those involving pedestrians.<sup>15</sup> Additional improvements to further reduce potential hazards on D Street, including the potential for speed limit radar signs as requested by a commenter, will be at the City engineers' discretion, as described on **page 4.13-59 of the RDEIR**.

As presented in Section 4.13-5 starting on **page 4.13-70 of the RDEIR**, the other intersections that are expected to operate unacceptably under no project conditions include D Street and Lakeville Street and D Street and 8th Street during the PM peak hour. The proposed project would add 0.4 and 2 percent to the traffic volumes at these locations during the PM peak hour, respectively. This change represents a very small change to traffic conditions at these locations. As described on **page 4.13-24**, changes to traffic operations are not considered an environmental impact and are presented for informational purposes only. The RDEIR evaluated several measures for improving traffic operations at these locations on **pages 4.13-70 and 4.13-71** and determined that these changes would be infeasible and potentially unnecessary given the uncertainty of whether traffic volumes would return to similar levels reflected in these worst-case traffic volumes post-COVID. Therefore, traffic operations at D Street/Lakeville Street and D Street/8th Street would continue to conflict with Petaluma's General Plan Policy 5-P-10 after implementation of the proposed project. However, the proposed project would also contribute to improving citywide circulation through the proposed on- and off-site multi-modal circulation improvements and the contribution of City of Petaluma Development Impact Fees towards other citywide circulation improvements. Therefore, the traffic operations analysis presented in the RDEIR adequately presents the requested information about traffic operations and changes to circulation with the proposed project.

Finally, commenters requested the removal of bollards on B Street to relieve traffic on D Street. The project does not propose to remove the bollards on B Street. Furthermore, this measure is not required to address project-generated traffic circulation issues.

### **3.10 MASTER RESPONSE 9 – VEHICLE MILES TRAVELED APPROACH**

Comments expressed concerns about the RDEIR's approach to analyzing the proposed project's vehicle miles traveled (VMT) impact. Responses to these concerns and new information that became available after the publication of the RDEIR are presented below.

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<sup>15</sup> Caltrans (December 2017). Rounding Out a Traffic Strategy: Roundabouts Have Proven Safer than Traditional Intersections; More Coming. Accessed by Fehr & Peers on September 1, 2021 from: <https://dot.ca.gov/-/media/dot-media/programs/risk-strategic-management/documents/mile-marker/mm-2017-q4-roundabout-ally.pdf>

As described in the City of Petaluma’s July 2021 SB 743 Vehicle Miles Traveled Implementation Guidelines (SB 743 Guidelines), project components should be analyzed separately using the relevant thresholds for residential, office/employment-focus, or retail/commercial service projects. Therefore, the park and residential components of the project are presented separately in the RDEIR and addressed separately below.

As described in **Section 4.13.4.1, Significance Criteria (Vehicle Traffic)**, starting on **page 4.13-22 of the RDEIR**, the extension of an existing park or open space typically redistributes local recreational trips rather than creating new trips. The State of California’s Office of Planning and Research (OPR) guidelines provided specific recommendations for the evaluation of VMT associated with land use projects, residential, office, and retail projects as they tend to have the greatest influence on regional VMT. For a recreational use to create a significant VMT impact, the project would need to increase regional VMT at a level that could conflict with the state’s ability to meet the greenhouse gas reduction targets. While the extension to Helen Putnam Park would result in a slight increase in local vehicle trips to the park as described in **Master Response 7 – Trip Generation**, this increase would result from a redistribution of existing local recreational trips and would therefore not result in a substantial increase in regional VMT nor conflict with the State’s ability to meet the greenhouse gas reduction targets. Further, elements of the project would reduce the VMT generated by the park, such as the provision of parking lots closer to existing Petaluma residences that would reduce the distance for people driving to the park and the introduction of multi-use paths, sidewalk gap closures, crosswalk improvements, and other frontage improvements that would make it easier for nearby residents to walk and bike to the park. Therefore, the RDEIR adequately describes the potential VMT effects of the proposed Helen Putnam Park Extension component.

The residential VMT analysis presented in the RDEIR relied on outputs from the Metropolitan Transportation Commission (MTC) 2015 Travel Demand Model. After the VMT analysis documented in the RDEIR was completed in the spring of 2020, the Sonoma County’s travel demand model (SCTA travel model) was updated in August 2020 and again in August 2021. The updated SCTA travel model includes more detail within the study area compared to the MTC’s regional travel model and was selected for use in future VMT analysis by the City of Petaluma in July 2021 for the City’s SB 743 Guidelines. The August 2021 update of the SCTA model is calibrated to 2019 conditions and includes land use and transportation changes completed by 2019 (including the Sonoma Marin Area Rail Transit project<sup>16</sup>). While CEQA does not require technical analyses to be updated after the RDEIR is completed, the City determined that the

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<sup>16</sup> Sonoma Marin Area Rail Transit (SMART) is a passenger rail and bicycle pedestrian path way project that would provide train service between Larkspur in Marin County to Cloverdale in Sonoma County.

SCTA model would improve the quality of the technical analyses in a manner consistent with transportation engineering best practices and thus was appropriate for use in this RTC.

Based on the August 2021 version of the SCTA model, the project's residential component would generate 20.5 VMT per capita at operation under existing conditions, compared to the 19.6 VMT per capita projected using the MTC travel model as presented on **page 4.13.30 of the RDEIR**. The citywide average residential VMT per capita in the SCTA travel model is 17.8 per capita, resulting in a significance threshold of 15.1 VMT per capita based on 15 percent below the City average, which was the threshold recommended by the State of California and used by the City of Petaluma at the time the RDEIR was completed.<sup>17</sup> Therefore, based on the SCTA travel model, the project's residential component would continue to have a significant impact on VMT under existing conditions and would be required to reduce or offset project-generated VMT by approximately 26 percent in order to fall below significance levels.

Under cumulative conditions, the project's residential component would generate 21.4 VMT per capita, compared to 16.1 VMT per capita, projected using the MTC travel model. The citywide average cumulative VMT per capita in the SCTA travel model is 17.4 VMT per capita, resulting in a significance threshold of 14.8 VMT per capita, based on 15 percent below the City average. Therefore, the project's residential component would have a significant impact on VMT under cumulative conditions and would be responsible for reducing or offsetting project-generated VMT by approximately 31 percent.

Accounting for the more recent model information, the project's residential component would generate VMT per capita greater than the threshold and thus would have a significant impact on VMT, similar to the conclusion presented on **page 4.13-50 in the RDEIR**. Given this information, the conclusions presented in the RDEIR would remain unchanged. Transportation analysis presented in **Section 4.13, Transportation, of the RDEIR** has been revised based on the August 2021 version of the SCTA model. See **Chapter 5.0, Revisions to the RDEIR**.

**Master Response 10 – VMT Mitigation** presents information about the proposed project's approach to quantify VMT reductions and examine measures that could reduce VMT impact.

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<sup>17</sup> Since the RDEIR's NOP was released, the State of California replaced LOS with VMT as the primary transportation metric for CEQA analysis and OPR recommended that jurisdictions use a threshold of 15 percent below the citywide average for residential uses, as noted on **page 4.13-14 in the RDEIR**. In 2021 after the RDEIR was released, the City of Petaluma adopted a threshold of 16.8 percent below the citywide average for residential uses as described in the City's SB 743 Guidelines. However, CEQA requires an analysis based on baseline conditions established at the NOP, or in this case, at the time which the RDEIR was completed, when the City of Petaluma used a 15 percent threshold.

### 3.11 MASTER RESPONSE 10 – VMT MITIGATION

Comments expressed concerns that the mitigation measures presented in the RDEIR would not reduce the proposed project's VMT impact to a less-than-significant level and a range of potential on-site mitigation measures were suggested, such as increasing the density, affordability, or providing access to e-bikes or bike share facilities. This response presents an overview of the latest TDM research and evaluates whether based on this information, the proposed project's VMT impact could be reduced to a less-than-significant level.

**Master Response 9 – VMT Approach** describes the methodology for calculating the VMT generated by the proposed project and new VMT information that became available in August 2021. Based on the new VMT information from the August 2021 SCTA model, the proposed project would need to reduce project-generated VMT by approximately 26 percent and 31 percent under existing plus project and cumulative plus project conditions, respectively, to reduce the project's VMT impact to a less-than-significant level. This represents approximately 376 VMT under existing plus project conditions and 465 VMT under cumulative plus project conditions, without accounting for the credit associated with on-site VMT reduction measures described below.

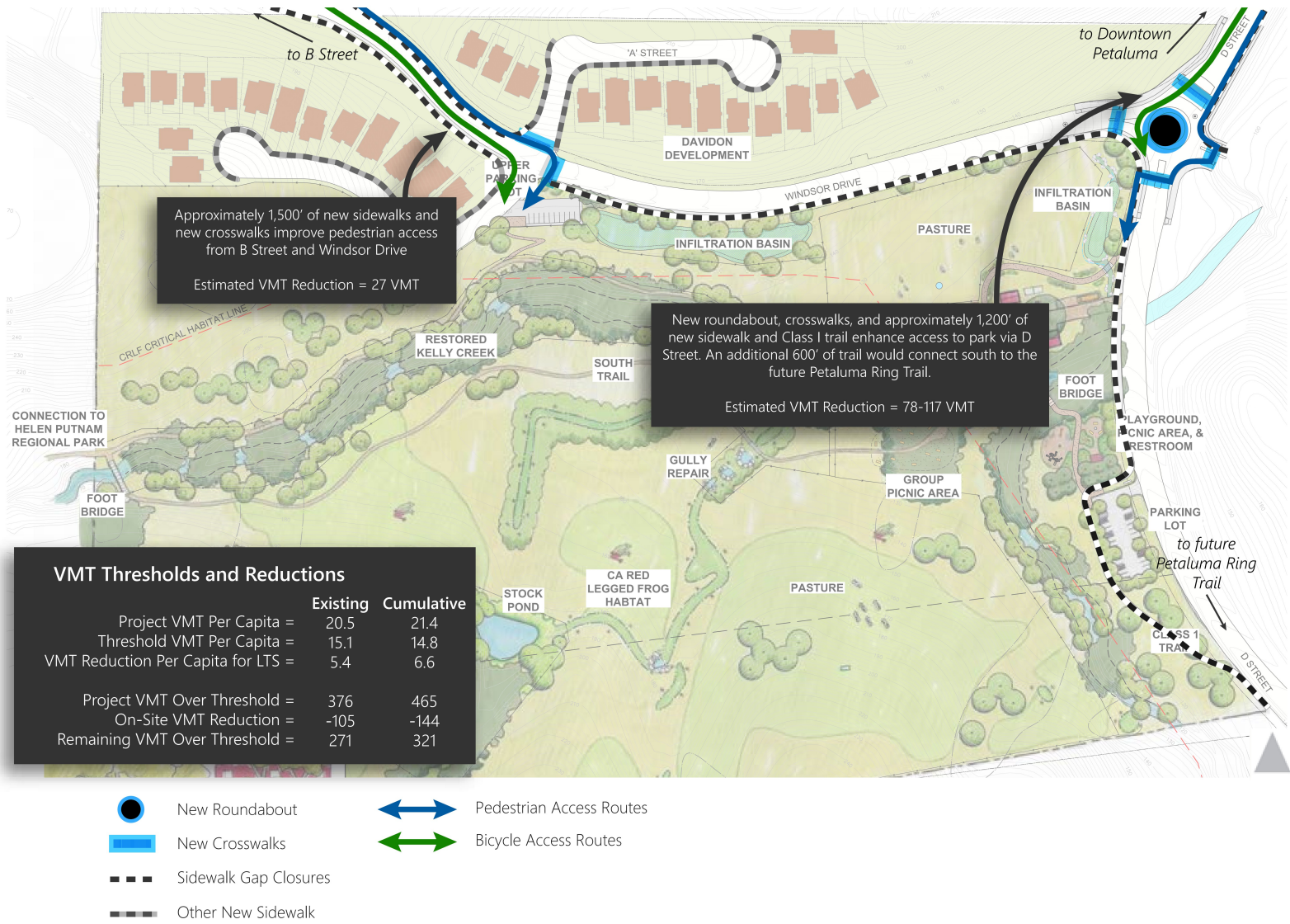
In addition to the new SCTA model information, information regarding VMT mitigation is also newly available. At the time that the VMT mitigation measure for the RDEIR was developed, Quantifying Greenhouse Gas Mitigation Measures (CAPCOA, August 2010) provided the latest guidance on quantifying VMT reductions from TDM strategies. Since the RDEIR was published, CAPCOA released the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (CAPCOA, December 2021), which provides updated guidelines for quantifying VMT reductions based on the latest research. **Table 3-2** below, provides a summary of the TDM measures presented on **pages 4.13.50 to 4.13-52 of the RDEIR** and the relevant on-site measures applicable to the proposed project from CAPCOA 2021. As shown in **Table 3-2**, the CAPCOA 2021 TDM Measure T-17, Provide Pedestrian Network Improvement, updates the CAPCOA 2010 TDM Measure SDT-1 Provide Pedestrian Network Improvements and presents evidence that a TDM reduction based on community-level or roadway segment VMT is feasible. No other updates in the CAPCOA 2021 change the VMT reduction analysis presented in the RDEIR.

**Table 3-2  
TDM Effectiveness Summary**

CAPCOA 2010	CAPCOA 2021	Measure Applicability
LUT-5 Increase Transit Accessibility	T-24. Extend Transit Network Coverage or Hours	No change from RDEIR. As noted in <b>RDEIR on page 4.13.52</b> and in <b>Master Response 11 - Public Transit</b> , the community surrounding the project site does not have the population density to support the demand required for the City of Petaluma to extend transit service in this area, and therefore, the City of Petaluma has no plans to expand service to this area. Therefore, this strategy would be infeasible for reducing the project's on-site VMT.
SDT-1 Provide Pedestrian Network Improvements	T-17. Provide Pedestrian Network Improvement	Update to RDEIR. CAPCOA 2021 presents evidence that a TDM reduction based on community-level or roadway segment VMT is feasible. The effectiveness of this measure is described below.
SDT-2 Provide Traffic Calming Measures and Low-Street Bicycle Network Improvements	T-18-A. Construct or Improve Bike Facility	No change from RDEIR. The effectiveness of bicycle network improvements are evaluated at the community scale, and the benefits of the on-site individual segments in the context of the project would be negligible. Therefore, this strategy would be infeasible for reducing the project's on-site VMT.
TRT-13 Implement School Bus Program	T-39. Implement School Bus Program	The research supporting the effectiveness of this measure was not sufficient for quantification in the CAPCOA 2021 update.

*Source: Quantifying Greenhouse Gas Mitigation Measures, CAPCOA, August 2010. Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, CAPCOA, December 2021.*

As discussed in the **RDEIR on pages 4.13.50 to 4.13-52**, based on research documented in CAPCOA 2010, on-site TDM strategies would be insufficient for mitigating the project's VMT due to the project's location on the urban fringe of Petaluma since traditional TDM strategies are dependent on the land use context and final building occupants who choose to be located in walkable or transit-supportive locations. Based on the updated CAPCOA 2021 guidance on quantifying VMT reductions from TDM strategies, the section below describes the effectiveness of the proposed on-site TDM mitigation measures and off-site measures that the proposed project would need to implement to reduce the proposed project's VMT impact to a less-than-significant level. **Figure 3-2, VMT Reductions and Onsite Improvements**, below, presents a summary of the VMT reduction provided by the proposed on-site improvements. The attached memorandum Scott Ranch VMT Mitigation Measure Assessment in **Appendix RTC-B** presents the detailed calculations for the information presented below.



SOURCE: Fehr & Peers, 2022

FIGURE 3-2



As described in **Master Response 12 – Bicycle and Pedestrian Access**, the project would improve bicycle and pedestrian access through the following measures: approximately 800 feet of new sidewalk along the east side of D Street, new sidewalks along the south side of Windsor Drive, multiuse pathways on the west side of D Street south of Windsor Drive, and pedestrian crossing improvements at D Street and Windsor Drive. These improvements fall under TDM measure T-17, Provide Pedestrian Network Improvement, presented within CAPCOA 2021, a strategy that focuses on creating pedestrian networks that connect the project to nearby destinations, and is calculated based on the community-level VMT to account for the benefits associated with improving accessibility more broadly (for example, to the existing park and homes in the area). As shown in **Appendix RTC-B** of this document, these pedestrian network improvements would result in a community-level VMT reduction of approximately 105 VMT under existing conditions and 144 VMT under cumulative conditions. The remaining VMT over the threshold (approximately 271 VMT under existing plus project conditions and 321 VMT under cumulative plus project conditions) would need to be offset with additional measures in order to fall below levels of significance.

Other requested on-site measures, such as increasing the density, affordability, or providing access to e-bikes or bike share facilities would not result in a quantifiable reduction of project-generated VMT, as presented in **Appendix RTC-B**. In general, there is limited evidence in CAPCOA 2021 supporting on-site VMT reductions for these types of measures within the context of the proposed project, and project-generated VMT would not be reduced to a level below the threshold. Given the effectiveness of the sidewalk measure to reduce VMT in the vicinity of the project site and an expressed desire by City staff to close other sidewalk gaps within the City, a preliminary review of sidewalk gaps was conducted to determine whether Measure T-17, Provide Pedestrian Network Improvement, could be applied elsewhere in the City. Based on discussions with the City Engineer, two additional segment gaps were identified that, if closed, would reduce the remaining VMT to meet the threshold (approximately 271 VMT under existing plus project conditions and 321 VMT under cumulative plus project conditions).

- Petaluma Boulevard South – north side of street between Vartnaw and Crystal Lane Roundabout (710 feet): Completion of this segment would reduce VMT by 73 to 78 VMT as shown in the Scott Ranch VMT Mitigation Measure Assessment in **Appendix RTC-B**.<sup>18</sup>

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<sup>18</sup> While the sidewalk improvements on Petaluma Boulevard South between Vartnaw and Crystal Lane Roundabout as part of the Petaluma Boulevard South Road Diet project were unfunded at the time of this study was conducted, they have since been funded and started construction in January 2022. The project is expected to be complete in June 2022.

- Lakeville Highway – south side west of Marina Ave (up to 1,942 feet): completion of this segment would reduce VMT by 330 to 354 VMT as shown in the Scott Ranch VMT Mitigation Measure Assessment in **Appendix RTC-B**.

These sidewalk gaps were selected because they are planned, unfunded, and were determined to be potentially feasible to implement based on a preliminary review with Petaluma Public Works staff as documented in **Appendix RTC-B**. While the City of Petaluma controls the right-of-way on Petaluma Boulevard South, the Lakeville Highway sidewalk gap closure would occur partially within Caltrans right-of-way; therefore, Caltrans' approval would be required through their standard review processes for projects on the state highway system. Other sidewalk or trail gaps mentioned in previous Citywide studies, such as Petaluma Blvd North or the River Trail, have not been prioritized for analysis due to feasibility challenges such as riparian, drainage, right-of-way, etc. The City of Petaluma may identify other sidewalk or trail gaps in the future that would provide a quantifiable VMT reduction if installed. Full implementation of the two selected segments would reduce citywide VMT by 403 to 432, which would be greater than the remaining existing plus project (271) and cumulative plus project (321) VMT generated by the project over the threshold. Therefore, the combination of the pedestrian access improvements proposed by the project and the additional off-site sidewalk gap closure improvements, described above, could reduce the proposed project's VMT impact to a less-than-significant level. However, in consideration of the timing for the Petaluma Boulevard South project (construction is expected to be complete in June 2022) and the required approvals from Caltrans for the Lakeville Highway sidewalks, the impact of the proposed project would remain significant and unavoidable with mitigation. The proposed on-site improvements would reduce vehicle travel by 105 VMT under existing conditions. This would be greater than the VMT offset required to reduce impact associated with seven of the proposed 28 residential units to a less-than-significant level.<sup>19</sup> Prior to occupancy of the eighth residential unit, the City would assess which specific sidewalk gaps, or other VMT reduction measures such as those described below, would be feasible to reduce the VMT impact to less-than-significant levels.

Additional measures that were considered but ultimately eliminated include expanding transit service elsewhere in the City where demands support expansion, such as along the East Washington Street corridor, expanding the upcoming pilot bikeshare program, subsidizing transit passes, and constructing additional bike facilities, as described in **Appendix RTC-B**. While these measures, if feasible, could mitigate project impact to VMT to a less-than-significant level when implemented in denser and more centrally located neighborhoods in Petaluma than near the project site, these measures would require on-

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<sup>19</sup> Seven units would generate 94 VMT over the City's threshold, less than the 105 VMT that the proposed circulation improvements would reduce for existing travelers on the roadway network.

going administration and no implementation program has been established. Therefore, these measures are considered infeasible. The City of Petaluma is currently investigating a citywide VMT reduction program that could include an assessment of sidewalk gaps citywide and administration guidance for VMT reduction measures, such as those listed above. Given the uncertainty related to these VMT reduction programs or improvements, these measures would not reduce the impact to a less-than-significant level.

The proposed on-site and near site improvements proposed by the project including installation of sidewalks, sidewalk gap closure, multiuse pathways on the west side of D Street south of Windsor Drive, and pedestrian crossing improvements at D Street and Windsor Drive, would offset approximately 105 VMT under existing conditions and 144 VMT under cumulative conditions. However, as discussed above there are no other feasible and quantifiable onsite or offsite VMT mitigation measure that would adequately reduce the remaining VMT (approximately 271 VMT under existing plus project conditions and 321 VMT under cumulative plus project conditions) to levels below significance. The conclusions presented in the RDEIR show that the proposed project's impact to VMT would be significant and unavoidable would remain.

Analyses under **Impact TRANS-1** and **Cumulative Impact TRANS-1 of the RDEIR** have been updated to reflect CAPCOA 2021 guidelines for quantifying VMT reductions. **Mitigation Measure TRANS-1** identified in the RDEIR was found not feasible and no other mitigation measures were found feasible to reduce VMT impact to a less-than-significant level, as described above. The proposed project would continue to result in significant and unavoidable impacts to an exceedance of the VMT threshold under both existing plus project and cumulative plus project conditions. See **Chapter 5.0, Revisions to the RDEIR**, for the updated analysis under **Impact TRANS-1** and **Cumulative Impact TRANS-1**.

### 3.12 MASTER RESPONSE 11 – PUBLIC TRANSIT

Comments expressed concerns regarding insufficient public transit service to the site, and the feasibility of providing additional transit service to the project area.

As described in **Section 4.13.2.1, Existing Transportation Network of the RDEIR**, the nearest transit stop that provides regular service to the site is located on 4th Street west of C street, over a mile from the project site. The transit stop at El Rose and B Street is approximately one-half mile north of the project site but is only served by route 501 that provides limited school day service. However, the project site is within the Petaluma Paratransit service area. As noted in **Section 4.13.4.3, Project Impacts and Mitigation Measures, of the RDEIR**, the City of Petaluma does not currently have plans to extend transit service closer to the project site due to the low density and other design characteristics of the surrounding

community that would not be expected to support the transit demand required for a viable fixed transit service. Petaluma Transit's upcoming Short Range Transit Plan will re-evaluate the benefit of new fixed-route or on-demand service to serve the project site compared to providing service elsewhere in Petaluma and will consider how to best fulfill City goals such as Greenhouse Gas Reduction and achieve reductions to Vehicle Miles Traveled given the available resources. Therefore, the evaluation of public transit presented on **page 4.13-60 of the RDEIR** is adequate. The proposed project would not impact access to transit and no mitigation measure is required.

For additional discussion on the use of public transit to mitigate the project's VMT impact, please see the **Master Response 10 – VMT Mitigation**.

### **3.13 MASTER RESPONSE 12 – BICYCLE AND PEDESTRIAN ACCESS**

Comments expressed concerns regarding safety and accessibility for people walking or biking along Windsor Drive.

As described in **Section 4.13.4.2, Vehicular Traffic Analysis of the RDEIR**, and shown on **Figure 3-2** under **Master Response 10 – VMT Mitigation**, the proposed project would add several improvements to bicycle and pedestrian access in the project area. These network changes include multi-use pathways along D Street and within the Putnam Park Extension Project component, a new roundabout and pedestrian crossing improvements at the intersection of D Street and Windsor Drive, approximately 800 feet of new sidewalk along the east side of D Street between Windsor Drive and Sunnyslope Avenue, new sidewalks along the south side of Windsor Drive to D Street, and a high-visibility crosswalk on Windsor Drive at the proposed A and B Streets. Additional improvements to pedestrian and bicycle access will be evaluated at the City engineers' discretion, as described on **page 4.13-62 of the RDEIR**.

The proposed pedestrian improvements would improve pedestrian accessibility through more direct ADA-compliant pathway for people visiting Helen Putnam Park, the existing homes along Windsor Drive, and the proposed Davidon (28-Lot) Residential Project component. Currently, the walk between the intersection of D Street, Sunnyslope Avenue, and El Rose Drive to Helen Putnam Regional Park is approximately 0.8 miles long (15-to-20-minute walk) via the multi-use pathway off El Rose Drive, B Street, and Windsor Drive to reach the entrance on Oxford Court. With the proposed project, the walk between the intersection of D Street, Sunnyslope Avenue, and El Rose Drive and the new park entrance on D Street south of Windsor Drive would be approximately one-third of a mile (5-to-10-minute walk). The improved pedestrian connection would also provide an accessible walking route with fewer hills than the existing walking route, as some Helen Putnam Park visitors may be currently dissuaded from walking to the park by the hills on Oxford Court and B Street. Furthermore, existing and future residents

along Windsor Drive would have an improved pedestrian connection to their neighbors along D Street, Pinnacle Drive, and other westside neighborhoods, including Downtown Petaluma. These new accessible walking paths will allow some existing and future park visitors and residents who currently drive to shift to walking, thus removing vehicles from the surrounding roadway network. The benefit to reducing VMT of these connections are described further in the **Master Response 10 – VMT Mitigation**.

The roundabout would reduce hazards for people walking or biking in the area by slowing speed of vehicles entering Petaluma along D Street. Additional improvements to further reduce potential hazards on D Street will be evaluated at the City engineers' discretion using latest and greatest technology and best management practices, as described on **page 4.13-59 of the RDEIR**.

Furthermore, as noted in **Table 4.13-4 of the RDEIR** and elaborated in **Master Response 7 – Trip Generation** and **Master Response 8 – Traffic Operations**, the proposed project would add few additional vehicle trips to the roadway and would not worsen traffic operations on the surrounding roadway network. Therefore, the evaluation of pedestrian and bicycle conditions as described on **pages 4.13-55 to 4.13-63 of the RDEIR** is adequate. As described in the RDEIR, the proposed project would not create hazardous design features nor interfere with access for people walking and bicycling and no mitigation measure is required.

### **3.14 MASTER RESPONSE 13 – WILDFIRE EVACUATION**

Comments expressed concerns about parking and vehicle traffic during a wildfire evacuation with and without the proposed project and raised questions about the methodology behind the wildfire evacuation study, including the number of evacuation vehicles per household.

As described in **Section 4.15, Wildfires of the RDEIR**, emergency vehicle access on the project site would be developed in consultation with the City Fire Prevention Bureau. The project site would be required to provide turning radii and back-up space adequate to accommodate emergency fire equipment with vehicles parked on surrounding streets. As noted on **pages 4.15-22 to 4.15-23 of the RDEIR**, during an evacuation, general vehicle traffic would be restricted from entering the evacuation area with two lanes available for emergency purposes, including one lane for emergency vehicle access and one travel lane for evacuation.

The analysis of wildfire evacuation patterns, presented under **Impact WDF-1** on **pages 4.15-22 to 4.15-23 of the RDEIR**, is based on the *Scott Ranch DEIR: Wildfire Evacuation Transportation Assessment* (Evacuation Assessment) (Fehr & Peers, June 26, 2020) presented in **Appendix 4.13, Transportation, of the RDEIR**.

Since the RDEIR was completed, UC Berkeley completed an additional study on evacuation that reviewed California wildfire evacuations between 2017 and 2019.<sup>20</sup> This included the 2017 Tubbs fire that was used for the evacuation analysis presented in the Evacuation Assessment. In addition, this study reviewed the wildfire evacuations associated with the 2017 Southern California and 2018 Carr wildfires. This study includes survey responses about the number of evacuation vehicles per household, which was an input in the Evacuation Assessment to estimate the number of vehicles under an evacuation scenario (see Table 1 in the *Scott Ranch DEIR: Wildfire Evacuation Transportation Assessment*). Incorporating the data presented in the UC Berkeley study increases the robustness of the survey sample size (101 to 530 surveys) and reduces the margin of error from up to  $\pm 10$  percent to up to  $\pm 4$  percent with a 95 percent confidence level. Incorporating these surveys and applying the conservative assumption that the share of evacuees using multiple vehicles would be on the higher end of the respective ranges increases the weighted average of the number of vehicles per household from 1.75 to 1.89.

Applying this average number of vehicles to the roadway capacity analysis would result in the volume to capacity ratios presented in Table 2 of the *Wildfire Evacuation Transportation Assessment* (**Appendix 4.13 of the RDEIR**) increasing on all segments, with the most constrained roadway segments (Western Avenue) increasing from 0.77 and 0.86, as described on **page 4.15-24 of the RDEIR**, to 0.90 and 0.93. This remains below the capacity of this roadway (1.0), where traffic exceeding the roadway capacity would result in vehicle slowdowns and longer travel times. The *Wildfire Evacuation Transportation Assessment* presents a condition that represents a conservatively high estimate of vehicle traffic on these roadways during an evacuation through the following series of assumptions developed in tandem with City officials:

- As noted above, the analysis accounts for the upper end of the confidence interval of the number of vehicles per household. Applying an average vehicles per household would result in lower volume to capacity ratios on evacuation roadways.
- The number of households used in this assessment is based on the *Scott Ranch Vegetation Management Plan and Wildfire Evacuation Analysis*, which used structures as a proxy for households within the fire evacuation zone and included non-household or commercial buildings (e.g., sheds, storage units). Given that the *Scott Ranch Vegetation Management Plan and Wildfire Evacuation Analysis* assumed the non-household structures would generate the same number of vehicle trips as households but are unlikely to have evacuees, the estimate of number of vehicles presented in the *Wildfire Evacuation Transportation Assessment* is conservatively high.

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<sup>20</sup> Wong, S. D, Broader, J. C, & Shaheen, S. A. (2020). Review of California Wildfire Evacuations from 2017 to 2019. UC Office of the President: University of California Institute of Transportation Studies. Accessed by Fehr & Peers on February 22, 2021 from <https://escholarship.org/uc/item/5w85z07g>.

- All vehicles are assumed to evacuate during one hour, while it is more likely that evacuating vehicles would be spread out over multiple hours based on the progression of the fires presented in the *Scott Ranch Vegetation Management Plan and Wildfire Evacuation Analysis*. Spreading out evacuees over multiple hours would reduce the number of vehicles on the roadways at any one time.
- All vehicles are assumed to stay on Western Avenue and D Street all the way to Petaluma Boulevard, while Petaluma’s grid network would allow evacuating residents to use other routes to evacuate the fire zone. For example, evacuees using Western Avenue could turn north onto streets such as Bantam Way, Webster Street, Stanley Street, Howard Street to reach Bodega Avenue. A similar dispersal of evacuating vehicles to the grid would be possible from D Street. The dispersal of some vehicles following directions from emergency officials, local knowledge, or app-based navigation systems would reduce the number of vehicles on any one roadway (see **Appendix 4.13, Transportation, in the RDEIR**).

With regards to the final assumption, the dispersal of evacuees to other roadways near the project area would not result in over capacity conditions during an evacuation. The volume to capacity ratios of other roadways in the area such as Bodega Avenue would be lower than Western Avenue and D Street, because they provide less direct routes from the evacuation areas and thus would have fewer evacuees using these routes, while providing a similar capacity under evacuation conditions.

Therefore, accounting for the more recent studies and the uncertainty surrounding the number of vehicles per household during an evacuation would not represent a substantial change to the findings presented in the *Scott Ranch DEIR: Wildfire Evacuation Transportation Assessment* memo. Roadways that provide access to the project site would operate under capacity during an evacuation event. Given this information, the conclusions presented in the RDEIR that the proposed project would result in a less-than-significant impact related to emergency plans and wildfire risks would remain unchanged and no mitigation measure is required.

Finally, commenters during the public meeting requested the removal of bollards on B Street to facilitate evacuation through an additional route from the project site. The project does not propose to remove the bollards on B Street nor is this measure required to mitigate the less-than-significant impact associated with wildfire risks. The City may consider removal of B Street bollards as a separate project.

### **3.15 MASTER RESPONSE 14 – PARKING**

Comments expressed concerns regarding parking associated with the existing and proposed extension to Helen Putnam Park, as well as parking pricing.

As noted in **Section 4.13.5, Vehicle Delay and Parking Informational Topics, of the RDEIR**, a project's parking supply or effect on surrounding on-street parking demand is not considered an environmental impact under CEQA, therefore this response is presented for informational purposes. The project would add 37 additional parking spaces in two new off-street surface parking lots associated with the park extension. The proposed 37 additional parking spaces are designed to provide parking for users of the park extension, as discussed under *Project Trip Generation* on **page 4.13-27 of the RDEIR**, as well as accommodate some of the existing parking demand that is currently spread on adjacent City streets, (including Oxford Court) or the Chileno Valley parking lot, due to the relative convenience of reaching the new parking lots from D Street. Furthermore, by providing enhanced connections for people walking and bicycling to and from Helen Putnam Regional Park, as described in **Master Response 12 – Bicycle and Pedestrian Access**, some of the existing visitors who currently drive to the park may shift to walking or bicycling. Sonoma County Regional Parks installed 34 parking spaces (including two ADA spaces) in a new parking lot serving Helen Putnam Regional Park on the south side of Windsor Drive, east of West Haven Way. The West Haven parking lot is operational and available for use to access Helen Putnam Regional Park. Given the provision of adequate parking supply to meet expected increases in visitor demand and the potential for existing visitors to shift modes or to use the more convenient parking locations provided by the Putnam Park Extension Project component, it is anticipated that the proposed project would reduce parking demand on nearby streets such as Oxford Court.

Additional comments expressed concerns about the timing of construction of the parking lots and the trail extension. Unlike the trail extension near the West Haven traffic circle that was built prior to the parking lot, the planned parking lots on D Street would be constructed as part of Phase 1 with the proposed trails improvements. The proposed parking lot on Windsor Drive would be graded as part of Phase 1 and constructed during Phase 2. Further, public on-street parking would be available on the new A and B streets per City of Petaluma standards.

Finally, parking fees are not considered a physical change to the environment that would warrant an environmental evaluation, but rather an operational issue, and are therefore not addressed in the RDEIR. The provision of parking fees for the proposed parking lots are at the discretion of the Sonoma County Regional Parks District. Other parking management measures for local city streets in the project area, such as fees, time limits, or residential parking restrictions, are regulated by the City of Petaluma. While the proposed project does not include any of these measures nor are these measures required to address environmental impacts of the proposed project, the City of Petaluma may consider these measures in a manner consistent with relevant City plans, policies and ordinances.



### 3.16 MASTER RESPONSE 15 – PROJECT MERIT AND ALTERNATIVE

Public comments expressed interest in examining the possibility of developing the project’s residential component with multi-family residential units instead of single-family units. While these comments do not raise issues concerning the adequacy or accuracy of the RDEIR’s coverage of environmental impacts under CEQA, they may be considered and weighed by city decision-makers as part of their decision to approve, modify, or disapprove the proposed project. This consideration will be carried out independent of the environmental review process. However, for informational purposes, this response examines the potential construction and operation impacts associated with a multi-family development at the project site as compared to the proposed project.

**Construction.** To increase the number of residential units using a minimum surface area of the project site, the multi-family residential development would consist of multi-story buildings clustered in the northwest portion of the project site with limited landscaped areas. Such a development would not be typical of the existing single family residential pattern established along Windsor Road and open space of County lands and Helen Putnam Park. It would be visible from the surrounding neighborhoods as well as from the proposed trails and park extension in the remaining portion of the project site. The size and bulk of the multi-story buildings would alter the visual character in the project area and quality of public view of the project site. This would impact the visual character at the project area at a more significant level than what was identified for the proposed project in the RDEIR.

The project site is zoned as R-1 (Rural, Very Low and Low Residential) and is located within the West Hills Subarea, as identified in the General Plan (GP). R-1 zones are designated for single-family developments, with densities ranging from 0.6 to 2.5 units per acre. The number of units allowed at the project site range from 28 to 110 units. As described in the General Plan, the West Hills subarea serves as a transition area from Petaluma’s urban densities to the rural residential uses, agricultural activities, and grazing land beyond the urban growth boundary. An alternative residential component of multi-family units, within the allowed range of number of units at the project site would have higher number of residential units than the proposed project and the surrounding neighborhood. Such a development would conflict with General Plan Policy 2-P-62 for the West Hills subarea, which calls for the preservation of the rural aspect of the area by maintaining the existing density (Rural, Very Low and Low Residential) and land use patterns. A multi-family development at the project site would introduce multi-level structures greater than two-stories, as well as dedicated parking, and access to accommodate emergency vehicles. Multi-story structures, would not preserve the rural character and would be incompatible with the adjoining residential development pattern. Furthermore, a multi-family development at the Scott Ranch site would conflict with General Plan Policy 2-P-2, which specifies that the intent for development adjacent to the Urban Growth Boundary is the feathering or gradual density reduction to provide a

transition from urban to rural. Therefore, a multi-family residential concept would not comply with the General Plan policies and would result in more significant land-use impacts than those identified for the proposed project in the RDEIR.

A multi-family residential concept would include more square footage than the proposed 28-single family residences. This would result in larger construction activities and longer construction period. Therefore, construction impacts, in particular those related to air quality, energy, greenhouse gas emissions, noise, and transportation would be more significant than those identified for the proposed project. In addition, building multi-story structures would require steeper cut and filled slopes and deeper foundation than the proposed single-family development. This would have the potential to result in an increased level of earthwork and an increased potential for soil erosion. Increased erosion would also result in an increased potential for stormwater runoff and discharge of sediments into the creek. Similar mitigation measures to those identified for the proposed project would apply to the multi-family units to reduce these construction impacts. However, construction impacts associated with the development of the multi-family components would be more significant than those identified for the proposed project.

**Post construction.** Multi-family units would increase the residential population in the project area as compared to the proposed 28 single-family residences. Additional number of residents at the project site would result in more energy consumption and would increase the demand on utilities and public services. Additional residences would also increase the number of vehicle trips and associated operational air emissions and noise. As such, impacts associated with air quality, energy, greenhouse gas emissions, noise, public services, transportation, and utilities would be more significant with the multi-family development than those identified for the proposed project in the RDEIR. With more residents, vehicle miles traveled (VMT) per capita would be lower than those of the proposed project. However, overall VMT of the multi-family units would be higher than those of the 28 single-family residences, which would increase the severity of the VMT impact identified for the proposed project in the RDEIR.

In the event of an evacuation associated with an emergency such as severe storms, flooding, or wildfires, the higher occupancy at the project site would add to the traffic on the evacuation routes that could be available. This could adversely affect the evacuation capacity in the project area and may exacerbate the evacuation conditions during a wildfire.

Relative to the proposed project, a multi-family concept would result in a smaller footprint, have fewer biological impacts, and would increase environmental impacts tied to population including air quality, GHG, noise, public services, and utilities. As with the proposed project, a multi-family concept would be able to reduce impacts to less than significant levels through mitigation, except for VMT, which would

remain significant and unavoidable. As such, although a multi-family project would increase the housing inventory in the City, it would result in potential conflicts with the General Plan and environmental impacts that are more significant than those associated with the proposed project.

### **3.17 MASTER RESPONSE 16 – PARK EXTENSION PROJECT CONSTRUCTION SCHEDULE**

Public comments expressed concerns with the implementation schedule of the different project components, in particular those pertaining to the park extension component.

The various elements of the Putnam Park Extension Project component of the Scott Ranch project would be implemented in three phases.

**Phase 1** would last approximately three to four months and would include removal of the abandoned mobile home and remnants of the collapsed farmhouse, installation of livestock exclusionary fencing, stabilization of the barn complex, grading of the upper parking lot, and construction of the lower parking lot and associated infiltration improvements, pedestrian bridge, temporary restroom, and north segment of the loop trail, which would connect Helen Putnam Regional Park to the barn center. Phase 1 would also include restoration and enhancement of the stock pond, eroded gullies, and riparian corridor along Kelly Creek. Public access to the Putnam Park Extension is expected to occur prior to occupation of the homes. After completion of the Phase 1 improvements, Kelly Creek Protection Project (KCPP) will transfer the 47-acre parkland portion of the project site to the Sonoma County Regional Parks District (Regional Parks). The transfer would be bound by an agreement between KCPP and Regional Parks. The agreement would outline the protection of all the 47-acre parkland by two conservation easements to ensure it remains protected in perpetuity. Following the transfer of the parkland portion, the City's oversight would be limited to the encroachments associated with infrastructure projects.

**Phase 2** would last approximately six to nine months and would include construction of the upper parking lot along Windsor Drive, permanent restroom, playground, group picnic area and amphitheater, two trails parallel to D Street (one along the east side of the park portion of the property and the other along the west side of the lower parking lot), internal bracing of the barns, ephemeral drainages restoration, pasture, stock pond, and riparian habitat improvements, planting, and irrigation.

**Phase 3** would last approximately three to four months and would include completion of the potential south segment of the loop trail, installation of the third footbridge, and barn restoration and conversion into an agricultural museum.

Kelly Creek Protection Project of Earth Island Institute has already raised more than \$1 million. KCPP will use these funds for construction of the initial Phase 1 park improvements, which, in addition to grading the upper parking lot and completing the construction of the lower parking lot, associated infiltration basin, a pedestrian bridge, temporary restroom, and the north trail connecting the barn center to Helen Putnam Regional Park, will also include restoration and enhancement of the stock pond, eroded gullies, and riparian corridor along Kelly Creek. Regional Parks will then incrementally implement the remaining park improvements under Phase 2 and Phase 3 and maintain and operate the park. Implementation of the remaining phases would be subject to the conservation easements for the protection of habitat and open space. Any improvements beyond those analyzed in the RDEIR would be subject to CEQA. Regional Parks supports and has been involved with the design of the park improvements and will enter into an agreement with KCPP for the transfer of the 47-acre Putnam Park Extension property and implementation of the Putnam Park Extension Project. Even after Regional Parks owns the land, KCPP plans to assist Parks in seeking public and private funds to complete the park improvements.

Regional Parks' mission includes the protection and restoration of natural resources and the enhancement of the quality of life and wellbeing of Sonoma County residents and visitors. Ongoing Regional Parks' programs include protection of natural resources to ensure the County parks contribute to the ecological function of natural systems and to enhance awareness about the link between environmental health and personal wellness among parks visitors.